

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

June 11-12, 2002
SpringHill Suites, Room Naismith A
Lawrence, Kansas

Tuesday, June 11, 2002

MEMBERS PRESENT: Max Heidrick, RPh., Vice President; Mike Hurst, RPh.; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

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

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Vice President Heidrick called the meeting to order at 8:48.

Mr. Heidrick welcomed Mr. Thompson and Mr. Whitchurch to the Board.

ACCEPTANCE OF THE MINUTES: A motion was made and seconded to accept the minutes of the April 29th & 30th Board Meeting as amended (McFarland/Hurst). Motion carried 5-0.

CIPP PRESENTATION: Jennith Hoover presented the Annual Summary Report. A motion was made and seconded to accept the agreement (McFarland/Thompson). Motion carried 5-0.

At 9:20 a.m., a motion was made and seconded to go into Executive Session for the deliberation of quasi-judicial matters in the case including staff and both attorneys for 15 minutes (Upson/Whitchurch). Motion carried 5-0. Reconvene – Mr. Heidrick reconvened the meeting at 9:35 a.m.

2003 BOARD MEETING DATES: Mr. Heidrick suggested the following dates for the 2003 board meetings to be held at the AmeriSuites in Topeka: March 11th & 12th; June 10th & 11th; September 16th & 17th; December 9th & 10th.

General discussion of proposed regulations. Will be discussed more later in the day.

INTERN RESPONSIBILITIES: Dr. Jack Fincham, Dean of the KU School of Pharmacy, discussed with the Board a problem with an intern who is no longer enrolled at the School of Pharmacy. Also what an intern can and cannot do.

CENTRAL FILL/CENTRAL PROCESSING: Nancy Corkins explained what Central Fill is and asked the Board if it is legal. Central Processing will be discussed more after the lunch break.

Mr. Heidrick recessed the meeting for lunch at 11:45 a.m. and reconvened at 1:00 p.m.

DIVISION OF PERSONNEL SERVICES: Terri Bernatis, Rodger Matthews, Liz Wong and Tiffany Ball discussed the contract between Personnel and the Board and explained the Outreach Program in order to establish an application database of pharmacists interested in becoming a pharmacy inspector.

CONSIDERATION OF CONSENT AGREEMENT RANDY HILGERS #1-09211: Randy Hilgers appeared with Steve Schwarm. A motion was made and seconded to accept the Final Agency Order, which includes a 365-day suspension stayed (Upson/Hurst). Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes Dr. Dan - Yes, Mr. Heidrick recused himself. Motion carried. (4-0)

Mr. Heidrick recessed the meeting for 15-minute break at 2:12 p.m. and reconvened at 2:27 p.m.

KYE GOODER #1-10266: Mr. Gooder appeared with Evelyn Wilson requesting his license be reinstated. At 2:12 p.m., a motion was made and seconded to go into executive session for 15 minutes for the deliberation of quasi-judicial matters in the case including staff and Randy. (Upson/Hurst). Motion carried 5-0. Mr. Heidrick reconvened the meeting at 2:27 p.m. The Board requested Mr. Gooder submit to an evaluation through the CIPP Committee.

CENTRAL FILL/CENTRAL PROCESSING CONT'D: Mr. Heidrick directed Mr. Whitchurch to review regulations.

JOINT POLICY STATEMENT ON PAIN MANAGEMENT: The Board had a general discussion. A motion was made and seconded to accept the policy statement (Thompson/Upson).

SUMMARY ORDER AUTHORIZATION

A motion was made to authorize the Board's Investigation Member to sign summary orders, consent agreements and emergency suspension orders (Hurst/McFarland). Motion carried 5-0.

FINANCIALS: The Board had a general discussion.

Mr. Heidrick directed Mr. Thompson to work with Mr. Forbes for the next meeting on compounding regulations.

Mr. Heidrick read to the Board a letter from the Attorney General's office regarding Canadian pharmacies.

Ms. Linn gave an update on the technician credentialing.

Continued discussion on proposed regulations.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 4:45

Wednesday, June 12, 2002

MEMBERS PRESENT: Max Heidrick, RPh., Vice President; Mike Hurst, RPh.; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

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

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Vice President Heidrick called the meeting to order at 8:30.

APPROVAL OF NEW LICENSES AND REGISTRATIONS: A motion was made and seconded to approve the licenses and registrations issued by the Board Office since the April meeting (McFarland/Whitchurch). Motion carried 5-0.

INVESTIGATIVE REPORT: Mr. Heidrick gave a general explanation of his decisions and also gave an explanation of the procedure of the complaint process to the new board members.

BOARD ELECTION: A motion was made and seconded to nominate Mr. Heidrick as president (Hurst/Thompson). Motion carried 5-0. A motion was made and seconded to nominate Mr. Hurst as the Vice President (McFarland/Whitchurch). Motion carried 5-0.

BOARD REPORTS: Mr. Thompson reported that he is looking forward to serving the three next years on the Board.

Dr. Upson had nothing to report.

Mr. McFarland is working on the technician credentialing and will contact the Wichita Technical School for help.

Mr. Whitchurch also stated he is looking forward to serving on the Board for the next three years. Discussed labeling requirements from NABP for accuracy.

Mr. Hurst was very complimentary of Mr. Heidrick's mentoring. Mr. Hurst felt that it is a good idea to go to the NABP Meetings. Mr. Hurst wanted the compounding issue pursued.

Mr. Heidrick stated that the Board needs to continue to work together on one common goal and to be an active Board. Discussed the Annual Meeting in Phoenix, Arizona. The District VI Meeting is in St. Louis and encouraged everyone to attend.

STAFF REPORTS: Mr. Forbes discussed with the new board members about the investigative officer position, open meeting law, quorum, majority, executive session and open session.

Mr. Kinderknecht stated his goal is to keep on working on complaints. Mr. Kinderknecht stated he enjoyed working with Mr. Heidrick and feels good about the decisions made. He is ready to start with a clean slate with Mr. Hurst as the new investigative officer. Discussed with the Board the problem with Canadian pharmacies. Computer logbooks replace signing the DEA logs. Discussed the FDA Modernization Act and defined the difference between compounding and manufacturing.

Mr. Frazier reported he is working on catching up on inspections in western Kansas. Mr. Frazier suggested the Board work on their relationship with pharmacists in Western Kansas

Mr. Heidrick recessed the meeting for a 10-minute break at 9:50 a.m. and reconvened at 10:00 a.m.

INSPECTOR INTERVIEW

STAFF REPORTS (Cont'd): Ms. Linn discussed with the Board upcoming meetings. Updated the Board on the online renewal process and online license verification. Discussed the Prescription Monitoring Program. Also discussed a Bill involving a VA unit dose.

Mr. Heidrick recessed the meeting for a 5-minute break at 11:45a.m. Meeting reconvened at 11:50 a.m.

A motion was made and seconded to go into Executive Session for personnel matters including Mr. Forbes for 30 minutes (McFarland/Upson). Motion carried 5-0.

Executive session from 11:50 a.m. - 12:20 p.m.

A motion was made and seconded to continue with the Executive Session for personnel matters including Mr. Forbes for an additional 15 minutes (McFarland/Upson). Motion carried 5-0.

Executive session from 12:20 p.m. - 12:35 p.m.

A motion was made and seconded to reappoint Ms. Linn to the Executive Secretary position for another year (McFarland/Hurst). Motion carried 5-0.

Mr. Heidrick recessed the meeting for lunch at 12:35 p.m. and reconvened at 1:50 p.m.

General discussion of proposed regulations.

A motion was made and seconded to adjourn the Board Meeting (McFarland/Hurst). Motion carried 5-0.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 4:45