

OPEN MINUTES
Missouri Board of Pharmacy

July 17, 2013
Courtyard By Marriott
3301 LeMone Industrial Blvd.
Columbia, MO

The Missouri Board of Pharmacy met in open session during the times and dates stated in the following minutes. Each item in the minutes is listed in the order it was discussed at the meeting. The regular meeting was called to order by President Pamela Marshall at 8:04 a.m. on July 17, 2013, at Courtyard By Marriott, Columbia, Missouri.

Board Members Present

Pamela Marshall, R.Ph., President
Janine Burkett, R.Ph., Vice President
Barbara Bilek, PharmD., Member
Anita Parran, Public Member

Staff Present

Kimberly Grinston, Executive Director
Tom Glenski, R.Ph., Chief Inspector
Joe Dino, R.Ph., Inspector
Bennie Dean, R.Ph., Inspector
Andi Miller, PharmD, Inspector
Lisa Thompson, R.Ph., Inspector
Dan Vandersand, R.Ph., Inspector
Barbara Wood, Inspector
Tammy Siebert, Executive I

Staff Absent

Frank VanFleet, R.Ph., Inspector

Others Present

Curtis Thompson, Legal Counsel
Visitors as recorded in the visitor register

MOTION TO CLOSE 8:05 AM

At 8:05 a.m. Barbara Bilek made a motion, seconded by Anita Parran, that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021(1), (3), (5), (7), (13) and (14), RSMo, and under Section 324.001.8, RSMo. Motion passed, all in favor, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:05 AM.

RECONVENE OPEN 8:32 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:32 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:32 AM

President Marshall introduced Joe Dino, Bennie Dean and Lisa Thompson as the Board's new inspectors.

#A1 Agenda Additions/Corrections

Kimberly Grinston reported regarding additional information for Items #A3, #B2, #C2, #D7, and #E2, and new Item #D9A. Tom Glenski reported an extra page for #C1 has been provided to the Board.

#A2 Board Member Report

Barbara Bilek, Janine Burkett and Pam Marshall reported regarding the NABP meeting; Kimberly Grinston reported regarding the biosimilars session at the NABP meeting.

President Marshall reported she attended the National Association of Drug Diversion Investigators (NADDI) conference on June 21st held at Express Scripts.

#A3 General Administration Report:

- **Technician Renewals** – Kimberly Grinston reported we renewed approximately 83% of pharmacy technicians that were sent a renewal application. She also reported that pharmacy and drug distributor renewals will be mailed early August—drug distributors will be sent a postcard and pharmacies will be mailed paper renewals this year. Ms. Grinston reported pharmacy and drug distributor renewals may be sent to corporate offices this year and to notify the Board if your company is interested in having them mailed this way. Ms. Grinston also reported System Automation has been purchased as the Division's new licensing system as of June 29, 2013, and was purchased within the designated budget allowed for the purchase. This new system will allow for online licensing portals and for a fully electronic inspection process. Pharmacy will likely be in the first group of Boards to implement the new system.

- **Financial Update -**

- **Licensing Fee Decreases** – Kimberly Grinston reported there is no financial report in the agenda; the Division is still finalizing the end of fiscal year report. Ms. Grinston reported the Board's fund was swept this year by approximately \$64,000. The Board will discuss in October a possible fee decrease for pharmacist application fees and another decrease of pharmacist renewal fees. Ms. Grinston also commented the office is in the process of revising all application forms and instructions.

- **2013 Legislative Changes**

- **Introduction of Andy Briscoe, Budget & Legislative Director** (Division of Professional Registration) Mr. Briscoe reported most of the Board's 2013 individual bills

Missouri Board of Pharmacy

Open Minutes

July 17, 2013

Page 2 of 10

were lumped together by Senator Wasson, and ultimately did pass. He reported the deadline to submit 2014 legislative proposals is August 2, 2013, for the Division, Department and Governor's office to begin their review.

- o Senate Bill No. 126 - Mr. Briscoe reported this legislation did pass, but it was not the Board's proposal.

- o House Bill No. 315 – Kimberly Grinston reported this bill includes emergency dispensing language and is effective August 28th. Ms. Grinston stated she needs to know if the Board wishes to implement the bill effective August 28th, or wait till regulations are implemented. Discussion was held concerning the fact that it's currently being done in practice. **Motion was made by Janine Burkett, seconded by Anita Parran, to allow the practice effective August 28, 2013. Motion passed, all in favor, none opposed.**

- o Senate Bill No. 306

- **Implementation of SB 315/Pharmacy Renewals**

- o Classification Changes at Renewal – Kimberly Grinston reported HB315 contained provisions for new classes of pharmacy permits; i.e., classes M, N, O, and P. Tom Glenski recommended Class P not be implemented till it is defined in regulation. **Motion was made by Janine Burkett, seconded by Anita Parran, to approve issuing permits for classes M, N and O and to wait on class P. Motion passed, all in favor, none opposed.** Kimberly Grinston reported and it was Board consensus for classes M, N, and O to be offered during the upcoming renewal period at no charge.

- **Upcoming Webinars**

- o BNDD Regulatory Update (8/8)
- o 2013 Board of Pharmacy Regulatory Update (8/15)

Kimberly Grinston reported registration will be open soon for the BNDD Update and Regulatory Update webinars. Questions for the BNDD Update should be sent to compliance@pr.mo.gov.

- **Rule Update** – Kimberly Grinston reported.

- **Patient Safety Update**

- o Patient Safety Survey: Is the Board interested in conducting a statewide patient safety survey?
- o Proposed Survey
- o AHRQ Patient Safety Survey: Is the Board interested in conducting an electronic/anonymous patient safety survey?
 - Oregon Board Conducts Survey on Working Conditions
- o AHRQ Survey Results
- o Center for Patient Safety proposal.

Kimberly Grinston reported and asked if the Board prefers to create its own survey or have the Missouri Center for Patient Safety assist with formulation of a Board survey. Discussion was held. Anita Parran suggested an in-depth survey of a fewer number of participants be conducted to lower the cost. Further discussion was held. It was Board consensus to pursue an in-depth survey, for the Missouri Center for Patient Safety and Patient Safety Working Group to assist with formulating the questions. The drafted survey will be reviewed by the Board at a future meeting, as well as the number of participants to solicit.

#D7A Hospital Working Group

- Kevin Kinkade Summary
- Summary Working Group Suggestions
- Additional Questions:
 - Can a Nurse initiate/request dosing changes under the hospital's standing MT protocol?
 - Is the protocol requirement met if both a physician and pharmacist practicing in a hospital separately agree to be bound by the Pharmacy & Therapeutics Committee's standards/protocols?

Kimberly Grinston and Barbara Bilek reported about the history and work of the Hospital Working Group. Ms. Grinston reported the Group's focus was on patient safety while still allowing hospitals to do what they currently do, but to also clarify pharmacy practice standards within a hospital setting. Ms. Grinston reported that the Board's proposed Class B hospital regulation is a temporary fix to the jurisdiction issued, and will be rescinded after the Class B Hospital Inpatient/Outpatient classification is legislated to eliminate the barriers that currently exist, and to allow for joint rules between the Department of Health and Senior Services and the Board.

Bert McClary commented the Department of Health and Senior Services' rules have been completely reviewed and changes are being pursued. James Gray commented about changes in the delivery of care over the past several years. Patients are not getting continued care from hospital to home and retail services. Discussion was held.

Steve Calloway on behalf of the Missouri Society of Health-System Pharmacists presented to the Board. He stated that although hesitation still exists among MSHP's membership, they are educating the membership about the benefits of the Board's proposal. Generally, MSHP is not wanting the Board to rush into the process and wants the Board to thoroughly consider the matter.

Anita Parran commented regarding 9. of the Group's suggestions. She believes the Board should consider adding a pharmacy technician or another public member to the makeup of the Board. Bert McClary commented about the Group's thought process on this item and provided a history of the "institutional" pharmacist as it now appears in statute. Kimberly Grinston commented the Group wanted to give the Board the expertise of a hospital pharmacist.

It was Board consensus to begin drafting the 2014 legislative proposal, based on the Hospital Working Group's suggestions, except item 9.

Bert McClary requested a response to the following questions:

- 1) Is the protocol requirement met if both a physician and a pharmacist in a hospital separately agree to be bound by the Pharmacy & Therapeutics Committee's standards/protocols?

Discussion was held. Tom Glenski clarified this applies to the actual licensed premises of the hospital and would not apply to hospital medical buildings across the street, etc. It was Board consensus to allow this practice.

2) Can a nurse initiate/request dosing changes under the hospital's standing MT protocol?

Discussion was held. James Gray commented he believes the physician should prescribe; not the nurse; however, it is a daily patient safety concern. A rule change should be contemplated regarding community practice and not hospital practice.

#D1 Discussion of NABP Inspection Process, Compilation of Pharmacy Data

Josh Bolin of National Association of Boards of Pharmacy presented to the Board regarding NABP's Verified Pharmacy Program (handout provided). Mr. Bolin reported NABP's inspections are unannounced, results are reported to the board and it's up to the board to pursue non-compliance issues with the pharmacy, inspections last approximately 2-4 hours but compounding pharmacy inspections can last more than a day, typically only one inspector conducts the inspection, and notice is given to the state Board if NABP is going into one of their state's facilities. Kimberly Grinston clarified with Mr. Bolin that NABP is asking for approval to release pharmacy inspection information to NABP. Further discussion will be held in closed session.

#A4 Approval of Minutes

- January 16-17, 2013 - **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the minutes of the January 16-17, 2013, open session meeting as printed. Motion passed, all in favor, none opposed.**
- May 3, 2013 Conference Call - **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the minutes of the May 3, 2013, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**
- May 15, 2013 Conference Call - **Motion was made by Anita Parran, seconded by Janine Burkett, to approve the minutes of the May 15, 2013, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**
- June 7, 2013 Conference Call - **Motion was made by Janine Burkett, seconded by Anita Parran, to approve the minutes of the June 7, 2013, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**
- June 13, 2013 Conference Call - **Motion was made by Anita Parran, seconded by Janine Burkett, to approve the minutes of the June 13, 2013, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**

#C1 Applications for Intern Training Pharmacy Special Site

- Dept of Veteran's Affairs Medical Center
- Express Scripts – Clinical Account Management
- First Databank
- Quinten Burdick Memorial Health Center Facility
- Robert McCoy Lawrence

- Walgreens District Office/Kellye Holtgrave
- Yukon Kuskoknim Health Corporation

Tom Glenski reported and provided a new second page of Quentin Burdick's application (page 133) to the Board. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve all of the Intern Training Special Site Applications for 500 hours, except the Walgreens District Office application. Motion passed, all in favor, none opposed, Janine Burkett abstained.**

JANINE BURKETT TOOK OVER AS CHAIR OF THE MEETING.

Motion was made by Anita Parran, seconded by Barbara Bilek, to approve the Intern Training Special Site Application for Walgreens District Office for 500 hours. Motion passed, all in favor, none opposed, Pamela Marshall abstained.

PRESIDENT MARSHALL RETURNED TO CHAIR THE MEETING

#C2A STLCOP and UMKC College of Pharmacy

- STLCOP Site Listing
- STLCOP Preceptor Listing
- UMKC Site Listing
- UMKC Preceptor Listing

Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the STLCOP and UMKC Site and Preceptor Lists as presented. Motion passed, all in favor, none opposed.

#D3 2014 Legislation Proposals

- **335.081 Military Volunteers** – Kimberly Grinston reported this proposed legislation is from a federal initiative. It was Board consensus to pursue similar language.

- **338.355 Administrative Suspensions** – Kimberly Grinston reported how our Board would handle non-resident pharmacies that are temporarily suspended or expired. It was Board consensus to pursue similar language for all of our professions.

- **338.010 Emergency Dispensing** – Kimberly Grinston reported and discussion was held regarding what's considered an emergency. Ms Grinston commented 7. Would allow the Board to define an emergency situation. Ms. Grinston also reported this proposal does not require the Board to do joint rulemaking with the Board of Healing Arts except for influenza vaccines. It was Board consensus to move forward with this legislative proposal without Board of Healing Arts joint rulemaking provisions.

- **338.010 Immunization Expansion** – Kimberly Grinston reported this is an expansion of vaccines a pharmacist would be authorized to administer. Tom Glenski reported tetanus should be changed to TDAP. Discussion was held regarding why the Board should not pursue authority for all vaccines. Kimberly Grinston reported about questions raised by the Department last year. She suggested the Board take an Option A-Option B approach, and to request letters of support from various pharmacy associations, such as the Missouri Pharmacy Coalition and Missouri Pharmacy

Association, etc., and the Board of Healing Arts. It was Board consensus to pursue three approaches—1) with human papillomavirus (HPV); 2) without HPV; and 3) all vaccines.

- **338.220 Permit Classes** - Kimberly Grinston reported, discussion was held, and it was Board consensus to pursue this legislative proposal.
- Regulation of Hospital Pharmacies

#D2 Entity applications--Can an application be signed by an authorized corporate designee?

- 20 CSR 2220-2.020(2)

Kimberly Grinston reported and discussion was held about a rule amendment to allow for a power of attorney. This item was tabled for discussion in closed session with legal counsel.

#D4 20 CSR 2220-5.020 Drug Distributor Licensing Requirements

- Draft Comments

Kimberly Grinston reported the Drug Distributor Advisory Committee reviewed the Board's proposed regulation and received suggested revisions from Christian Tadrus. Ms. Grinston suggested 7. be amended so that it is only applicable to instate licensees.

Christian Tadrus presented to the Board. It was Board consensus to approve (1)(B) as revised. Tom Glenski reported and discussion was held regarding (1)(B)1. It was Board consensus that clarification is needed for "emergency medical reasons." Kimberly Grinston commented (B)6. would be clarified with Mr. Tadrus's comments. Ms. Grinston commented (B)7. will be clarified. The proposed regulation will be revised and brought back to the Board for further review.

#D5 Compounding For Office Use

- 20 CSR 2220-2.415 Compounding for Prescriber Office Administration (Draft)
- Rules Under Consideration
- Letter from Animal Care Clinic

DISCUSSION:

Missouri law authorizes the Board to release preliminary language for consideration and comment prior to filing an official rule. Would the Board like to circulate a draft for comment only. Comments could be used to assist in drafting the final rule.

Kimberly Grinston reported the language presented is a first attempt; other state boards' language was not good models. Ms. Grinston reported the Board has the ability to file this as a "rule under consideration." Discussion was held. Barbara Bilek commented the proposed language is too detailed for the hospital setting. Bert McClary suggested "hospitals" be added to "Missouri licensed healthcare practitioner." Sam Leveritt suggested "office" be deleted because it includes hospitals. Further discussion was held. It was Board consensus to process the proposal with the revisions noted as a rule under consideration to obtain public comments before pursuing the actual rulemaking process.

LUNCH BREAK 12:30-1:33 PM

#D6 Pharmacy Technician Duties

- 20 CSR 2220-2.700 Pharmacy Technician Registration (Draft)

Kimberly Grinston reported and discussion was held. It was Board consensus to make no change to the proposed amendment.

#D8 Assisting Public Members and the Health Professional Oversight Bodies On Which They Serve

Kimberly Grinston reported and discussion was held. It was Board consensus to make no change to our present disciplinary processes.

#D9A 2014 Board Meeting Dates

Tammy Siebert reported regarding the proposed 2014 meeting dates and conference calls (in handout folder). Discussion was held. It was Board consensus to pursue the bid process with the dates as printed, except see if July 15-16 is available.

THE FOLLOWING ITEMS WERE REVIEWED IN SECTION E, WHICH REQUIRED NO ACTION OR DISCUSSION.

#E1 Licensees Presently Under Discipline

- Pharmacists
- Pharmacy Interns
- Pharmacies
- Drug Distributors
- Pharmacy Technicians – Conditional Registration
- Pharmacy Technicians – Employment Disqualification List

#E2 Board Licensee Statistics

#E3 Internet Drug Outlet Identification Program

MOTION TO CLOSE 1:48 PM

At 1:48 p.m. Barbara Bilek made a motion, seconded by Anita Parran, that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021(1), (3), (5), (7), (13) and (14), RSMo, and under Section 324.001.8, RSMo. Motion passed, all in favor, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 1:48 PM.

RECONVENE OPEN 2:26 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:26 p.m.

MEMBERS OF THE PUBLIC AND A COURT REPORTER ENTERED THE MEETING ROOM AT 2:26 PM

#B2 Jodie Baker, #1999141844, 211 Quail Call Lane, Holts Summit, Missouri 65043, #2012-2012-007445-V1

- Notice of Hearing on Violation of Disciplinary Order
- Complaint

President Marshall reported that the Jodie Baker hearing has been continued and the John Peer hearing will not begin until 3:30PM.

MOTION TO CLOSE 2:48 PM

At 2:48 p.m. Barbara Bilek made a motion, seconded by Anita Parran, that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021(1), (3), (5), (7), (13) and (14), RSMo, and under Section 324.001.8, RSMo. Motion passed, all in favor, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 2:48 PM.

RECONVENE OPEN 3:20 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 3:20 p.m.

MEMBERS OF THE PUBLIC AND A COURT REPORTER ENTERED THE MEETING ROOM AT 3:20 PM.

#B1 John Peer, #028198, 7021 N. Broadway, Kansas City, Missouri 64118, #2012-005460-V2

- Notice of Hearing on Violation of Disciplinary Order
- Complaint
- Business Records Certificate and Affidavit

A violation of discipline hearing was scheduled for July 17, 2013, at 2:30 p.m. The parties verbally agreed to postpone the start of the hearing until 3:30 p.m. A court reporter was present and the hearing began at approximately 3:42 p.m. John Peer was present and was represented by Stephanie Bell and James Deutsch; the Board was represented by Joshua Hill.

The hearing recessed for a DINNER BREAK 5:59 – 6:32 PM

John Peer's violation of discipline hearing reconvened at 6:32PM. The hearing concluded at approximately 8:32 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 8:48 PM

At 8:48 p.m. Barbara Bilek made a motion, seconded by Janine Burkett, that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021(1), (3), (5), (7), (13) and (14), RSMo, and under Section 324.001.8, RSMo. Motion passed, all in favor, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:48 PM.

RECONVENE OPEN 9:42 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:42 p.m.

MOTION TO ADJOURN 9:43 PM

At approximately 9:43 p.m., motion was made by Barbara Bilek, seconded by Janine Burkett, to adjourn the July 17, 2013, meeting. Motion passed, all in favor, none opposed.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 1/16/14