

**OPEN MINUTES**  
**Missouri Board of Pharmacy**

**October 9-10, 2013**  
**Best Western Capital Inn**  
**1937 Christy Drive**  
**Jefferson City, 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 8:48 a.m. on October 9, 2013, at Best Western Capital Inn, Jefferson City, 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  
Lisa Thompson, R.Ph., Inspector  
Tammy Siebert, Executive I  
Jason Menken, Compliance Coordinator

**Staff Absent**

Andi Miller, Pharm.D, Inspector  
Dan Vandersand, R.Ph., Inspector  
Frank VanFleet, R.Ph., Inspector  
Barbara Wood, R.Ph., Inspector

**Others Present**

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

**MOTION TO CLOSE 8:48 AM**

**At 8:48 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 8:48 AM.

**RECONVENE OPEN 9:35 AM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:35 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:35AM

Kimberly Grinston reported that the Courtyard by Marriott in Columbia overbooked their meeting space and our meeting was bumped from their schedule. We were able to contract with Best Western Capital Inn in Jefferson City on short notice.

**#A1 Agenda Additions/Corrections**

Kimberly Grinston reported regarding additional information for Item #C1, and new Items #D15A and #D16A. Tom Glenski also reported.

**#A2 Board Member Report**

President Marshall reported she and a few inspectors attended the CLEAR Conference last week. Kimberly Grinston reported regarding the NABP Executive Officer training she attended September 24-25.

**#A3 General Administration Report**

- **General Office Update** - Kimberly Grinston reported pharmacy and drug distributor renewals will end October 31<sup>st</sup>. A new lawbook update has been published and includes HB315 because the statute is not yet published in the Revised Statutes of Missouri.

- **Webinar Updates** - Ms. Grinston reported participation in the Board's webinars continues to increase. The Board's first "Lunch with the Chief" webinar was held yesterday; a list of upcoming Lunch with the Chief webinars is in the Board member folders. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the Lunch with the Chief webinars for one (1) hour of pharmacist continuing education credit. Motion passed, all in favor, none opposed.** Ms. Grinston reported inspectors Andi Miller, Dan Vandersand, and Barbara Wood are in Illinois at a sterile compounding training hosted by NABP. Kimberly Grinston reported it's time to rebid the Board meeting contract for 2014, and asked if the Board prefers to continue to meeting in Columbia. It was Board consensus to seek bids for Jefferson City and Columbia. Tom Glenski reported six inspection territories are now using a new electronic inspection process. Kimberly Grinston reported the Board office has completed its policy and procedure manual revision; the pharmacist/intern section is yet to be revised. Kimberly Grinston reported she's talked to the Governor's office concerning Board member appointments; they are saying hopefully by January when the legislative session reconvenes.

- **June and July Financial Reports** - Kimberly Grinston reported.
- **2013 Legislation**

- HB315 - Ms. Grinston reported HB315 became effective 8/28/13. The Board of Healing Arts and Board of Nursing are to jointly promulgate rules regarding telehealth. Pharmacy has some concerns regarding prescription requirements when it comes to telemedicine.

- SB129 - Ms. Grinston reported.

- **2014 Legislation** - Kimberly Grinston reported concerning the Board's proposals that passed the Department level review and are now at the Governor's office for approval to file. The Board's pharmacy classification language and immunization authority did not get Department approval.

- **NABP/AACP Districts 6, 7 & 8 Meeting** - Kimberly Grinston reported about discussions concerning payment of intern pharmacists, non-pharmacist preceptors, and AMA statement concerning violation of the prescriber/patient relationship when prescribers are asked for diagnosis codes. Ms. Grinston also reported the 2014 District 6 meeting was scheduled to be held in Missouri, but Montana instead will host in 2014. Missouri will host in 2015.

- Meeting Summary

- Meeting Agenda

- **NABP Executive Officer Meeting** - Kimberly Grinston reported meeting notes are in the Board member folders, along with a thumb drive. NABP is conducting/assisting several states with sterile compounding inspections. Ms. Grinston reported the Board office is in the processing of drafting sterile compounding rule revisions. She also reported regarding authority to enforce a recall, and reported concerning NABP's Verified Pharmacy Program (VPP). Carmen Catizone reported the information submitted will not be data-mined and NABP will not share the data. NABP has asked the Boards for disciplinary orders. Discussion was held. It was Board consensus for NABP to get Missouri's disciplinary actions from our Board's website.

- **Inspector Training (CLEAR, Sterile Compounding)** - Kimberly Grinston reported several of our inspectors attended the CLEAR Conference Basic and Specialized inspector trainings.

- **Department of Health Emergency Drug Recall Meeting** - Kimberly Grinston reported regarding her meeting with DOH representatives concerning emergency drug recalls and formulating procedures for communicating when either agency is notified of an emergency drug recall. This is a proactive effort to be ready if an emergency occurs.

- **Rule Updates** - Kimberly Grinston reported the regulation to remove the 50-mile requirement has been preliminarily approved. The hospital pharmacy rule has been preliminarily approved, but not as an emergency filing. It has been determined it's not the right timing for filing the compounding for office use proposal; however, it has not been officially disapproved.

- **Patient Safety Working Group Update** - Ms. Grinston reported questions to be included on the Patient Safety survey will be brought back to the Board at a future meeting.

- **Joint Health Regulatory Meeting** - Kimberly Grinston reported a Joint Health Board Regulatory meeting is being planned and will focus on patient safety. It was Board consensus to participate in the joint meeting.

- **2014 Strategic Planning Meeting** - Kimberly Grinston inquired if the Board would be interested in an official strategic planning meeting that would be facilitated by another individual. Discussion was held. It was Board consensus to pursue such a meeting, but wait for new Board member appointments.

**#C1 Applications for Intern Training Pharmacy Special Site**

- American College of Clinical Pharmacy
- BJC Healthcare – Clinical Workflow Improvement
- Cherokee Indian Hospital
- Children’s Hospital and Medical Center
- Irwin Army Community Hospital
- Saint Luke’s Multi-specialty Clinic
- Southside Family Practice
- UMKC, School of Pharmacy, Drug Information Center
- U.S. Food and Drug Administration (FDA) –Office of Generic Drugs
- Walmart Health & Wellness Division, Pharmacy Practice Compliance
- Balls Foods Stores Corporate Office
- Diana Toe (Coventry Health Care, Inc)
- Kansas City CARE Clinic
- Nevada Regional Medical Center; Dept of Pharmacy
- Script Pro
- John Pershing VA Medical Center Pharmacy
- Mallinckrodt Pharmaceuticals
- Veterans Administration Consolidated Mail Outpatient Pharmacy (CMOP-#760)
- Scott Air Force Base

Tom Glenski reported Nevada Regional Medical Center is already licensed as a pharmacy and does not need special site approval. **Motion was made by Janine Burkett, seconded by Barbara Bilek, to approve all of the Intern Training Special Site Applications for 500 hours, except the Nevada Regional Medical Center. Motion passed, all in favor, none opposed.**

**#C2 STLCOP and UMKC College of Pharmacy**

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

Tom Glenski reported regarding the STLCOP lists. **Motion was made by Anita Parran, seconded by Barbara Bilek, to approve the STLCOP Site and Preceptor Lists. Motion passed, all in favor, none opposed.**

Tom Glenski reported regarding the UMKC lists. **Motion was made by Janine Burkett, seconded by Anita Parran, to approve the UMKC Site and Preceptor Lists. Motion passed, all in favor, none opposed.**

#### **#D1 Licensee Search –Other Actions**

Jason Menken reported the Board of Healing Arts includes information on their Board's licensee search to indicate that a case has been filed with the Administrative Hearing Commission. Curt Thompson suggested this same process could be used for felony and violation of discipline cases. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to begin using a similar process on the Board of Pharmacy's website. Motion passed, all in favor, none opposed.**

#### **#D2 Currently, the Board allows reciprocity candidates to work as a technician for 3-months without a technician registration while their reciprocity application is pending. Should the Board retain the allowance?**

- 20 CSR 2220-7.050 License Transfer/Reciprocity

Previous rule language:

“Any applicant who provides a complete and truthful application to the board, completes the licensure process in less than three (3) months and is successful in passing the [MPJE] on the first attempt, will not be required to register as a technician while working in a licensed pharmacy or acting in any capacity that would require licensure as a pharmacist as defined in section 338.010.1, RSMo.”

Kimberly Grinston reported about the Board's 3-month allowance for a reciprocity applicant to work as a pharmacy technician before required to submit a pharmacy technician application. Discussion was held. It was Board consensus to pursue a rule amendment to incorporate the previous language into 20 CSR 2220-7.050.

#### **#D4 Federal Compounding Legislation**

Kimberly Grinston reported links to federal compounding legislation can be found in Section E of the agenda.

#### **#D5 Revised Pharmacist/Intern Applications**

- Application Questions
- Missouri Intern Pharmacist Guide
- Preceptor's Affidavit of Internship Hours
- Special Site and Non-Pharmacist Notice of Employment Approval Application
- Missouri Intern Pharmacist Application & Instructions
- Missouri Intern Site and Preceptor Application
- Special Site or Non-Pharmacist Preceptor Application
- Missouri Pharmacist License By Examination Application & Instructions
- Pharmacist Examination Retake Application & Instructions
- Foreign Pharmacy School Graduate Preliminary Evaluation Pharmacist Examination Application & Instructions
- Foreign Pharmacy School Graduate Preliminary Evaluation License Transfer/Reciprocity Applicant Statement
- Pharmacist License Transfer/Reciprocity Applicant Statement & Instructions
- Missouri Temporary Pharmacist License (Post-Graduate Training) Application & Instructions

Kimberly Grinston reported there is a new Chapter 7 in the new lawbook for all licensing regulations. Pharmacist and intern applications have been revised and posted to the Board's website. Ms. Grinston reported office staff held a conference call with St. Louis College of Pharmacy, University of Missouri-Kansas City, and Southern Illinois University-Edwardsville to discuss the new forms and rule changes. With the rule amendments, a few questions have arisen that need Board decisions--

1) Should we require home-state license verification affidavits for temporary pharmacists? Discussion was held. It was Board consensus to require a copy of the home-state license.

2) Should we require license verification affidavits for non-resident pharmacist-in-charge changes? Discussion was held. It was Board consensus to add a statement to the Pharmacist-in-Charge Affidavit that attests the individual is not on discipline or subject to discipline.

3) Should we issue temporary permits/licenses for non-resident pharmacy and drug distributor change of ownership applications? It was Board consensus to issue temporary permits/licenses.

4) Should we fingerprint managers-in-charge/owners of drug distributor registrants? Kimberly Grinston reported; discussion was held. It was Board consensus that we should be consistent and fingerprint managers-in-charge/owners of drug distributor registrants.

#### **#D6 Sterile Compounding Rule**

Kimberly Grinston reported she and Tom Glenski are drafting revisions to the Board's sterile compounding regulation. Ms. Grinston advised she plans to organize an advisory group to work on the proposal prior to Board review.

#### **#D7 Board Inspection of New Out-of-State Compounding Applicants**

Kimberly Grinston reported; discussion was held concerning Board inspection of out-of-state sterile compounding facilities prior to licensure. These inspections could be contracted, we could request the home-state Board of Pharmacy to inspect the facility, and Janine Burkett suggested we look at this topic when renewing existing licenses. Tom Glenski reported. It was Board consensus to get additional information.

#### **Retirement Recognitions**

Former inspectors George McConnell and Sid Werges were presented plaques in recognition of their years of service to the Board and their recent retirement.

#### **MOTION TO CLOSE 12:12 PM**

**At 12:12 p.m. Anita Parran made a motion, seconded by Barbara Bilek, 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 12:12PM.

**RECONVENE OPEN 2:02 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:02 p.m.

MEMBERS OF THE PUBLIC AND A COURT REPORTER ENTERED THE MEETING ROOM AT 2:02 PM

**#D3 Class M Continuing Education required to be completed during the biennial permit renewal period or the pharmacist license period?**

- Email

Tom Glenski reported and the Board for a decision whether the pharmacist must have completed four hours of continuing education for a Class M permit prior to licensure or if prior to renewal? Discussion was held. It was Board consensus to require the CE prior to pharmacist license renewal.

**#D8 Drug Distributor Exemptions**

- 20 CSR 2220-5.020 (draft)

Kimberly Grinston reported, and Bert McClary pointed out a couple of places where new language was not bolded in the draft. 7.B should be consistent with language about it. Barbara Bilek commented "clinics" should be added. Tom Glenski commented this will create an unlicensed entity and should be tied to a Class B permit. Further discussion will be held later in the meeting.

COURT REPORTER ENTERED THE MEETING ROOM AT 2:23PM.

**MOTION TO CLOSE 2:40 PM**

**At 2:40 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 2:40PM.

**RECONVENE OPEN 2:47 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:47 p.m.

MEMBERS OF THE PUBLIC AND A COURT REPORTER ENTERED THE MEETING ROOM AT 2:47 PM

**#B2 Connie Becker, #029549 (Inactive), 1005 N. Old 71 Hwy, Adrian, Missouri, 64720, #2013-000829-V1**

- Notice of Hearing on Violation of Disciplinary Order
- Complaint

Kimberly Grinston reported the Connie Becker violation of discipline hearing has been cancelled due to settlement.

**#B1 Jodie Baker, #1999141844, 211 Quail Call Lane, Holts Summit, Missouri 65043, #2012-007445-V1**

Kimberly Grinston reported she contacted Jodie Baker and that the Board denied Ms. Baker's request for continuance; the violation of discipline hearing will begin at 3:30pm. Ms. Baker indicated to Ms. Grinston she will be present at 3:30pm.

**#D8 Drug Distributor Exemptions**

Further discussion was held. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to incorporate "The sale, purchase...by a hospital to a healthcare entity under common control or ownership." Motion passed, all in favor, none opposed.**

**#D9 Pharmacy Technician Duties**

- 20 CSR 2220-2.700

Kimberly Grinston reported; discussion was held. A technician can draw a vaccine, but cannot administer it. Doug Lang inquired about (M)--can a technician take a phoned controlled substance prescription? Discussion was held. It was Board consensus to leave (M) as is, but add a new subsection (N) pertaining to technicians receiving a telephone controlled substance prescription from a physician, and renumber the rest of the subsections. Discussion was held regarding whether "oral," "telephone," or "verbal" should be used. Revisions will be made and discussed at a future meeting.

**#D13 Veterinary Inquiry**

Kimberly Grinston reported; discussion was held. It was Board consensus to add this subject to the Strategic Planning agenda and refer it to the Missouri Veterinary Medical Board.

**#B1 Jodie Baker, #1999141844, 211 Quail Call Lane, Holts Summit, Missouri, 65043, #2012-007445-V1**

- Notice of Hearing on Violation of Disciplinary Order
- Complaint

A violation of discipline hearing was originally scheduled to begin at 2:30pm, but was postponed and instead convened at 3:30pm. President Marshall read the opening statement. Jodie Baker was not present and was not represented by counsel. Daryl Hylton represented the Board. Mr. Hylton advised the Board the Complaint contained an error in paragraph 4--the date of the Settlement Agreement is 2011 instead of 2012. Mr. Hylton asked that the Complaint be amended to reflect that change. Kimberly Grinston and Jason Menken were called as witnesses for the Board. Daryl Hylton provided a closing statement. The hearing was adjourned at 4:00pm. A transcript of the proceedings is on file with the Board.

#### **#D10 Early Refill Regulation from HB 315**

- HB315 338.200

#### **DISCUSSION:**

During the Board of Pharmacy 2013 Regulatory Update webinar we received the question below from a licensee related to the emergency dispensing language that passed under HB 315. We interpreted the question to be can a pharmacist dispense a unit of use package whose smallest package size is greater than the day supply amount allowed under the emergency dispensing language. In addition to eye drops, examples could include such items as inhalers and insulin.

Board discussion and decision required.

Q: Would you please review the early refill regulation on eye drop prescriptions from HB 315?

Tom Glenski reported; discussion was held. **Motion was made by Janine Burkett, seconded by Barbara Bilek, to provide the following statement “The statute says X. However, the Board recognizes medication is dispensed in packages that exceed a seven-day supply. The Board recommends that pharmacists use their professional judgment as needed for the emergency period and to consult with their legal counsel in such circumstances.” Motion passed, all in favor, none opposed.**

#### **#D11 University of Iowa Non-APhA Immunization Certification Approval Request**

- Email Request
- 2010 Non-APhA Immunization Certification Equivalent Check-list
- 2012 Non-APhA Immunization Certification Equivalent Check-list

#### **DISCUSSION:**

Board discussion requested

Kimberly Grinston reported; discussion was held. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve this non-APhA immunization certificate program. Motion passed, all in favor, none opposed.**

#### **#D12 Fee Adjustments**

- Lower Exam Retake Fee

Kimberly Grinston reported concerning a projected FY13 sweep of Board funds to general revenue. Discussion was held concerning handouts in the Board member folders. President Marshall suggested a scenario 5 that would reduce intern renewal fees from \$80 to \$50; pharmacy renewal fees from \$450 to \$400 or \$375. Barbara Bilek suggested interns be reduced to \$40. President Marshall provided information about recent and projected purchases for the Board.

#### **#D15A Facsimile Prescription Forms**

- Letter from Holloway

Kimberly Grinston reported; discussion was held. **Motion was made by Janine Burkett, seconded by Barbara Bilek, to deny the request based on the complexity of needs of various pharmacies. Motion passed, all in favor, none opposed.**

**#D16A Pharmacist Medication Order Management**

- Email from McClary

Bert McClary presented to the Board; discussion was held. It was Board consensus to talk with legal counsel and respond to Mr. McClary following the meeting. Further discussion was held.

**MOTION TO CLOSE 5:06 PM**

**At 5:06 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 5:06PM.

**THURSDAY, OCTOBER 10, 2013**

**RECONVENE OPEN 9:04AM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:04 a.m. on Thursday, October 10, 2013.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:04 AM

**#D14 ShowMeVax**

- ShowMeVax Data Fast Facts
- ShowMeVax Brochure

Debbie Bonchonsky and Damon Ferlazzo from the Department of Health and Senior Services presented a PowerPoint presentation to the Board, and responded to questions by Board members. Discussion was held regarding use of the Board's newsletter or e-alerts to notify licensees about the ShowMeVax program. Ms. Bonchonsky and Mr. Ferlazzo left the meeting room at 9:38a.m.

**MOTION TO CLOSE 9:40AM**

**At 9:40 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 9:40 AM.

**RECONVENE OPEN 1:02 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 1:02 p.m.

**#A3 General Administration Report**

- **NABP Executive Officer Meeting** - Kimberly Grinston reported concerning a discussion at the NABP Executive Officer Meeting about the U.S. Department of Justice's Medical Marijuana legislation and that it may progress through the Missouri legislature.

**#D16A Pharmacist Medication Order Management**

**Motion was made by Barbara Bilek, seconded by Janine Burkett, to communicate to Bert McClary the Board's closed-session decisions on this issue. Motion passed, all in favor, none opposed.**

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 Justice Department Announces Update to Marijuana Enforcement Policy**

**#E4 Federal Compounding Legislation**

- Amendment to Section 503A of the Federal Food, Drug, and Cosmetic Act with respect to pharmacy compounding

**MOTION TO ADJOURN 1:08 PM**

**At approximately 1:08 p.m., motion was made by Barbara Bilek, seconded by Janine Burkett, to adjourn the October 9-10, 2013, open session meeting. Motion passed, all in favor, none opposed.**

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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR

DATE APPROVED: 10/16/14