

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

October 20, 2006
Landon State Office Building
900 SW Jackson, Ste. 560
Topeka, Kansas 66612-1231

Friday, October 20, 2006

MEMBERS PRESENT: Max Heidrick, RPh., President; JoAnne Gilstrap, RPh., Vice President; Merlin McFarland, RPh.; Michael Coast, RPh.; Dr. Shirley Arck, PharmD., and Howard Paul, Public Member. All members were present telephonically.

STAFF PRESENT: Debra Billingsley, Executive Secretary, Randy Forbes, General Counsel and Lane Hemsley, Legal Counsel.

OTHERS PRESENT: There were no members of the public present.

MEETING CALLED TO ORDER: Max Heidrick called the meeting to order at 8:00 a.m.

PUBLIC HEARING ON PROPOSED CANCER DRUG REPOSITORY REGULATIONS

Max Heidrick called the public hearing to order at 8:05 a.m. on Friday, October 20, 2006. The meeting was held at the Kansas Board of Pharmacy, Landon State Office Building, 900 SW Jackson, Ste. 560, Topeka, KS 66612-1231. A sixty-day notice was published in the *Kansas Register* on August 17, 2006, and this constitutes the public comment period for the following proposed regulation changes.

K.A.R. 68-16-1 Definitions.

K.A.R. 68-16-2. Requirements for participation by physicians, pharmacies, hospitals, and nonprofit clinics.

K.A.R. 68-16-3. Donation of Cancer Drugs.

K.A.R. 68-16-4. Dispensing Requirements.

K.A.R. 68-16-5. Handling Fees.

K.A.R. 68-16-6. Distribution of Donated Cancer Drugs.

K.A.R. 68-16-7. Sale of Donated Drugs.

K.A.R. 68-16-8. Recordkeeping Requirements.

K.A.R. 68-16-9. Forms.

The Board staff received communications telephonically from Rep. Tom Sloan, Rep. Annie Kuether, and from Lisa Benlon of the American Cancer Society supporting the regulations. The Board received written comments from the Joint Committee on Administrative Rules and Regulations. No other comments were received during the public comment period.

President Heidrick declared the public hearing on K.A.R. 68-16-1 through K.A.R. 68-16-9 closed.

President Heidrick called the Board meeting to order. A motion was made and seconded to adopt K.A.R. 68-16-1, K.A.R. 68-16-2, K.A.R. 68-16-3, K.A.R. 68-16-4, K.A.R. 68-16-5, K.A.R. 68-16-6, K.A.R. 68-16-7, K.A.R. 68-16-8, and K.A.R. 68-16-9 as permanent regulations (Arck/Coast).

The Board discussed the comments of the Joint Committee on Administrative Rules and Regulations at length. The Board will write a detailed letter to the Joint Committee explaining why the regulations were approved in an effort to alleviate their concerns. If the Board hears from the Attorney General's Office that there are problems with the Board's authority the Board will make the necessary adjustments.

A roll call vote was held on each regulation with Paul, Coast, McFarland, Gilstrap, and Arck voting Aye. Motion carried. The regulations will become effective fifteen days after publication.

ADJOURNMENT:

The Board adjourned at 9:00 a.m.