

Kansas State Board of Pharmacy
Minutes of the February 28, 2014
Board Meeting

KU School of Pharmacy
2010 Becker Drive
Lawrence, KS 66047

Friday, February 28, 2014

Meeting Called to Order: President David Schoech called the meeting to order at 9:05am.

Members Present: David Schoech, R.Ph., President; Bob Haneke, Pharm D., Vice President; Jim Garrelts, Pharm. D.; Michael Lonergan, R.Ph.,(by phone); Cheri Pugh, Public Member; and John Worden, Pharm. D.

Member Absent: Chad Ullom, R.Ph., Investigative Member.

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

Others Present: See attached listing.

Approval of the Agenda:

A motion was made and seconded to approve the agenda as printed. (Garrelts/Worden) Motion passed.

Approval of the January 16 & 17, 2014 Minutes:

A motion was made and seconded to approve the minutes as printed. (Haneke/Worden) Motion passed.

Presentation

KU Pharmacy Pilot Project Update, Chris Bell, Pharm D.

Dr. Bell updated the Board on the statistical numbers gathered from the pilot project thus far. The pilot was scheduled to conclude on March 14, 2014. Dr. Bell requested the pilot be continued for further data collection and because the project has been very helpful in the operation of the pharmacy.

A motion was made and seconded to extend the pilot to the October Board meeting with Dr. Bell submitting data at the July meeting. (Worden/Haneke) Motion passed.

Reports

Budget – Ms. Billingsley presented the information to the Board. She gave them a brief report on the House Appropriations and Senate Ways and Means subcommittees.

Appropriations indicated that though they set a policy last year that vehicles must meet a 120,000 miles threshold before the car can be traded they will review purchase requests on a case by case basis. They would expect the agency to provide

repair/maintenance expenses in excess of 30% of the value of the vehicle in order to approve a new purchase. Fiscal year 16 & 17 may not look good for state spending although the projections are not in yet. Appropriations and Ways and Means removed the Governor's recommendation for a 1.5 % cola for employees. Dr. Garrelts asked about pay raises for the staff and options to use bonuses since they had received no pay increases for six years. The Board also indicated that they were a fiduciary of the licensee's fees and that they wanted Appropriations and Ways and Means to understand that they understood their responsibility for using the fees appropriately. The Board will discuss in an executive session as it relates to specific personnel and raises.

Continuing Education (CE) – Ms. Billingsley presented proposed changes to approving CE by submitting an application and amendment to the regulations after working with Bob Haneke on the project. The Board discussed time necessary to approve as 120 days may be excessive. They recommended lowering the time limitation since ACPE only requires 30 days. The Board CE committee will review the presented CE and it will be chaired by Bob Haneke. CME may also be submitted for review and possible approval so the regulation should be amended to reflect the change. The committee will consist of Bob Haneke, Barb Woods, Doug Funk and Joan Kramer. The committee will also review for possible approval technician CE. Records of attendees must be retained by the sponsoring organization for 5 years.

KTRACS – Marty Singleton presented the report to the Board. The report included information about the federal grants, LACIE, KHIN, and Via Christi. Mr. Singleton explained the MOU with Kroger and requested the Board give approval to proceed. The Board requested Mr. Forbes to review the MOU and if Kroger cannot wait until April then call a phone conference to discuss with possible approval.

Legislation Post Audit – Ms. Billingsley told the Board that the Board's IT Security is currently under an audit. This is primarily the responsibility of OITS since they are the small agency support group through Dept of Administration. OITS has recommended some security changes that the Board is implementing.

2014 Legislative Update – Ms. Billingsley provided the update.

- a. HB 2510 Pharmacy Technician Certification – has passed out of the House.
- b. HB 2561 License Expiration Dates – has passed out of the House.
- c. HB 2585 EpiPens Use and Storage – did not get a hearing so it won't go any further this session.
- d. HB 2609 Collaborative Practice Bill – has had several friendly amendments added and the bill was passed out of the House. One amendment was made at a late date and not everyone was able to review it sufficiently but in order to get it out of the Committee the Board approved the amendments. There may be further discussion on the amendments that were made with interested parties.
- e. HB 2671 Pharmacy Audit Integrity Act – This was a KPhA bill and it is in an exempt committee.
- f. HB 2673 PA dispensing – passed the House. PAs would be allowed to dispense a 72-hour supply and regulations would be drafted for oversight by the Board of

- Healing Arts. Board would like this to specify BOP as oversight for regulations on dispensing.
- g. HB 2685 APRN bill/ SB 326 APRN bill – did not get a hearing.
 - h. HB 2688 Continued Access to Community Pharmacy - related to PBM transparency and anti-mandatory mail order was heard in the House Insurance Committee. It did not make it out of the Committee but it was referred to an exempt committee.
 - i. HB 2691 Transportable Physician Orders
 - j. HB2701 Uniform Controlled Substance Act – Passed out of the House Committee.
 - k. SB 278 Vet Examiners – would place Vet Board under supervision of Department of Agriculture for 2 years
 - l. HB2516 – Provider Status. The bill adds APRNs, PAs, and long term care facilities to the Health Stabilization Fund. There is opposition from the plaintiff lawyers as it interferes with their ability to file consumer protection act complaint. Pharmacists are not part of the bill.
 - m. Senator Fitzgerald introduced a bill that would require a patient to present a form of identification before a controlled substance is dispensed from a pharmacy. It is in an exempt committee but does not have a bill number.

Board Member Reports

David Schoech – thanked Mr. Singleton for his continued work on restoring KTRACS as a tool for better patient care.

John Worden - said he was seeing many emergency department physicians increase their use of KTRACS and had received many good comments. There appears to be an increase in usage since most of the problems have been corrected from the move to NABP/Appriss.

Executive Director Report

Ms. Billingsley – explained a recent court case in Oregon regarding unfettered access of PMPs by the DEA. The Board asked if seeking an Attorney General opinion would be helpful. Mr. Forbes said if the case was federal then a state opinion may not be helpful. A motion was made and seconded to seek an opinion from the Attorney General regarding DEA access to KTRACS based on the court case. (Haneke/Garrelts) Motion passed.

Staff Reports

Jim Kinderknecht – shared with the Board a recent forgery and the availability of most information plus a source to buy tamper-evident paper over the internet.

Melissa Martin – told the Board the inspectors had all received their FDA commissions.

Administrative Proceedings

Global Medical Direct **Case 13- 161** – Ms. Billingsley provided information to the Board regarding the case. Global Medical Direct did agree and signed the order revoking the registration.

Summary Orders

Stephanie A. Wendt, Application for Technician registration **Case 14-02** – Ms. Billingsley said the application for registration had been denied. Denied applications are placed on the Board agenda and no further Board action is required.

Executive Session:

Personnel

A motion was made and seconded to enter into executive session for 10 minutes to discuss matters pertaining to personnel to protect the rights of identifiable individuals and to reconvene the meeting in the Board room at 11:58am to include Ms. Billingsley and Mr. Forbes. (Garrelts/Haneke) Motion passed.

Mr. Schoech reconvened the meeting at 11:59am.

Adjourn: Mr. Schoech adjourned the meeting at 12:01pm.