The Missouri Board of Pharmacy met via telephone conference call 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 meeting was called to order by President Pam Marshall at 6:08 p.m. on May 7, 2012.

**Board Members Present**
Pam 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
Tammy Siebert, Executive I

**Others Present**
Curtis Thompson, Legal Counsel
Connie Clarkston, Division of Professional Registration

#1 **Review of Medication Therapy Services Rules (20 CSR 2220-6.060, 20 CSR 2220-6.070 and 20 CSR 2220-6.080)**

Kim Grinston reported regarding the Board of Healing Arts' review and discussion of the MTS rules at their last meeting. She indicated the Board of Healing Arts agreed to remove the 50-mile requirement, changed the 24-hour notification requirement to 72 hours, and questioned if the revisions would be considered “substantive.” Ms. Grinston reported according to the rulemaking process, these proposed regulations are required to be filed with the Secretary of State’s office by May 14, 2012. However, because the Board of Healing Arts’ legal counsel and the Division’s counsel believe the changes could be considered “substantive”, it is necessary to proceed with one of the following options:

A. Choose to proceed with the rules without the substantive changes;
B. Proceed with the rules as currently drafted without the substantive changes, but immediately file an amendment with the changes included; or
C. Withdraw the rules and start the promulgation process all over again.
Curt Thompson inquired about the time frame for each option. Ms. Grinston indicated refilling would take the longest, but stated many of the public’s concerns have already been addressed in the current versions.

Curt Thompson reported Chapter 536 does not specifically define a “substantive” change, but believes it is referenced in case law. He also reported attorney fees are more likely to be awarded in a rule review case vs. a normal legal case.

Curt Thompson also inquired if it is possible to explain in the comments of the current final orders of rulemaking about the substantive changes and the Boards’ decisions to pursue immediate revisions to the rules when they become effective. Ms. Grinston commented it would be possible.

Questions by Board members; discussion was held.

Motion was made by Barbara Bilek, seconded by Janine Burkett, to proceed with the final order of rulemaking for 20 CSR 2220-6.060, 20 CSR 2220-6.070, 20 CSR 2220-6.080 without the substantive changes then once effective, immediately file proposed amendments to reflect the substantive changes. Motion passed 3:1:0:0 with roll call vote as follows:

James Riddle – no Barbara Bilek – yes Anita Parran – yes
Janine Burkett – yes

Further discussion was held. Kim Grinston reported the vote of the Board of Healing Arts was unanimous as concerns the proposed changes.

Curt Thompson asked that the Division and/or Department legal counsel be requested to provide a legal analysis of what constitutes a “substantive” change.

**MOTION TO ADJOURN**

At approximately 6:53 p.m., upon motion made by Barbara Bilek, seconded by Anita Parran, the May 7, 2012, open session conference call meeting was adjourned. Motion passed 4:0:0:0 with roll call vote as follows:

James Riddle – yes Barbara Bilek – yes Anita Parran – yes
Janine Burkett – yes

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KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

Date Approved: 7/11/12