

Board Meeting

Topeka Shawnee County Public Library
1515 SW 10th
Topeka, KS, 66604

Tuesday, October 22, 2008

Members Present: JoAnne Gilstrap, R.Ph., President; Karen Braman, R.Ph., Vice-President (11:30am); Shirley Arck, Pharm. D, Investigative Member; Michael Coast, R.Ph.; Frank Whitchurch, R.Ph.; and Nancy Kirk, public member(9:04am).

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer, Reyne Kenton, Compliance Officer; Christina Morris, Assistant Executive Secretary, and Randall Forbes, General Counsel.

Others Present: See attached listing.

Meeting Called to Order: President JoAnne Gilstrap called the meeting to order at 9:00 a.m. Ms. Braman and Ms. Kirk were absent

Approval of the Agenda: Dr. Arck removed the "Discussion regarding representation on disciplinary cases". A motion was made and seconded to approve the agenda as amended. (Arck/Coast) Motion passed.

Ms. Kirk arrived at 9:04am.

Strategic Planning Meeting

Evelyn Eubank was present to lead the Board in continuing the strategic planning process.

Board Agenda

- Draft agendas sent 3 weeks before meetings to all stakeholders for comments and input
 - Feedback period 1 week
 - Item information will be sent as the information becomes available •
- No new agenda items added 2 weeks before meeting
- Final agenda set 2 weeks prior to meeting
 - Final packets to the Board 1 week before the meeting

Review of Strategy Map

If the Board chooses to use the Strategy Map (Execution Map) it becomes a companion piece to the Agenda. The Strategy Map gives the Board an overall

picture of deadlines and allows for adjustments to be made if too much has been assigned to one person or for one date. This document is a tracking tool and does not need to be sent to all stakeholders. The Board consensus was that the map provides direction and keeps them on task.

Board Targets

1. Safety
2. Clear, prompt, accurate and concise information / Communication
3. Responsive Regulatory Oversight
4. Fair and Reasonable Enforcement
5. Proactive / Forward-looking Regulation

Ms. Eubank led the discussion in completing the Board Targets.

The targets were clarified and rewritten.

1. Effectively communicate relevant information
2. Provide responsible regulatory oversight and enforcement
3. Advocate legislation and promulgate regulations that advance the mission of the Kansas Board of Pharmacy

Recess: Ms. Gilstrap declared a break to reconvene in 10 minutes

Reconvene: Ms. Gilstrap reconvened the meeting at 10:36 a.m.

Strategic Planning continued.

The Board decided on the measures that will be used in determining if the Targets have been met.

Ms. Braman arrived at 11:19 am.

Recess: Ms. Gilstrap recessed the meeting for lunch at 11:30 am

Reconvene: Ms. Gilstrap reconvened the meeting at 12:03.

The Board concluded today's discussion on Strategic Planning. Volunteers will work with Evelyn Eubank to collate the Strategic Plan - Board Members: JoAnne Gilstrap and Nancy Kirk.

Approval of the September Minutes:

Page 4 - Insert the Name of the County District Attorney that requested the emergency scheduling. Ms. Billingsley said she had the information in the Board Office.

Add page numbers to the minutes.

Mr. Coast will give the update on the meth precursor pilots during his Board report in December not November 18, 2008.

A motion was made and seconded to approve the March minutes as corrected. (Coast/Braman). Motion passed.

CEU Task Force Update

The report was presented. A regulation change will be pursued to limit non-ACPE but Board approved CE to not more than 8 hours (including attendance at Board meetings.)

Immunization CEU Requirements - was addressed and no consensus was reached.

Internet Pharmacy Issues

The Board discussed the national legislation on this issue. The Ryan Haight Online Pharmacy Consumer Protection Act was signed into law on October 15, 2008. The law increases control on Internet pharmacies that ship controlled substances. This issue will be back on the December agenda to give the Board time to read the bill and determine what action may still need to be taken.

Prescription Monitoring Program (PMP)

Ms. Braman acknowledged Christina Morris' work in preparation for the October 9, 2008 PMP Advisory Committee meeting. The information gathered from interviews with other states was discussed at the meeting. The federal grant money Kansas applied for was not awarded. The Advisory Committee will continue to draft PMP regulations. There is a group, PMIX (Prescription Monitoring Information Exchange) that is working nationally to facilitate information sharing across state PMP programs. The Board discussed patient identifiers and what the regulations should require and concerns regarding technology providers. Ms. Braman requested the Board look at the proposed regulations and provide feedback before or during the next Board meeting. The next PMP Advisory Committee meeting date has not been set due to coordination with the Virginia Board on available dates. Virginia has been invited to present information regarding their program at the next meeting. The Board requested a copy of the grant application and will reapply for the grant. Ms. Morris will obtain copies of the successful grant applications. The next meeting is December 12, 2008.

Kansas Board of Healing Arts

Mr. Whitchurch reported on the meeting with the Kansas Board of Healing Arts (KBHA). Mr. Whitchurch, Ms. Kirk, Ms. Billingsley, and Mr. Kinderknecht were in attendance. KBHA was supportive on the Board of Pharmacy issues. Mr. Whitchurch encouraged the Pharmacy Board Office to look at increasing the security at the Board of Pharmacy office.

Telepharmacy Task Force Update

The first meeting has been scheduled for November 5 and will be in Topeka.

PSE Task Force Committee Update

Mr. Coast reported on the meeting at Kansas Bureau Investigation on October 7, 2008. *Meth Shield* has expanded to almost statewide. *Meth Check* has not activated the Southeast Kansas pilot. The discussion centered on how to fund the program or the potential cost to Medicaid to schedule pseudoephedrine. The next meeting is December 11, 2008. Mr. Coast will attend the next PMP meeting.

Recess: Ms. Gilstrap declared a break to reconvene in 10 minutes

Reconvene: Ms. Gilstrap reconvened the meeting at 2:02pm.

Proposed Legislation and Regulation for 2009

- a. Criminal Background Checks - The Board will need to pursue a statute change. The Reviser of Statutes will write the statute using the Board of Healing Arts statute as a template.
- b. Faxing CII's to Assisted Living Facilities - The Board read the letter from Mr. Forbes. The pharmacist bringing this issue will pursue a statute change through his legislator to allow pharmacies to accept faxes for Schedule II drugs.
- c. Substitution of dosage form - Mr. Whitchurch requested the Board consider changing the statute to allow a pharmacist to change dosage forms for the convenience of the patient. This change would allow a pharmacist to provide better patient care. California has a regulation that could be used for appropriate verbiage. Dr. Arck asked the Board to think about how doctors would react to this change. Mr. Whitchurch volunteered to visit with the Board of Healing Arts on the proposed change. Ms. Gilstrap volunteered to go with Mr. Whitchurch. Ms. Billingsley will set up the meeting and include KMS (Kansas Medical Society). This will require a statute change. K.S.A.65-1637.
- d. Foreign Intern Regulations - The language has not been formulated and the committee will present the proposed regulations at the December meeting.
- e. Compounding Update - Dr. Arck will report on compounding during the December meeting.
- f. Immunization statute - Ms. Billingsley has not received a copy of the KPhA proposed language. There are some groups that may not be supportive of lowering the age of the patient on most vaccinations.
- g. Board Issues - Board terms and increasing the number of members on the Board. The number should be increased to an odd number. Ms. Kirk suggested the Board be careful in increasing the number past the manageable number. A legislative task force has been scheduled for November 5, 2008. The Board brainstormed issues to be discussed with Senator Schmidt and Representative Hill.

Budget

Ms. Billingsley presented the budget. She recommended the Board have the Budget Analyst come to the next meeting to explain the budget. Ms. Billingsley

would like the Budget Analyst to explain her projections for the Board of Pharmacy.

Strategies -

Ms. Eubank handed papers out to the head table for perusal and for discussion at the December meeting.

A review of the strategies

- Strategic Planning and Process Management - Review issues and strategies for additional plan priorities - Strategic Plan
- Legislative Task Force
- Meth precursor - add "Report to the Board in December"
- Instymeds – The Board to open an investigation.
- PMP - add "Draft regulations" - Lane Hemsley
- CE Task Force
- Internet Pharmacy Issue - Place the item on the Legislative Task Force Strategy
- Telepharmacy Hospital Regulation Task Force - Place the item on the Legislative Task Force Strategy
- Telepharmacy Retail Regulation - Has been sent to Department of Administration. Place the item on the Legislative Task Force Strategy
- Criminal Background Checks - Place the item on the Legislative Task Force Strategy
- Foreign Graduate Regulation
- Budget Updates
- Compounding Regulations
- Faxing CII's from Assisted Livings
- Substitution of Dosage Forms
- Immunization Statute
- Disaster Planning Task Force
- Institutional Drug Room Regulations
- Physical Counts on Hydrocodone - Yearly Inventory on all controlled drugs with actual counts on all hydrocodone products and schedule I's
- Utilization of Unused Medications Forms
- Schedule BZP, N-Benzylpiperazine
- Electronic newsletter
- Technology - new software

In February, the Board will draft the Goals for the Strategic Plan.

Adjourn: Ms. Gilstrap adjourned the meeting at 4:07pm.