

September 2001



Kansas State Board of Pharmacy

Landon State Office Building
900 Jackson, Room 513
Topeka, KS 66612
www.ink.org/public/pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

New Administrative Regulations – KAR 68-9-2

Regulations to outline the requirements for automated systems went into effect in July. The regulations can be found on the Kansas State Board of Pharmacy's Web site at www.ink.org/public/pharmacy.

GHB Rescheduled from Schedule IV to Schedule I

A bill was passed this session to reschedule GHB (gamma hydroxybutric acid) from Schedule IV to Schedule I and make it unlawful to administer the substance into any food or beverage consumed by other persons.

Optometrists Prescribing

In 1999, optometrists in Kansas gained prescriptive authority for certain classes of oral medication. It has recently come to the attention of the Board that some optometrists have obtained US Drug Enforcement Administration registrations and are prescribing controlled substances. Prescriptions for oral pain medications are valid as long as they are prescribed for an ocular condition.

New Baby

Sunshine Blue, secretary for the Board office, recently had a baby boy. Tyler Matthew, born on April 23, 2001, is a welcome addition. Congratulations, Sunshine and Jerad.

Brand Exchange

Kansas Pharmacy statute KSA 65-1637 denotes that brand exchange may be exercised with a view toward achieving lesser cost to the patient unless the US Food and Drug Administration has determined that the drug product of the same generic name is **not** bioequivalent to the prescribed brand name prescription medication. Products with an "A" code rating may be legally brand exchanged (if allowed by the prescriber) in Kansas, but all other drugs with a "B" code rating may not be brand exchanged.

Pharmacist-in-Charge Responsibilities

The pharmacist-in-charge (PIC) is more than the pharmacist who happens to be working at the time an issue arises. The PIC is the person responsible for the overall operations of the pharmacy and the provision of pharmacy services, includ-

ing patient recordkeeping and patient counseling. A person who accepts the responsibility of PIC should be aware that he or she is assuming responsibility for implementing policies and procedures designed to prevent or detect improprieties occurring in the pharmacy, including drug pilferage and diversion. While a PIC may not be held directly responsible for another person's thievery, she or he will be held responsible for failing to implement policies and procedures that are reasonably designed to prevent or detect theft.

Pharmacist-in-Charge Examination

As of September 1, the Board office will be instituting a take-home exam for the pharmacist-in-charge (PIC) examination. PICs will no longer be required to come into the Board office to take the exam.

Fifty Years of Service

In the March *Newsletter* a name was left off the list of pharmacists who have been licensed in good standing with the Kansas State Board of Pharmacy for 50 years. We apologize to Mr Lawrence Jabenis of Overland Park.

Electronic Prescribing Not Foolproof

The Minnesota Board of Pharmacy recently learned of a serious medication error involving a computerized prescriber order entry system. A prescriber using a handheld computerized order entry device intended to order a prescription for Ocuflor for a patient with pinkeye. Unfortunately, the prescriber selected the wrong drug and caused an order for Occlusal-HP to be ordered instead. The order was electronically sent to the pharmacy's computer with directions to "use daily as directed." Occlusal-HP is a 17% solution of a salicylic acid used for removing warts. Significant damage to the patient's eyes could have resulted had the prescription been dispensed as ordered. Fortunately, the pharmacist counseled the patient and when the patient indicated that the physician had instructed that it be used in each eye, the pharmacist immediately recognized that an error had occurred.

This near tragedy points out the need for patient counseling and underscores the concept that "use as directed" is never

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appropriate. Pharmacists are urged to counsel all patients but especially those receiving new prescriptions.

(Reprinted with permission from the Minnesota Board of Pharmacy *Newsletter*.)

Disciplinary Actions

Although every effort is made to ensure that the disciplinary action information is correct, you should check with the Board of Pharmacy (785/296-4056) to verify the accuracy of the listing before making any decision based on this information. These disciplinary actions become a permanent part of a pharmacist's file.

Michael R. Linder, RPh, #1-11223, Hutchinson. The Board ordered that Mr Linder not function as a pharmacist-in-charge for five years, that he enter into a new agreement with the Committee on Impaired Practice Program for treatment for five years, and that he shall not work in a pharmacy unless another pharmacist or pharmacy technician is present. Mr Linder gave a very moving testimony concerning his addiction to hydrocodone.

Albertson d/b/a Osco #2212, #2-08811, Wichita. Albertson's failed to have a pharmacist-in-charge for a period of 51 days. Respondent agreed to pay a fine of \$2,020.

Donald Atwill, RPh, #1-10087, Salina. Mr Atwill agreed to pay a fine of \$1,000 which was stayed unless he commits any acts in violation of the Pharmacy Practice Act within the next 12 months.

Greg Grier, RPh, #1-10393, Lenexa. Mr Grier agreed to pay a fine of \$1,000 and to attend no less than three hours of continuing education in the area of counseling.

Jennifer Winningham, RPh, #1-12845, Olathe. The Board entered an order restricting Ms Winningham from performing the functions of a pharmacist-in-charge for a period of 24 months.

Transfer of Controlled Substances

The following is being reprinted from the June 2001 Kansas State Board of Pharmacy Newsletter

When a pharmacist transfers controlled substances to another pharmacy or to a physician's office, **for dispensing to patients**, the following method must be used:

1. Schedule II is transferred to the practitioner by submitting a US Drug Enforcement Administration order form 222. **You, as the seller, should keep the first copy; send the second copy to the US Drug Enforcement Administration office; and, the practitioner, as the buyer, should keep the third copy.**
2. Schedules III, IV, and V are transferred on an invoice. In no circumstances is it legal for a practitioner to obtain controlled substances for general dispensing by writing a prescription for them. See KAR 68-20-18(b)(2).

You Can Make a Difference, Become a Pharmacy Inspector

If you are an innovative, highly motivated individual who is looking for an exciting career that puts you on the front line of changes in the practice of pharmacy, the Kansas State Board of Pharmacy is looking for you. The Board has an opening in the Wichita/Southeast Kansas area.

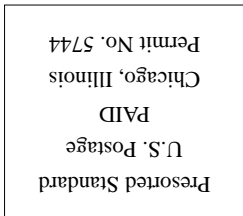
Inspector's duties are divided between those performed in the home office and those requiring travel. Health and retirement benefits, paid holidays, business and travel expense, and no weekends are some of the perks.

Send your resume to Susan Linn, Executive Director, Kansas State Board of Pharmacy, Landon State Office Building, 900 SW Jackson, Room 513, Topeka, KS 66612.

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