OPEN MINUTES
Missouri Board of Pharmacy
Telephone Conference Call
July 29, 2016

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 Christina Lindsay at 11:43 a.m. on July 29, 2016.

Board Members Present
Christina Lindsay, PharmD, President
Christian Tadrus, PharmD, Vice-President
Barbara Bilek, PharmD, Member
Douglas Lang, R.Ph., Member
Pamela Marshall, R.Ph., Member

Staff Present
Kimberly Grinston, Executive Director
Tom Glenski, Chief Inspector
Jennifer Luebbert, Administrative Coordinator
Curtis Thompson, General Counsel

Staff/Board Members Absent
Anita Parran, Public Member

By motion duly made, seconded, passed and recorded in open session minutes, the Board went into closed session at approximately 11:43 a.m.

AGENDA ITEM # 3 (2017 Legislation)
- Civil Penalties
- Fund Proposal
- Pharmacist CE
- Third-Party Logistics Providers
- Prescription format Requirements
- New Decision Items

DISCUSSION: Executive Director Grinston presented the proposed legislative changes as discussed on the July 2016 conference call. Ms. Grinston advised the licensing boards have been asked to limit legislative submissions to ten (10) items, if possible. Ms. Grinston further recommended ranking and prioritizing legislative items as deemed appropriate by the Board. The Board subsequently discussed and approved the legislative proposals/new
decision items identified in Attachment A. The following additional discussion was held on specific legislative proposals:

1) Charitable Pharmacy: Christian Tadrus suggested pursuing this item in the 2017 legislative session; Pamela Marshall agreed and noted the proposal would improve access to care. Board members expressed concerns about the proposed seven-day expiration date for a charitable pharmacy permit. Christian Tadrus suggested extending the expiration date if there was a legitimate need. Barbara Bilek suggested a three (3) day expiration date may be appropriate. Tom Genski commented the language would be self-executing and noted the range of entities that may fall under the proposed charitable pharmacy definition. Board discussion was held. Consensus to modify language to provide that a charitable pharmacy permit may not be renewed or reissued unless otherwise allowed by the Board. A motion was made by Pamela Marshall, seconded by Douglas Lang, to pursue the charitable pharmacy legislative proposal as reflected in Attachment A. Motion passed 4:0:0:1 with roll call vote as follows:
   Anita Parran – absent Christian Tadrus – yes

2) Civil Penalties: Ms. Grinston advised the proposal may be controversial and may not be supported by the Missouri Pharmacy Association. Douglas Lang asked about other disciplinary options such as requiring the MPJE or restricting intern training abilities. Christian Tadrus asked if a civil penalty would be treated as discipline and questioned how a civil penalty might be perceived by the public. Mr. Tadrus also asked if the $25,000 penalty would be excessive for individual licensees. Board discussion was held on limiting the civil penalty language to entities only. Curtis Thompson suggested connecting the penalty to any economic gain. Additional Board discussion was held regarding a potential abuse of civil penalty authority in the future. A motion was made by Christian Tadrus, seconded by Douglas Lang, to pursue the civil penalty legislative proposal as reflected in Attachment A. Motion passed 4:0:0:1 with roll call vote as follows:
   Anita Parran – absent Christian Tadrus – yes

3) Board Fund Proposal: Kimberly Grinston suggested the proposal would likely have bipartisan support given the rise in prescription drug abuse. Board discussion was held on the amount of funds allocated to the program. Board consensus to request a range of spending authority from $500,000 to $750,000. A motion was made by Christian Tadrus, seconded by Douglas Lang, to pursue the board fund legislative proposal as reflected in Attachment A with the suggested $500,000 to $750,000 spending range. Motion passed 4:0:0:1 with roll call vote as follows:
   Anita Parran – absent Christian Tadrus – yes

4) Pharmacist Continuing Education: Pamela Marshall asked if the Board could require inactive licensees to retest if they have been out of practice for a significant
period of time and noted this is required in Illinois and California. Ms. Marshall noted this is a direct patient safety issue. Board discussion was held. Barbara Bilek suggested discussing this topic at a future board meeting and proposed pursuing the current proposal without additional changes. **A motion was made by Douglas Lang, seconded by Pamela Marshall, to pursue the pharmacist continuing education legislative as reflected in Attachment A. Motion passed 4:0:0:1 with roll call vote as follows:**

Anita Parran – absent

5) **Third-Party Logistic Providers:** Christian Tadrus asked if brokers have to be licensed under the proposal; Tom Glenski indicated that broker licensure is required under current law and would remain the same under the proposal. Douglas Lang asked if outsourcers need to be included in the proposal. Kimberly Grinston indicated regulation of drug outsourcers would be on the October agenda. **A motion was made by Douglas Lang, seconded by Barbara Bilek, to pursue the third-party logistic provider legislative proposal as reflected in Attachment A. Motion passed 4:0:0:1 with roll call vote as follows:**

Anita Parran – absent

6) **Prescription Format:** Board discussion was held on allowing automatic substitution unless otherwise requested by the patient; Barbara Bilek noted this standard would place the burden on the patient. Douglas Lang commented that most patients who want a brand name drug will ask the prescriber to specifically write the prescription for the brand name product. Christian Tadrus asked if the Board should remove the current language that requires the generic to be less expensive; Mr. Tadrus commented the generic version may be the better choice for the patient and suggested that substitution should not be limited to a monetary decision. Board consensus to reference “purchaser” in the proposal and not just a “patient” to recognize that other individuals may be purchasing medication for the patient. **A motion was made by Douglas Lang, seconded by Barbara Bilek, to pursue the prescription format legislative proposal as reflected in Attachment A. Motion passed 4:0:0:1 with roll call vote as follows:**

Anita Parran – absent

**MOTION TO ADJOURN**
At approximately 12:54 p.m., upon motion made by Douglas Lang, seconded by Barbara Bilek, the July 29, 2016, open session conference call meeting was adjourned. **Motion passed 4:0:0:1 with roll call vote as follows:**

Anita Parran – absent