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 8:08 a.m. on January 18, 2012, at Courtyard By Marriott, Columbia, Missouri.

**Board Members Present**
Pamela Marshall, R.Ph., President
Janine Burkett, R.Ph., Vice President
Barbara Bilek, R.Ph., Member
James Riddle, R.Ph., Member
Anita Parran, Public Member

**Staff Present**
Kimberly Grinston, Executive Director
Tom Glenski, R.Ph., Chief Inspector
George McConnell, R.Ph., Inspector
Andi Miller, R.Ph., Inspector
Steven Smith, R.Ph., Inspector
Dan Vandersand, R.Ph., Inspector
Frank VanFleet, R.Ph., Inspector
Sid Werges, R.Ph., Inspector
Barbara Wood, Inspector
Tammy Siebert, Executive I

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

**MOTION TO CLOSE 8:09 AM**
At 8:09 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 8:09 AM.
RECONVENE OPEN 8:41 AM
By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:41 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:42 AM

President Marshall reported Melissa Graham resigned her Board member position effective January 1, 2012. She had been serving on an expired term since March 11, 2009.

#A1 Agenda Additions/Corrections
Kim Grinston reported additional information is included for Items #C1, #C2, and #D3, plus #E2 has been added to the open agenda.

#A2 Board Member Report – Nothing reported.

#A3 General Administration Report:
- Financial Report – Kim Grinston reported the Board’s fund is doing well, attorney fees are level and within reason.
- Fee Decreases – Kim Grinston reported and discussion was held. It was Board consensus to initially reduce the pharmacist renewal fee rather than pharmacy/drug distributor fees, and if more reductions are necessary, then pharmacy/drug distributor fees can be adjusted.
- Pharmacy Technician Renewals – Kim Grinston reported technicians will receive renewal postcards this year, and flyers have been sent to all pharmacies reminding them to report technician address changes to the Board office.
- Drop Site Rule – Kim Grinston reported and discussion was held. It was suggested to revise (1) to include “written” policies and procedures. Kim Grinston indicated she does not anticipate costs associated with this rule. Sam Leveritt commented about (3) and Kim Grinston suggested it be deleted from the rule, and instead added to the nuclear rules to be reviewed at the April meeting. Motion was made by James Riddle, seconded by Janine Burkett, to proceed with the rulemaking process for proposed rule 20 CSR 2220-2.013 as presented with changes as noted. Motion passed, all in favor, none opposed.
- Compliance Is Key Update: Drug Distributor Manual, CE Examination – Kim Grinston reported a Drug Distributor Manual has been drafted and is being reviewed/revised. Ms. Grinston also reported a 50-question continuing education exam is almost ready to be released to the public and will be eligible for 2.5 CE hours. This CE is not ACPE approved and will not be linked to the new NABP CE lists. Kim Grinston reported additional webinars will be presented this year, as well as an immunization webinar next year.
- Rules Update – Kim Grinston reported the med-pak rule has been filed with the Secretary of State’s office and will be published in the Missouri Register April 1st. The Medication Therapy Services rules were filed January 13th. James Riddle asked if the
Board wishes to exclude pharmacists from immunizing and participating in MTS if on discipline. Further discussion will be held during the April Strategic Planning meeting. Ms. Grinston reported the licensing rules are being worked on at the Division level.

- **NABP Committees** – Kim Grinston indicated information is available in Board member folders regarding the NABP Community Pharmacy Accreditation Standards Development Committee, an Accreditation Committee, and a MPJE Item-Writing Workshop to be held March 22-23, 2012. If any Board member is interested in participating, let her know by January 23rd. President Marshall asked for more information about the committees and time commitments involved.

- **Strategic Planning** – Kim Grinston requested Strategic Planning topics be emailed to her.

### #C1 Applications for Intern Training Pharmacy Special Site
- Lakeside Hospital
- ACS, A Xerox Company
- UMKC School of Pharmacy – Complementary and Alternative Medicine Elective Rotation (Dr. Caligiuri, Pharm.D.)

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the listed Intern Training Pharmacy Special Site applications for 500 hours. Motion passed, all in favor, none opposed.**

### #D1 20 CSR 2220-7.040 Foreign Graduates
- 20 CSR 2220-7.040

**DISCUSSION:**
Review requested of section (4)F). Will the Board allow a foreign applicant to earn hours in the United States before FPGEC certification?"

Kim Grinston reported and discussion was held. It was Board consensus to make no change to current procedure.

### #D2 Notarization of Licensing Files
**DISCUSSION:**
As we move towards electronic application processing, should the Board revise/rescind the current requirements for notarization of licensing applications?

Kim Grinston suggested that as the Division moves forward with a new licensing system which will allow for electronically submitted applications, that the Board remove the notarization requirement on applications. James Riddle asked about legal issues if we don’t require notarization. **Motion was made by Barbara Bilek, seconded by James Riddle, to remove the notarization requirement from paper applications and have a consistent affidavit for paper and electronically submitted applications. Motion passed, all in favor, none opposed.**

### #D3 2012 Legislation
HB1075 - Kim Grinston reported she is waiting for approval from the Governor's Office to file our legislative package. Ms. Grinston also reported on Representative Sater’s proposed HB1075. Discussion was held. Barbara Bilek suggested “retail pharmacies” be changed to delete “retail”. Garf Thomas of Jefferson City’s St. Mary’s Hospital commented they purchase from physicians without drug pedigrees. Christian Tadrus commented hospice/home health purchase from physicians. It was then discussed if this was considered physician dispensing. President Marshall suggested changing “licensed prescriber” to “physician authorized to prescribe”, and it was suggested statements be added indicating entities must comply with all controlled substance laws and add “as prescribed by rules of the Board.” Further discussion was held that the Board wants to avoid state law conflicting with federal law, and Class E pharmacies will be addressed through the rulemaking process. Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve HB1075 with the changes as noted. Motion passed, all in favor, none opposed.

HB1193 – Kim Grinston reported and inquired if the Board wants to take a position on this legislation since it will be heard in committee next week. Ms. Grinston reported Missouri and Vermont are the only two states that do not currently have prescription drug monitoring programs. Tom Glenski commented 2.(3)(e) should not require something that is not in the standard PMP program, and he also asked for clarification of what is a “patient identification number” as listed in 2.(7). Discussion was held and it was determined BNDD should be involved in this legislation. Source of payment in 2.(3)(f) was discussed. James Riddle asked that office staff compare the proposed legislation to PMP standards and provide a report to the Board for review at a future meeting. Motion was made by Barbara Bilek, seconded by James Riddle, to report changes discussed and to prepare a report as James Riddle suggested. Motion passed, all in favor, none opposed.

#D4  Review of Suggested Hospital Rules/Multidose Dispensing

Email from McClary
Kim Grinston and Bert McClary presented. Mr. McClary stated information in the agenda is not the most recent version. Barbara Bilek questioned the need for the hospital’s name on the label for infusion products upon discharge, and commented current dosage instructions should be included on the discharge summary rather than “as directed” as is listed in (C). James Gray commented infusion products may not need to be included in the multi-dose containers, and possibly should be deleted from the rule. Steve Callaway commented nurses often send medications home with patients not intended to be taken after discharged. Lengthy discussion was held. Bert McClary asked the Board for suggested language to address the labeling issue. Discussion was held about whether the Board is comfortable with the proposed language or if it objects to the concepts of the rule, and if the rule is in the best interest of the patient.

Bert McClary asked the Board for comments concerning hospitals distributing medications outside the hospital yet within the hospital’s umbrella, and can hospitals distribute to other locations under the same CMS provider number. Kim Grinston suggested information be gathered and provided to the Board at a future meeting. Kim
Grinston commented hospital pharmacies need clarification of the gray areas where Board of Pharmacy and Department of Health and Senior Services laws/rules overlap, and suggested working with the Missouri Society of Health-system Pharmacists and other organizations to clarify those areas that overlap. **Motion was made by James Riddle, seconded by Barbara Bilek, to proceed as Kim Grinston suggested. 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

**#C2A Annual Meeting with STLCOP and UMKC Colleges of Pharmacy**
Tricia Berry and Valerie Ruehter were present at 1:11 p.m. for STLCOP’s and UMKC’s annual meetings with the Board. Tom Glenski reported MD Pharmacy and Walgreens #04972 should be deleted from STLCOP’s site list, David Schmiemeier should be deleted from STLCOP’s preceptor list, and Walgreens #05552 should be deleted from UMKC’s site list. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the STLCOP and UMKC site and preceptor lists as presented with the changes as noted by Tom Glenski. Motion passed, all in favor, none opposed.**

Kim Grinston reported regarding the status of the licensing rules and stated it may be necessary to separate the rules to focus on a few rather than the whole group at one time. Valerie Ruehter reported the new UMKC Springfield location is planning for its first class of approximately 28-30 students in 2014, and they are currently working on design and remodel of an existing building in Springfield. UMKC currently has the largest group of experiential students they’ve ever had. Tom Glenski inquired about UMKC’s new 2-4 program. Ms. Ruehter reported this fall’s group of students will be the first group in the 2-4 program. Tom Glenski asked for a report on their foreign intern training programs. Ms. Ruehter reported student feedback has reported good experiences.

Tricia Berry reported there are no major changes in the student experiential programs at STLCOP. Campus changes have taken place under the new dean, strategic planning has taken place, and curriculum expansions/changes are in the process for the future. Ms. Berry reported they only have a few international sites; and students have reported excellent experiences.

Tom Glenski asked both school representatives about the type of feedback students provide at the end of rotations. It was reported the schools watch for trends, negative comments, etc., and it was reported UMKC conducts an annual survey of students.

Tom Glenski asked the school representatives if they have procedures in place to notify training sites if a student is in need of a waiver from BNDD/DEA. Both schools commented they have had little experience with that need. UMKC commented they
changed their policy on disciplinary actions to include that the student must notify the school and provide documentation of disciplinary action within 30 days of the action.

#C1 Applications for Intern Training Pharmacy Special Site
- Melissa Wilson at Nicaragua site
Tom Glenski reported regarding an additional special site application in Board member folders. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed, all in favor, none opposed.**

**MOTION TO CLOSE 1:43 PM**
At 1:43 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 1:43 PM.

**RECONVENE OPEN 2:03 PM**
By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:03 p.m.

MEMBERS OF THE PUBLIC, INCLUDING A COURT REPORTER, ENTERED THE MEETING ROOM AT 2:04 PM

#B1 Daniel J. Hollaway, #040431, PIC/St. Charles Rexall Drug Co., #005065, 550 First Capitol Drive, Saint Charles, Missouri, 63301, #2008-002040 (Barbara Wood)
- Notice of Disciplinary Hearing
- Complaint
- Waiver of AHC Hearing and Request for Consent Order w/ Settlement Agreement
- AHC Settlement Order
Loretta Schouten reported Daniel Hollaway accepted the Board’s settlement offer, and the hearing scheduled for 1:30 p.m. has been continued due to settlement.

#B2 Kristina Stark, #2002022650, 304 N Shumway, Taylorville, IL, 62568, #2011-004395
- Notice of Hearing on Violation of Disciplinary Order
- Third Probation Violation Complaint
A violation of discipline hearing was scheduled for January 18, 2012, at 1:30 p.m. A court reporter was present and the hearing began at approximately 2:09 p.m. The Board was represented by Loretta Schouten, and Kristina Stark was not present and was not represented by counsel. The hearing concluded at approximately 2:13 p.m. A copy of the transcript is on file with the Board of Pharmacy.
#B3  William Buntin, #027483, PIC/Buntins Pharmacy, #003884, 1513 Union Ave, Moberly, MO, 65270, #2011-001707 (Andi Miller)
- Notice of Hearing on Violation of Disciplinary Order
- Complaint
A violation of discipline hearing was scheduled for January 18, 2012, at 2:30 p.m. A court reporter was present and the hearing began at approximately 2:15 p.m. The Board was represented by Joshua Hill, and William Buntin was present without counsel. The hearing concluded at approximately 3:37 p.m. A copy of the transcript is on file with the Board of Pharmacy.

#B4  Buntins Pharmacy, #003884, 1513 Union Ave, Moberly, MO, 65270, #2011-001707 (Andi Miller)
- Notice of Hearing on Violation of Disciplinary Order
- Complaint
A violation of discipline hearing was scheduled for January 18, 2012, at 2:30 p.m. A court reporter was present and the hearing began at approximately 3:37 p.m. The Board was represented by Joshua Hill, and William Buntin, owner of Buntins Pharmacy, was present without counsel for the pharmacy. Testimony presented during the William Buntin hearing was included in this violation hearing, plus Exhibits A-C offered for this hearing and Exhibits D-F from William Buntin’s hearing accepted into evidence. The hearing concluded at approximately 3:48 p.m. A copy of the transcript is on file with the Board of Pharmacy.

#D5  CE for Board Meeting Attendance Rule
- 20 CSR 2220-2.700
Kim Grinston reported 2220-2.700 is the wrong rule number for this item, and also suggested “disciplinary hearings are conducted” be changed to “disciplinary hearings are scheduled.” Discussion was held. “A complete open session Board meeting, not to exceed attending requirement of eight hours” should be changed to “open session Board meeting”. It was Board consensus for staff and Board members to be eligible for this CE. Motion was made by Barbara Bilek, seconded by James Riddle, to proceed with the rulemaking process for this proposed rule as presented, with the changes discussed. 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
MOTION TO CLOSE 4:02 PM
At 4:02 p.m. Barbara Bilek made a motion, seconded by James Riddle, 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 4:02 PM.

THURSDAY, JANUARY 19, 2012
RECONVENE OPEN 2:46 PM
By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:46 p.m. on Thursday, January 19, 2012.

MOTION TO ADJOURN 2:47 PM
At approximately 2:47 p.m., motion was made by Barbara Bilek, seconded by James Riddle, to adjourn the January 18-19, 2012, regular open session meeting. Motion passed, all in favor, none opposed.

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KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 7/11/12