

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

June 30 - July 1, 2003
AmeriSuites
6021 SW 6th Ave. * Topeka, Kansas

Monday, June 30, 2003

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

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Tom Frazier, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Officer; Randy Forbes, Board Attorney; Karen Hollon, Administrative Officer.

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30 a.m..

ACCEPTANCE OF THE MINUTES: A motion was made and seconded to accept the minutes of the March 11-12, 2003 Board Meeting (Hurst/McFarland). Motion carried 5-0.

ELECTION OF OFFICERS: A motion was made and seconded to elect Mike Hurst as President (Upson/Thompson). Motion carried 5-0. A motion was made and seconded to elect Frank Whitchurch as Vice President and Investigative Officer (Upson/Thompson). Motion carried 5-0.

APPROVAL OF IMPAIRED PROVIDER PROGRAM - Mary Carder and Jennith Hoover presented the Board with a summary report and budget to view. A motion was made and seconded to approve the CIPP Budget Proposal (Thompson/Upson). Motion carried 5-0.

A motion was made and seconded to go into Executive Session regarding a confidential impaired provider report, from 9:00 a.m. until 9:30 a.m. (Heidrick/Thompson). Motion carried 5-0.

TECHNICIAN REGISTRATION ISSUE: The Board had a general discussion and a Task Force Meeting was set for Thursday, August 14th starting 8:00 a.m. at the Board Office. Mr. McFarland, Mr. Whitchurch and Mr. Forbes would attend.

DIANE A. ADAMSON #11636: Ms. Adamson appeared with her husband. Mr. Kinderknecht gave some background on the case and both Mr. and Mrs. Adamson gave information in Mrs. Adamson's defense. A motion was made and seconded to go into executive session to deliberate the proposed Consent Agreement from 10:35 a.m. to 10:50 a.m. (Upson/Thompson). Motion

carried (5-0). A motion was made and seconded to approve the stipulation (Upson/Thompson). Motion carried (5-0).

PHARMERICA: No one from Pharmerica appeared. A motion was made and seconded to approve the stipulation (McFarland/Upson). Motion carried (5-0).

EBUBE P. OTUONYE #12971: Mr. Otuonye appeared with Gary Peters, attorney for Walgreens and Greg Meyers, Pharmacy Director. LaTonyua Rice gave some background on the case. Mr. Otuonye gave information in his defense. A motion was made and seconded to accept the consent agreement (McFarland/Hurst). Motion carried 5-0.

JERRRY L. LOVERN #8222: Mr. Lovern did not appear. LaTonyua Rice gave some background on the case. A motion was made and seconded to go into a closed session to deliberate (McFarland/Thompson). Motion carried 5-0. The Board rejected the stipulation presented. The Board requested additional information and an appearance by Mr. Lovern at the next meeting.

Mr. Hurst recessed the meeting for lunch from 12:00 p.m. until 1:30 p.m.

A motion was made and seconded to go into executive session to discuss the impaired provider reports from 1:35 p.m. until 1:55 p.m.

ALAN D. CONRADY #9865: Mr. Conrady did not appear. A motion was made to accept the Stipulation and the Final Agency Order (McFarland/Whitchurch). Motion carried 5-0.

BAYER ANIMAL HEALTH: Steve Schwarm and Linda McBride discussed with the Board compounding animal drugs. Steve Phillips reminded the Board that there is an open investigation and anything discussed regarding that investigation would contaminate the Board.

Mr. Hurst recessed the meeting from 2:35 p.m. until 2:45 p.m.

A motion was made and seconded to go into executive session from 2:45 p.m. until 3:15 p.m. to discuss personnel matters regarding the renewal of the contract of the Executive Secretary, who is a nonelected employee (Upson/Whitchurch). Motion carried 5-0.

COMPOUNDING TASK FORCE REPORT: Jeff Thompson presented the Board with Draft 7. The Board had a general discussion. The general consensus of the Board was opposed to over-the-counter compounding.

STEVE PHILLIPS, Assistant Attorney General: Mr. Phillips discussed with the Board what circumstances warrant fines of suspensions and how much to rely on CIPP.

A motion was made and seconded to go into executive session from 4:30 p.m. until 5:00 p.m. to discuss personnel matters regarding the renewal of the contract of the Executive Secretary, who is a nonelected employee (Upson/Heidrick). Motion carried 5-0.

A motion was made and seconded to decline the reappointment of the Executive Secretary, who is a nonelected employee (Upson/Whitchurch). Heidrick - Yes, McFarland - Yes, Thompson - Yes, Whitchurch - Yes, Upson - Yes, Hurst - Yes.

Mr. Hurst adjourned the meeting at 5:00 p.m.

Tuesday, July 1, 2003

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

STAFF PRESENT: Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Tom Frazier, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Officer; Randy Forbes, Board Attorney; Karen Hollon, Administrative Officer.

OTHERS PRESENT: See attached listing

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

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

BOARD REPORTS

Max Heidrick listed the accomplishments the Board had made during his term; rapport with Personnel, increase on the inspector's salary, technician credentialing, compounding regulations are in the works and Frank has been working on Central Fill. Mr. Heidrick said he enjoyed working with everyone.

Merlin McFarland discussed with the Board a pharmacist in western Kansas using an internet video camera and if the Board felt that was legal. The Board decided to put this issue on the agenda for the next Board meeting.

Jeff Thompson discussed the KSHP Spring Meeting panel discussion that consisted of himself, Susan Linn, Jim Kinderknecht, LaTonyua Rice and Reyne Kenton.

Frank Whitchurch discussed with the Board that he felt the practice of pharmacy should include either a manual or automated checking of NDC's on all prescriptions filled and would like to see this as an agenda item. Mr. Whitchurch suggested that instead of requiring pharmacy personnel wear badges to use a board indicating whether the person is acting as a technician or cashier.

Dan Upson discussed with the Board that historically the Board has put a lot of pressure on the PIC, but the Board is not holding them accountable. Dr. Upson stated that he knew the concern is that nobody would then want to be a PIC. Dr. Upson stated he would like to continue to be on the mailing list for the Board Meeting Agenda and to call him if help is needed.

Mike Hurst discussed with the Board setting the following dates for future meetings: March 9-10, 2004, June 8-9, 2004 and September 21-22, 2004. Mr. Hurst recommended finding a DUR replacement and having something put in the Newsletter. Mr. Hurst stated the Board needs to approve the newsletter before sending in for publishing. Mr. Hurst discussed Canadian pharmacies.

Randy Forbes had no report.

Reyne Kenton stated that the other inspectors have been so helpful and thankful for their assistance. Ms. Kenton reported that the technicians would like the Board to provide continuing education for them. The Board suggested they attend continuing education offered by KPhA.

LaTonyua Rice discussed the Canadian pharmacy in Wichita and prefill syringes might be something that needs to be put on the agenda for the next Board Meeting.

Tom Frazier had no report.

Jim Kinderknecht said the tour to King pharmacy was cancelled, but maybe have a tour of the new office. Mr. Kinderknecht suggested that the office should have an open house and invite the pharmacists and other state agencies. Mr. Kinderknecht passed out an AARP Bulletin that explains why drugs cost less up north. Mr. Kinderknecht informed the Board that City Orthopedic Institution has a Pyxis machine that the pharmacist has to refill twice a day. The Board said that is a violation and that would be an agenda item.

INVESTIGATIVE REPORT: Mr. Hurst had a general discussion with the Board.

A motion was made and seconded to make Jim Kindernecht the Acting Executive Director (Heidrick/Upson). Motion carried.

Mr. Hurst adjourned the meeting at 12:10 p.m.