

**KANSAS STATE BOARD OF PHARMACY
MINUTES OF THE MEETING**

HELD AT: Stormont-Vail Health Care **Date:** February 13, 2002
Pozez Education Center
Centennial Room B
1500 SW 10th Ave.
Topeka, Kansas 66604

MEMBERS PRESENT: Vicki Schmidt, RPh, President; Max Heidrick, RPh, Vice President; Mike Hurst, RPh; Merlin McFarland, RPh; Lori Moore, RPh; and Dan Upson, DVM (was not present for the public hearing)

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh, Pharmacy Inspector; Randall Forbes, Board Attorney and Karen Hollon, Public Service Administrator.

OTHERS PRESENT: See attached listing.

MEETING CALLED TO ORDER: President Schmidt called the meeting to order at 9:00 a.m.

ADMINISTRATIVE ACTIONS:

K.A.R. 68-1-1e. Determination and approval. A motion was made to revoke the regulation (Hurst/Heidrick). Ms. Schmidt- Yes, Ms. Moore - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Dr. Upson - Abstain, Mr. Heidrick - Yes. Motion carried. (5-0).

K.A.R. 68-1-3. Proof of required pharmaceutical experience A motion was made to revoke the regulation. (McFarland/Hurst) Ms. Schmidt- Yes, Ms. Moore - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Dr. Upson - Abstain, Mr. Heidrick - Yes. Motion carried. (5-0).

K.A.R. 68-2-5. Joint registrants. A motion to adopt the regulation (McFarland/ Hurst). Ms. Schmidt - Yes, Ms. Moore - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Dr. Upson - Abstain, Mr. Heidrick - Yes. Motion carried. (5-0).

K.A.R. 68-9-1. Electronic data storage systems. A motion was made to adopt the regulation as amended (Heidrick/Moore). Ms. Schmidt – Yes, Ms. Moore - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Dr. Upson – Abstain, Mr. Heidrick - Yes. Motion carried. (5-0).

CONSIDERATION OF STIPULATION AND FINAL AGENCY ORDER

2-09720 Osco #5186, 7501 Metcalf, Overland Park

Mr. Forbes presented the SFAO for Osco for the Board's consideration and approval. A motion was made and seconded to adopt the stipulation and enter the final agency order proposed (McFarland/Moore). Motion carried. Mr. Heidrick recused himself. (4-0)

2-09783 Kmart #4171, 4200 W. Kellogg, Wichita

Mr. Forbes presented the SFAO for Kmart for the Board's consideration and approval. Dr. Upson made a motion to increase the fine from \$1,000 to \$5,000. Mr. McFarland seconded. Motion carried. (4-0) Mr. Heidrick recused himself. Mr. Forbes will contact Kmart's attorney concerning the increased fine.

PHARMACY INTERN DUTIES - BARB WOODS, UNIVERSITY OF KANSAS SCHOOL OF PHARMACY

The Board led a general discussion as to what duties an intern is legally allowed to perform. The Board decided to revisit the issue at 4:00 p.m.

Recess - President Schmidt recessed the meeting for lunch at 11:45.

Reconvene - President Schmidt reconvened the meeting at 12:55.

CONSIDERATION OF CONSENT AGREEMENT

1-09397 Dennis J. Cochrane

A motion was made and seconded to accept the Consent Agreement (Upson/Moore). Motion carried. (4-0) Mr. Heidrick recused himself.

Microbeef

Steve Phillips, Assistant Attorney General, presented background information concerning this case. A motion was made and seconded to accept the Consent Agreement (Upson/Moore). Motion carried (4-0). Heidrick recused himself.

ADMINISTRATIVE HEARING

1-10428 David D. VanHoozier

The Board will appoint a hearing officer to review the case. See official transcript.

1-11988 Travis D. Scott

A motion was made and seconded to revoke Mr. Scott's license with the option of reapplying after one year (McFarland/Moore). Roll call vote: Ms. Schmidt – Yes, Ms. Moore - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Dr. Upson - Abstain, Mr. Heidrick - recused himself. Motion carried. (4-0).

ACCEPTANCE OF THE MINUTES:

A motion was made and seconded to accept the minutes of the November 6th & 7th Board Meeting as amended (Moore/Heidrick). Motion carried (5-0)

Recess - President Schmidt recessed the meeting for a 10 minute break at 3:20.

Reconvene - President Schmidt reconvened the meeting at 3:30.

ADMINISTRATIVE DISCUSSION &/OR ACTIONS:

Reduction of Intern Hours Request

Michael Pretorius, who had worked as a pharmacist in South Africa for 11 years, and is currently employed by Osco, asked the Board to reduce his intern hours from 1500 to 1000. A motion was made and seconded to deny the request (McFarland/Heidrick). Motion carried (5-0).

APPROVAL OF NEW LICENSES

A motion was made and seconded to approve the licenses (Hurst/ McFarland) Motion carried. (5-0)

APPROVAL OF NEW REGISTRATIONS

A motion was made and seconded to approve the registrations (Heidrick/Moore). Motion carried (5-0)

APPROVAL OF FIFTY YEAR CERTIFICATES

A motion was made and seconded to approve the 50-Year Certificates issued by the Board Office for the year (Moore/Heidrick). Motion carried (5-0)

PHARMACY INTERN DUTIES (cont.)

The Board decided that there may need to be some changes to K.A.R. 68-2-20 to accommodate the responsibilities of pharmacy interns.

ADJOURNMENT

President Schmidt adjourned the meeting at 4:30.

**KANSAS STATE BOARD OF PHARMACY
MINUTES OF THE MEETING**

HELD AT: Stormont-Vail Health Care **Date:** February 14, 2002
Pozez Education Center
Carkhuff Classroom
1500 SW 10th Ave.
Topeka, Kansas 66604

MEMBERS PRESENT: Vicki Schmidt, RPh, President; Max Heidrick, RPh, Vice President; Mike Hurst, RPh; Merlin McFarland, RPh; Lori Moore, RPh; and Dan Upson, DVM.

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh, Pharmacy Inspector; Randall Forbes, Board Attorney and Karen Hollon, Public Service Administrator.

OTHERS PRESENT: See attached listing.

MEETING CALLED TO ORDER: President Schmidt called the meeting to order at 9:00 a.m.

**CONFERENCE HEARING CONSENT AGREEMENT
1-12658 Corey V. Penner, R.Ph.**

President Schmidt entertained a motion from Dr. Upson for the Board to go into an executive session for a period of 30 minutes for discussion of quasijudicial matters pertaining to the conference hearing. Motion seconded by Ms. Moore. Meeting to include Mr. Forbes and Mr. Heidrick. Meeting reconvened at 10:00. A motion was made to enter into a consent agreement with Mr. Penner that prohibits him from practicing pharmacy until further order of the Board. The order will authorize the Board to receive all information from mental health professionals, and it would require enrollment in the CIPP program for evaluation. (Moore/Upson). Motion carried (5-0).

**STIPULATION
1-13029 Danielle Hawker**

Ms. Hawker agreed and consented to the Board's entry order whereby her license to practice pharmacy in Kansas is suspended for a period of 365 days. The suspension shall begin on the third business day after the effective date of the Final Order. The first thirty days of the suspension shall be served immediately upon the beginning of the suspension. The last 335 days of the suspension shall not take effect if during a 12-month probation period, Ms. Hawker does not commit any further act that would constitute a further violation of the Pharmacy Act or Regulations. Motion made to accept the stipulation (Upson/Moore). (5-0) Motion carried.

**Recess - President Schmidt recessed the meeting for a 10-minute break at 10:35 a.m.
Reconvene - President Schmidt reconvened the meeting at 10:45 a.m.**

Pharmacy Inspector Position

Ms. Linn presented information regarding the Inspector Position. At 11:10 a.m. a motion was made to go into executive session for personnel matters for 30 minutes. Meeting to include Randy Forbes and Susan Linn .(Heidrick/Hurst). Motion carried. Board reconvened at 12:00 a.m.

LEGISLATIVE REPORT

Bob Williams from KPhA gave a report regarding legislation.

**Recess - President Schmidt recessed the meeting for a 35 minute lunch break at 12:10 p.m.
Reconvene - President Schmidt reconvened the meeting at 12:45 p.m.**

TECHNICIAN CREDENTIALING

Ms. Linn distributed the technician credentialing application to the Board. Any comments regarding the application should be sent to Ms. Linn. The meeting dates for the committee are as follows: Feb. 20 at 1:00 p.m.; March 28 at 1:00 p.m.; public hearing , April 25 at 10:00 a.m.; May 23 at 1:00 p.m. June 28 at 1:00 p.m.

INVESTIGATIVE COMMITTEE REPORT

Copies of the report on resolved complaints were handed out to Board members.

BOARD REPORTS –

- Mr. Heidrick discussed with the Board about having the June 11th & 12th Board Meeting in Lawrence instead of Kansas City and to stay at the SpringHill Suites. Mr. Heidrick asked that a copy of the Board expenses be sent to the Board on monthly basis. Ms. Linn explained that the office had changed to Quickbooks and she was in the process of training Karen on the budget process. Ms. Linn will see that the Board members get a copy of the expenses on a monthly basis.
- Mr. Hurst spoke about compounding companies that want to make drugs no longer available. The drugs would be used by hospitals on a stat basis.
- Dr. Upson will call Walt Gould about any concerns with veterinarian distributors.
- Vicki Schmidt spoke about the enjoyment she has had being on the Board for six years. Ms. Schmidt will continue to meet with Randy Forbes on the rules and regulations review. The review will need to be completed by May 1, 2002. The results will be presented to the Board at the next meeting.
- Ms. Moore expressed her pleasure at the time she has spent on the Board and thanked everyone.

GENERAL COUNSEL REPORT

Mr. Forbes cautioned the Board and staff about the confidentiality of information obtained from the impaired provider program.

EXECUTIVE DIRECTOR REPORT

Ms. Linn discussed the MPJE exam questionnaire that had been inadvertently destroyed at NABP and would have to be resubmitted or a Board member or staff member would have to travel to NABP. The Board members were distressed that the questionnaire had been destroyed. Ms. Linn was instructed to contact NABP and tell them the questionnaire needs to be sent to the Board office and will be sent back to NABP upon completion.

INSPECTOR REPORT

Mr. Kinderknecht spoke about the incomplete or lack of incidents reports he is seeing. Mr. Kinderknecht also spoke about a recent issue with physicians delegating dispensing authority.

EXECUTIVE SESSION FOR PERSONNEL MATTERS

At 11:10 a.m. a motion was made to go into executive session for personnel matters for 1 hour. Meeting to include Randy Forbes and Susan Linn .(Heidrick/Hurst). Motion carried. Board reconvened at 4:30 p.m.

ADJOURNMENT

President Schmidt adjourned the meeting at 4:30.