

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

August 16, 2005
Hayden Building
212 W. 8th
Topeka, Kansas 66612

Tuesday, August 16, 2005

MEMBERS PRESENT: Merlin McFarland, RPh., President; JoAnne Gilstrap, RPh., Vice President; Max Heidrick, RPh.; Michael Coast, RPh.; and Dr. Shirley Arck, PharmD.

STAFF PRESENT: Debra Billingsley, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; Melissa Martin, Compliance Officer; Tom Frazier, R.Ph., Pharmacy Inspector; LaTonyua Rice, R.Ph., Pharmacy Inspector; Reyne Kenton, Compliance Officer; and Randy Forbes, General Counsel.

OTHERS PRESENT: See attached listing.

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

APPROVAL OF AGENDA. A motion was made and seconded to amend the agenda to add an executive session regarding personnel matters. (Heidrick/Gilstrap) Motion carried 4-0.

USP 795 AND 797 PRESENTATION

Ross A. Caputo, Ph.D. and CEO of Pharmaceutical Systems, Inc., appeared with Megan Jeffrey, Manager Genetic Profiling and Rapid Method of PSI. They presented information to the Board and staff regarding USP 795 and 797.

RECESS: The Board took a ten-minute break

RECONVENE: The Board meeting reconvened at 10:30 a.m.

ORIENTATION FOR NEW BOARD MEMBERS

Camille Nohe, Assistant Attorney General presented an orientation for new board members. The presentation consisted of information related to open meetings, open records, board member liability, board ethics, and the investigative procedural process.

BOARD MEMBER REPORTS

Max Heidrick, R.Ph., welcomed the new board members. Max provided information to the Board regarding gray market gel caps that are being produced to bypass state regulations. The Board will be reporting to the legislature in 2006 any problems related to pseudoephedrine sales so the Board needs to keep this in mind.

The DEA 222 forms can now be done on-line federally. Max wanted to make sure that the Board's regulations would permit an electronic 222 transmission. K.A.R. 68-20-17 would need to be updated to follow current federal law. The change will be presented at the September meeting.

Max advised the Board that he thought that the law should be changed to allow a hospice to have an emergency kit. There are many instances where an emergency kit would be of benefit to hospice. This proposal will be discussed at the September Board meeting and a determination will be made whether this can be done under federal law.

The Cancer Drug Repository regulations and the Institutional Drug Rooms have an initial draft completed. Max Heidrick has worked with Board staff to get these regulations drafted so that a proposal can be presented at the September board meeting.

The Board discussed whether they could release NAPLEX/MPJE scores to KU with the student information. Legal Counsel advised that it would be best if KU could get a signed release from the student. Staff will continue to work with KU regarding this matter.

Max Heidrick requested that staff find out whether KPhA has approved of any draft PBM legislation. If so, the Board would like to review the draft.

JoAnne Gilstrap welcomed the two new board members. JoAnne provided information regarding the mail order facility that would be opening in Johnson County. There is concern that this type of a facility would have problems with the technician ratio.

Merlin McFarland requested information from staff regarding the problems associated with the renewal period. He had been contacted about problems renewing on-line and problems with the Board sending out late notices to persons who had submitted applications.

ADJOURN/LUNCH

ADMINISTRATIVE PROCEEDINGS

Walgreens – Case No. 05-08

A motion was made and seconded to fine Walgreens #5793, 710 N. West, Wichita, KS \$500 for failure to have an employed pharmacy technician registered with the Board. (Heidrick/Arck). Motion carried 4-0.

Walgreens – Case No. 05-13

A motion was made and seconded to fine Walgreens #6361, 1330 N. Woodlawn, Wichita, Ks \$500 for violating the pharmacist to pharmacy technician ratio. (Heidrick/Arck). Motion carried 4-0.

Kye Gooder, R.Ph. – Case No. 05-17

A motion was made and seconded to adjourn into executive session to discuss protected records for 5 minutes. (Heidrick/Coast) Motion carried 3-0. The Board reconvened at approximately 1:45 p.m. A motion was made and seconded to approve a Stipulation and Final Agency Order requiring the Respondent to be involved in the CIPP program until March 21, 2010. (Heidrick/Coast). Motion carried 4-0.

Ricky Stone, R.Ph. – Case No. 04-19

A motion was made and seconded approving the Stipulation and Final Agency Order. The agreement amends an earlier consent agreement that was signed in 2004. (Heidrick/Arck). Motion carried 4-0.

Lincare, Inc. – Case No. 05-01

A motion was made to table this case until the September Board meeting so that information that was unavailable could be provided to the Board. (Coast/Arck). Motion carried 4-0.

Thomas Holroyd, R.Ph. – Case No. 03-58

A motion was made and seconded to table this case until the September Board meeting so that Mr. Holroyd could be present at the meeting. (Coast/Heidrick). Motion carried 4-0.

APPROVAL OF NEW LICENSES

A motion was made and seconded to approve the new pharmacist licenses. (Arck/Gilstrap). Motion carried 4-0.

EXECUTIVE SESSION/PERSONNEL MATTER

A Motion was made and seconded to adjourn into executive session to discuss personnel matters for approximately 15 minutes. (Heidrick/Gilstrap). Motion carried 4-0.

RECONVENE

The Board reconvened at approximately 3:45 p.m.

ADJOURNMENT:

The Board adjourned at 3:45 p.m.

