

Kansas State Board of Pharmacy
Minutes of the June 9-11, 2008
Board Meeting

Landon State Office Building
900 SW Jackson, Room 106
Topeka, KS, 66612

Monday, June 9, 2008

Members Present: Michael Coast, R.Ph., President; Shirley Arck, Pharm. D, Vice-President; Karen Braman, R.Ph.; JoAnne Gilstrap, R.Ph.; Frank Whitchurch, R.Ph.; and Nancy Kirk, public member.

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer, Reyne Kenton, Compliance Officer (arrive 11am); and Randall Forbes, General Counsel.

Others Present: See attached listing.

Meeting Called to Order: President Michael Coast called the meeting to order at 9:00am.

Approval of the Agenda: The agenda was amended by moving the Attorney Contract, Budget Update, Scheduling New Meetings and Strategic Planning Meeting to Monday afternoon; moving the CIPP Contract to Monday afternoon if possible; and adding Election of Officers to Tuesday as item VIII.

A motion was made and seconded to approve the agenda as amended. (Kirk/Braman)
Motion passed.

Approval of the March Minutes:

The following corrections were made:

Tuesday, March 4, 2008

- Discussion on Wholesale Distribution Regulations – add “The wholesale distributor shall document the continuous regulation of temperature and humidity.” Change “Everyone else” to “Non-VAWD accredited wholesaler”
- Meth Precursor Statute – Strike the last sentence – “There are many who are...”

Wednesday, March 5, 2008

- After the “Reconvene: At 10:31a.m...” void the next paragraph (as duplication)
- Board Reports: In Ms. Gilstrap’s report correct “tha thye” to “that they”. In the next sentence change “publishing” to “publication”.

A motion was made and seconded to approve the March minutes as corrected.
(Kirk/Gilstrap). Motion passed.

Approval of the April Minutes: A motion was made and seconded to approve the April minutes. (Arck/Gilstrap)

Administrative Proceedings

Constance King Case No. 08-24. Ms. King failed to appear. The Board was represented by Lane Hemsley. Mr. Hemsley informed the Board that Ms. King had not contacted him

and none of the letters were returned to him. Testimony was taken from Pharmacy Inspector, Carly Haynes.

A motion was made and seconded to recess into closed session for 10 minutes and to return to open session at 10:15am to receive information concerning impaired provider. (Gilstrap/Braman) Motion passed.

The meeting was reconvened at 10:15am by Mr. Coast. Discussion followed.

A motion was made and seconded to recess into executive session for 10 minutes for deliberation to reconvene at 10:30am and to include the Board and Debra Billingsley. (Braman/Gilstrap) Motion passed. Shirley Arck excused herself from the executive session. The meeting was reconvened at 10:30am by Mr. Coast.

A motion was made and seconded to accept counts 1-5 and 7-10 and to revoke Constance King's pharmacist license effective upon service and to allow Mr. Coast to sign the Order on behalf of the Board. (Gilstrap/Braman) Motion passed. Mr. Hemsley will prepare the Order.

Recess: Mr. Coast recessed the meeting for 10 minutes to reconvene at 10:40 a.m.

Reconvene: Mr. Coast reconvened the meeting at 10:40am.

Peter Forrester Case No. 08-45 Mr. Forrester was present. Mr. Forrester discussed with the Board his application for licensure as a pharmacist by examination. The Board asked that Mr. Forrester obtain from the California Board an explanation concerning the letter he received from them and that the California Board respond to Ms. Billingsley's letter of April 4, 2008. The Board will table until September their consideration of Mr. Forrester's request to become licensed as a pharmacist by examination in Kansas.

Val Van Winkle – Approval of Release from Stipulation

CIPP has released Mr. VanWinkle from his CIPP contract upon completion. The Board discussed the necessity of approving the release. Board consensus: When the Board Office receives a letter from CIPP indicating a licensee has completed the program the Board Office will send a letter to the licensee stating the stipulated agreement has been complied with and is now closed.

A letter will be sent to Mr. VanWinkle.

Michaela Koester Case No. 08-31. The technician registration was revoked.

Ms. Kirk asked if the technician could have the registration reinstated. Discussion followed. The technician could request and the Board could grant. However, none have made such a request to date. The Board does not have a procedure to allow reinstatement of technicians. Mr. Forbes advised that the Kansas Supreme Court concluded if an agency had the authority to revoke then the agency has the ability to reinstate.

Preston Clowdus Case No. 08-43. The technician registration was revoked.

Ms. Billingsley presented the facts of the case.

The Board discussed the possibility of pursuing fingerprinting and background checks for registration and licensure. Ms. Gilstrap requested the Board be sent copies of the nursing and healing arts statutes that allow fingerprinting and background checks.

Colleen Kaza Case No. 08-47. The technician registration was revoked.

Attorney Contract

Ms. Billingsley advised the Board that General Counsel services must be put out for bid. The Board requested to review specifications and terms and make changes as needed since it has been over seven years since the contract has been reviewed. Ms. Billingsley will obtain a copy for the Board's review. Currently the fee per hour is listed at \$100 with a maximum of \$45,000 per budget year. The bid request has not been released.

Recess: Mr. Coast recessed the meeting for lunch to reconvene at 1pm

Reconvene: Mr. Coast reconvened the meeting at 1pm.

Unused Medication Act. Mr. Hemsley presented a rough draft of proposed regulations as requested per the Unused Medication Task Force. Discussion followed. Colleen Chawla, representative from Celgene, requested the Board exclude limited distribution drugs like Thalidomide from the program for patient and public safety reasons. She also requested this exclusion be included in the Cancer Drug Repository Regulations. Brandon Vakiner, St. Francis Health Center, added to the discussion from the cancer drug repository perspective including the suggestion to include language that would allow medication in a sealed manufacturer container, not limited to unit-dose. Dr. Arck suggested placing the drug exclusions on the application form.

Draft K.A.R. 68-7-21 was changed at (a) to read "Each donating entity that voluntarily elects to participate in the unused medications program shall submit to the board written notification of intent to participate on a form authorized and approved by the board."

(b) was deleted as duplicitous wording that is found in section (a).

(c) was changed by deleting (1) and changing (2) after "by" to read "pharmacist verification of the following:" (B) was changed to read "it is in the sealed manufacturer's container, a pharmacy unit dose package or a hermetically sealed tamper evident package from the pharmacy". (C) was changed to "it has not passed its beyond use date". (3) was changed to "remove" instead of "redact" and "with black ink or remove" was stricken. (5) was changed by adding "is registered with the board and" has a consulting pharmacist ...medications."

(d) was changed to read "When a donating entity transfers an unused medication to a qualifying center or clinic, it shall complete (1) a manifest on a form authorized and approved by the Board and (2) include a copy of the manifest with the donated medications." (3) and (4) were stricken. (e) was stricken and (f) was changed by removing "written" before manifest. (g) was changed by striking all language after manufacturer.

Recess: Mr. Coast declared a break for 10 minutes

Reconvene: Mr. Coast reconvened the meeting at 3:26pm

Draft K.A.R 68-7-22 Requirements for the acceptance of unused medications.

The Board agreed to make the same changes on (a) and (b) as on the prior regulation.

(c) was changed by adding "qualifying" before "donating entity" and (1) (2), (3) and (4) were stricken. (d)(1) was changed to "verification by a pharmacist or practitioner" and "verifying the following" was stricken. The changes to 68-7-21 will be made to this regulation.

The word "written" before every "manifest" was removed. (d)(5) was stricken and (f) was changed by striking from "because acceptance" to the end of the sentence.

Draft K.A.R.68-7-23 Recall of unused medications

No changes were made.

Mr. Hemsley will redraft the regulation and send to the Department of Administration and send a copy to Board members.

Cancer Drug Repository Regulations

Brandon Vakiner, St. Francis Health Center currently manages the only Cancer Drug Repository in Kansas. Mr. Vakiner recommended to the Board changes he felt should be made in the regulation to allow more drugs to be acceptable for donation and still maintain patient safety. Mr. Vakiner requested the Cancer Drug Repository be kept separate from the unused medication program. Mr. Vakiner questions whether anyone can guarantee drug safety under the current statutes if donations are accepted from patients.

K.A.R. 68-16-3: It was agreed to change the expiration date to “not past the beyond use date” allow donations in the manufacturer’s sealed container and add the exclusion of limited distribution drugs (e.g., Thalidomide, Accutane, etc.)

Attorney Contract

The Board received the contract specifications and term sheet and reviewed the bid request. The Board will review overnight and discuss Tuesday morning.

Inspectors’ Report

The Board received the report from the inspectors and compliance officers. Ms. Haynes presented the report. The Board expressed appreciation for the update and the work of the inspectors and compliance officers.

Schedule New Meetings and Strategic Planning Meeting

The following dates were set for future Board of Pharmacy Meetings:

September 23 –24, 2008 in Topeka, Kansas

December 2 – 3, 2008 in Topeka, Kansas

February 3, 2009 in Topeka, Kansas – Legislative work day

March 3 – 4, 2009 in Lawrence, Kansas

June 2 – 3, 2009 in Topeka, Kansas

September 1 – 2, 2009 in Topeka, Kansas

December 1 – 2, 2009 in Topeka, Kansas

June 29 and 30, 2008 is scheduled for the strategic planning meeting. The facilitator is from KU. A location has not been determined.

Tuesday, June 10, 2008

Members Present: Michael Coast, R.Ph., President; Shirley Arck, Pharm. D, Vice-President; Karen Braman, R.Ph.; JoAnne Gilstrap, R.Ph.; Frank Whitchurch, R.Ph.; and Nancy Kirk, public member.

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; and Randall Forbes, General Counsel.

Others Present: See attached listing.

Meeting Called to Order: President Michael Coast called the meeting to order at 9:00am.

Administrative Proceedings

CVS Pharmacy Case No. 07-19

Derenda Mitchell, Assistant Attorney General, was in attendance to represent the Board. Ms. Mitchell presented the Board with the consent order.

Mr. Robert Duncan, attorney, represented CVS. He explained the CVS documents provided to the Board. Jody Lewis, CVS Pharmacy Manager, was also in attendance. CVS presented printed slides illustrating a computer system enhancement that will allow the verification of individual technicians and pharmacists involved in prescription preparation and prevent the inadvertent utilization of anyone's identification. CVS stated this system will be in use in Kansas by September 30, 2008. Mr. Duncan will keep the Board informed of the progress. Ms. Lewis stated that CVS expects employees to respond to errors in a timely manner. Ms. Lewis stated that CVS provides a quality assurance program yearly for employees.

A motion was made and seconded to recess into executive session for the purpose of deliberation on the case for 10 minutes to return to open session at 9:50am and to include Mr. Forbes. (Braman/Arck). Motion passed

Reconvene: Mr. Coast reconvened the meeting at 9:50am.

A motion was made and seconded to accept the consent order. (Whitchurch/Arck) Motion passed.

Mr. Coast expressed the Board's concern with the lack of counseling provided by CVS pharmacists in the past, and CVS's ability to provide counseling and document that counseling has occurred.

Attorney Contract

The Board made the following changes in the **Contract Requirements for Professional and Consultant Services**

- Under "Professional services by an attorney to be provided:" add
 - j. Assist in drafting of pharmacy rules, regulation, and legislation.*
 - k. Assist in testimony before the Legislature, as needed.*
- Under "Attorney Qualifications" change the last bullet to read "Minimum of 3 years experience in pharmacy law and Standards of Practice of Pharmacy"
- Under "Reimbursement costs" make the following changes
 1. Hourly rate for attorney? *\$175.00*
 2. Hourly rate for law clerk? *\$50.00*
 3. Hourly rate for paralegal assistant? *\$45.00*
 4. No change
 5. Cost per mile for automobile? *Reimburse at the state rate*
 6. No changeAdd:
 7. *Rates may be reviewed every two years.*

The Board requested a copy of the updated Contract Requirements.

Recess: Mr. Coast declared a 10-minute break.

Reconvene: Mr. Coast reconvened the meeting at 10:15am

KOMA Review

Mr. Forbes presented an overview of the Kansas Open Meeting Act and provided specific examples regarding face-to-face meetings, conference calls and e-mail communications.

The new statute to be effective July 1, 2008 redefines majority and quorums. A series of email with interactive communication with a consensus being formed would not be allowed because it would be considered a meeting and would be subject to KOMA rules. Two of the several reasons for this Board to go into executive session, other than quasi-judicial deliberation, are personnel and consultation with the attorney. The Board can reach a consensus in executive session but must take formal action in open session. The Board may discuss creation of a legislative subcommittee at the strategic planning meeting and how they will need to comply with KOMA.

Recess: Mr. Coast declared a 10-minute break.

Reconvene: Mr. Coast reconvened the meeting at 11:35am

Chalen Reed Case No. 07-07

Lane Hemsley, attorney, represented the Board. Mr. Hemsley gave the Board background on the case. Missouri placed Ms. Reed's license on probation for four years until August 2010. Mr. Hemsley presented the proposed order for Kansas to piggyback on the Missouri Order consisting of probation of Ms. Reed's Kansas license. Steve Schwarm, attorney, representing Ms. Reed and Ms. Chalen Reed were in attendance. Mr. Schwarm presented documentation to the Board for their review.

A motion was made and seconded to recess into executive session for 10 minutes to accept confidential information and to return to open session at 12pm. (Gilstrap/Kirk) Motion passed.

Reconvene: Mr. Coast reconvened the meeting at 12:02pm.

A motion was made and seconded to recess into executive session for 10 minutes for deliberation to return into open session at 12:30 (Whitchurch/Gilstrap)

Reconvene: Mr. Coast reconvened the meeting at 12:30pm.

A motion was made and seconded to accept the Final Agency Order and Stipulation (Coast/Whitchurch) Motion passed.

Recess: Mr. Coast recessed the meeting for lunch to reconvene at 1:30pm.

Reconvene: Mr. Coast reconvened the meeting at 1:30 pm.

Robert Sims Case 06-93

Lane Hemsley, attorney, represented the Board. Steve Schwarm, attorney, was in attendance with Robert Sims. Mr. Schwarm, on behalf of Mr. Sims, requested the Board reconsider the Final Agency Order of October 2007. Mr. Schwarm presented the Board three documents for their consideration including a letter from August 2006. The Board did not have this letter, which Mr. Schwarm then supplied. The letter listed five requirements that Mr. Sims needed to comply with before relicensure could be completed and before it could be forwarded to the Executive Secretary Billingsley for consideration of past disciplinary actions. Karen Hollon, Administrative Officer, Kansas Board of Pharmacy, signed the letter. The Final Order of October 2007 included a condition not listed in the August 2006 letter. Mr. Hemsley pointed out the letter included a sentence at the end stating the Board would need to take all past disciplinary action under consideration before licensure could be completed. Mr. Sims made statements to the Board to show he did come into compliance with the original March 2002 stipulation. Mr. Sims has been working in basic (animal) drug research for the last 15 years.

A motion was made and seconded to recess into executive session for 10 minutes for deliberation to return into open session at 2:50pm (Braman/Kirk)

Reconvene: Mr. Coast reconvened the meeting at 2:50pm.

A motion was made and seconded to extend the executive session for another 10 minutes for the same reason to return at 3pm. (Gilstrap/Arck) Motion passed.

Reconvene: Mr. Coast reconvened the meeting at 3pm.

A motion was made and seconded to deny reconsideration of the Final Agency Order of October 12, 2007. (Gilstrap/Arck) Motion passed.

CIPP Contract

A motion was made and seconded to approve the CIPP contract with the additional requirement that a discharge letter be sent to the Board office upon successful completion of each Board ordered participation. (Arck/Braman) Motion passed.

Precursor Tracking Pilot Programs APRISS

Richard Riemann, APRISS, provided a presentation of their product, MethWatch, an electronic log for the sale and tracking of pseudoephedrine products. Mr. Riemann stated that MethWatch is the first electronic PSE Log solution in the nation and is currently in use in 43 states. Kentucky was the first state to require all pharmacies to electronically track pseudoephedrine and they are utilizing MethWatch. MethWatch is a web-based system. The purchaser's information must be entered. If the pharmacy has point of sale entry the the bar code of the pseudoephedrine product will pull up the product from a list. Arkansas does not allow return of any PSE product. Law enforcement currently pays for MethWatch in the states where it is used. When asked, Mr. Riemann stated the approximate cost of MethWatch is \$35 per pharmacy per month, and this amount does decrease over time as more pharmacies utilize it.

Recess: Mr. Coast declared a 5-minute break.

Reconvene: Mr. Coast reconvened the meeting at 4:40pm.

The Board discussed possible changes in the agenda for the rest of the meeting.

Budget Update

Ms. Billingsley gave an update on the budget. She is reviewing all expenses to make sure all board members have been compensated for meeting expenses. The plan is to obtain laptops for all board members and proceed to a paperless system. Ms. Billingsley has encumbered \$110,000 to buy technology programs. There is no update on the PMP grant monies. The next budget will be larger because of increased space needs and new employees due to PMP program. Julie Thomas, Department of Administration Budget Office, is helping Ms. Billingsley with the budget.

Tomorrow the meeting will begin at 7am with the executive session.

Recess: Mr. Coast recessed the meeting at 5:05pm.

Wednesday, June 11, 2008

Members Present: Michael Coast, R.Ph., President; Shirley Arck, Pharm. D, Vice-President; Karen Braman, R.Ph.; JoAnne Gilstrap, R.Ph.; Frank Whitchurch, R.Ph.; and Nancy Kirk, public member.

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; and Randall Forbes, General Counsel.

Others Present: See attached listing.

Meeting Called to Order: President Michael Coast called the meeting to order at 7:10am.

Executive Session

A motion was made and seconded to recess into executive session for the purpose of discussing personnel for 60 minutes to return into open session at 8:20 a.m. to include the executive secretary, the board attorney, and the Board inspectors and compliance officers. The executive director left the meeting at approximately 7:30 a.m. (Coast/Arck). Motion passed.

Reconvene: Mr. Coast reconvened the meeting at 8:20am

Recess: Mr. Coast declared a 10-minute break.

Reconvene: Mr. Coast reconvened the meeting at 8:38am.

Survey of Pharmacies

During the Strategic Planning Meeting, the Board would like to discuss sending a survey to pharmacies. The Board would like to gather useful information on how the Board, office and staff are meeting the needs of pharmacies and consumers in the state.

Staff Reports

Carly Haynes - Ms. Haynes thanked the Board for the opportunity to attend NABP in Baltimore. The program on "How to Investigate an Internet Pharmacy" was a good review in how and how much information and documents to collect.

Tech check Tech has been requested by another hospital and she requested guidance on how to proceed.

Ms. Haynes brought the Board up to date on the information and research that has been done on the continuing education issue.

Reyne Kenton - Ms. Kenton reiterated that she has seen a lot of unregistered wholesale distributors and has been encouraging them to get registered.

Jim Kinderknecht – The Board has received a new silver Impala that Mr. Kinderknecht is driving. The Board has one car that has high service and repair expenses and we need to find a way to replace it very soon. Senator Vicki Schmidt in attendance at the meeting said that she believed the law provides a way to replace a car based on repair expense cost versus value of the car.

Ms. Nancy Kirk left the meeting (8:50am)

Adjourn: Mr. Coast adjourned the regular meeting at 9am.

Public Hearing Called to Order: President Michael Coast called to order the public hearing on *K.A.R. 68-7-14 Prescription labels* at 9:00am.

A letter was received from the Joint Committee on Rules and Regulations and was reviewed by the Board. Senator Vicki Schmidt made comments to the Board.

Elaina Wolzak, Missouri Pharmacy Board, said Missouri requires the actual name of the prescriber on the label and the computer records must show the authorizing physician.

Adjourn: Mr. Coast adjourned the public hearing at 9:15am.

Meeting Called to Order: President Michael Coast called the meeting to order at 9:15am. Based on the letter from the Joint Committee on Rules and Regulations the Board decided the requested change should be made and were counseled by Mr. Forbes that it would be a substantive change.

The revision to K.A.R. 68-7-14 will be completed and sent back through the process.

Certificate of Appreciation to Senator Vicki Schmidt

Mr. Coast presented Senator Vicki Schmidt a certificate of appreciation for her leadership, substantial efforts and contributions to pharmacy legislation during the 2008 Legislative Session, including her work on the CQI and Unused Medication bills. Senator Vicki Schmidt made comments and thanked the Board for their recognition.

CQI Regulations

The draft K.A.R. 68-16-1 were reviewed and discussed. The Board agreed on the following changes: (b) to “pharmacist in charge must be in attendance of the CQI meeting.”

Change current (b) to (c)

Kathy Winslow, Walgreens, made comments on the discussion of near misses.

Elaina Wolzak stated that Target uses the ISMP newsletter for discussion items during the CQI meetings she attends at Target.

With the above changes, this regulation is ready to be sent to Department of Administration.

K.A.R. 68-7-12b Incident Report. (c) Change back to “As soon as possible”

Mr. Forbes will make the appropriate change and send it back through the process.

Recess: Mr. Coast declared a 10-minute break.

Reconvene: Mr. Coast reconvened the meeting at 10:15am. Randall Forbes left the meeting at 10:05 a.m. Mr. Hemsley acted as Board Counsel during Mr. Forbes absence.

Precursor Tracking Pilot Program – Australian Company

Shaun Singleton, CEO and Rachel Saunders, Chief Technology Officer, MethShield, presented MethShield. Shaun Singleton explained the how the Australian Pharmacy Guild got involved in the prevention of methamphetamine and keeping pseudoephedrine available to the regular consumer. MethShield utilizes a bar-code scanner to quickly scan a purchaser’s driver’s license or other identification and a signature scanner to capture a signature upon purchase. The bar-code scanner allows for quick entry of an individual purchaser’s information so the pharmacy staff do not have to type this information into the system. The cost of the bar-code scanner and signature scanner is \$850. MethShield will supply the barcode and signature scanners to pharmacies involved in the pilot program. If a pharmacy chooses not to use the scanners, the information can be entered manually. During the purchase transaction, a screen in MethShield displays previous PSE purchases. The MethShield system interfaces with the law enforcement agencies for quick response to buyers known as “runners” or “smurfs”. This allows law enforcement to catch the runner plus the cooker. All of the information is recorded in real time and is compliant with the ASAP (American Society for Automation in Pharmacy) electronic reporting standards for prescription monitoring programs. If a chain pharmacy that has their own internal PSE tracking software would like to data share with the MethShield program, MethShield is

willing to do so. When asked, Mr. Singleton stated the cost of MethShield is approximately \$350 per pharmacy per year and that as more pharmacies utilize it, there are economies of scale and this amount goes down.

Ms. Nancy Kirk returned to the meeting at 10:30am (during the above presentation).

Closed Cases

Dr. Shirley Arck presented the closed cases. Dr. Arck thanked the staff for their hard work on the cases.

A motion was made and seconded to accept the closed cases. (Kirk/Gilstrap). Motion passed.

Update on Regulation

Ms. Billingsley gave an update on the regulations and where they are in the process. Telepharmacy regulations were returned to Mr. Hemsley with many questions needing to be answered. Once answered they will be returned to the Department of Administration.

PMP Statute and Meth Precursor Statute

A motion was made and seconded to appoint Ms. Braman as the Board of Pharmacy representative on the PMP Task Force. (Coast/Arck) Motion passed.

A motion was made and seconded to appoint Mr. Coast as the Board of Pharmacy representative on the Meth Precursor Task Force. (Arck/Braman) Motion passed.

Board Reports

Karen Braman – Ms. Braman re-iterated Ms. Haynes statement regarding the value of attending the National NABP meeting in Baltimore. She also stated that the presentation on internet pharmacies was very good, especially the discussion on a bonafide patient-physician relationship and requested the Board look into other states, like Virginia's language. Ms. Braman requested that the five issues identified by inspectors and compliance officers as listed on their report be placed on the strategic planning agenda for discussion. Ms. Braman also asked if the Institutional Drug Room regulations had been revised and sent back out to interested parties who attended the March Board meeting and volunteered to assist with reviewing and providing input. Mr. Braman asked that these be sent out to interested parties as well as the Board as soon as possible.

Shirley Arck – Ms. Arck told the Board that the NABP convention was very good and provided usable and timely information.

Frank Whitchurch – Mr. Whitchurch asked about the Nuclear regulations. He said that all interested parties need the information so they can provide feed back to the Board. Mr. Whitchurch said the Board needed to contact Lawrence Memorial, Newman Memorial – Emporia, and St. Francis – Topeka to request the policies and procedures they are proposing for "Tech check Tech" regulation. The Board must keep it limited to medical care facilities and for stocking of automated distribution systems like Omnicell and Pyxis. Mr. Whitchurch asked about the CQI presentation at KPhA and said he would begin working on the presentation. Mr. Coast said he would help. Ms. Braman said she will be attending the KPhA meeting. Mr. Whitchurch asked about the dialog with Instymeds and if the Board had isolated the individual issues. He also repeated his desire for staff to investigate and report back on the company. He suggested the Board make inquiries to the North Dakota Board.

Lastly – Mr. Whitchurch asked if the board office had looked at the list of rogue Internet pharmacies posted on the NABP web site and if not please do.

JoAnne Gilstrap – Ms. Gilstrap asked staff if a person putting away a drug order had to be a technician. The answers varied and she asked if everyone behind the counter had to be a technician or pharmacist? This question needs to be discussed by the Board so enforcement is consistent across the state.

Ms. Gilstrap asked about the law book published by KPhA as to *Useful Information* and other problems that have been noticed. Ms. Billingsley told her that KPhA would be starting fresh by using the Board's document and that KPhA has said they would enlist the Board's help in determining what should be in *Useful Information*. The Board asked if KPhA would be reviewing the draft for typos and grammatical errors so that the Board's attorney will be only providing legal review of the KPhA law book.

Ms. Gilstrap requested that information and language be gathered on fingerprinting and background checks before the strategic planning meeting.

Ms. Gilstrap asked the Board if a customer could return an OTC PSE products. The Board concluded that the patient cannot return any OTC schedule 5 product.

Ms. Gilstrap asked if a technician could call to obtain authorization from the physician to increase a prescription from a 30-day to a 90-day amount. Discussion ensued as to the necessity of calling to increase the amount when there were "prn" refills and calling the physician when the amount prescribed was not dispensed. The consensus of the Board is that a technician may call for the authorization to increase the quantity.

Ms. Gilstrap would like to congratulate Michael Coast and Shirley Arck on their reappointment to the Board as it was inadvertently left off the March minutes.

Michael Coast – Mr. Coast requested the Board look into moving renewal date for pharmacist to a different month so that June is not so busy for the Board office. This would help spread the workload in the Board office and decrease part of the confusion with new graduates trying to get licensed during the same time as active renewals. Mr. Whitchurch asked if the Board needed to adjust the fees. Ms. Billingsley said fees do not need to be adjusted at this time. Currently the office is working with IT on system issues that have created some problems.

Staff Report

Debra Billingsley – Ms. Billingsley said she has documents she will present at the strategic planning meeting that are too lengthy to present at a regular meeting. The strategic planning meeting will have a facilitator from the University of Kansas. The agenda is being finalized and will be sent out when completed. Elaina Wolzak, Missouri Pharmacy Board,, said she would send Ms. Billingsley documents the Missouri Board uses in determining the duties of the Board president and executive secretary. Ms. Wolzak said Missouri kept the meeting very informal, they wore jeans or comfortable clothes, and produced a working document with time lines and priorities clearly defined.

Discussion was held concerning the PSE pilot or test market study. The study is voluntary for pharmacies. The pilots will occur in southeast and southwest Kansas. Law enforcement is trying to collect data for presentation to the legislature. Law enforcement has previously stated they did not need approval from the Board of Pharmacy to conduct these studies. There was discussion by the Board on the duration of the pilots because the MethWatch said their pilot in SE Kansas would be 12 months and the MethShield representative said that their pilot in SW Kansas would be 6 months long but that they would be willing to

discuss a longer pilot. The Board requested that Mr. Coast keep the Board of Pharmacy in the loop through the Meth Precursor Task Force discussions.

Approval of New Pharmacist and Registrants

A motion was made and seconded to approve the new licenses and registrations. (Arck/Whitchurch) Motion passed.

Election of Officers

Nominations for Vice President

Mr. Coast nominated Ms. Arck with Ms. Kirk second

Ms. Braman nominated Mr. Whitchurch with Ms. Gilstrap second

Mr. Whitchurch nominated Ms. Braman. Nominations ceased

First vote: Arck – 3; Braman – 0; Whitchurch – 3. Ms. Braman was eliminated.

The Board discussed the vice president position. Ms. Kirk said that Dr. Arck had done a good job and for continuity should continue another year as in past practice.

Ms. Gilstrap said that Dr. Arck had done a good job, but that she had promised to support Mr. Whitchurch as vice president and would not go back on her word to him.

Ms. Braman said that with Mr. Whitchurch had done a lot of work during the past year on CQI legislation and the Unused Medication Act and had many good suggestions for action including the strategic planning meeting. She also seconded Ms. Gilstrap's comments that Dr. Arck had done a good job as Vice President.

Mr. Coast said keeping a vice president for two years helped in the investigative process and that Dr. Arck was doing a very good job in moving the investigative process along.

Second vote: Arck – 3; Whitchurch – 3. Tie

The Board tabled the Vice President election.

Nominations for President:

Mr. Whitchurch nominated Ms. Gilstrap with Mr. Coast second.

Nominations ceased.

Vote: Gilstrap – 6. Ms. Gilstrap was elected Board President for 2008 and 2009

The Board reopened election of the Vice President.

Dr. Arck asked if the Vice-President and Investigative Officer had to be one and the same. The Board discussed how to proceed and determined there was nothing in statute or regulation that precluded the splitting of investigative board member duties from the vice presidential duties. Mr. Whitchurch removed himself from nomination. Dr. Arck removed herself from nomination.

Mr. Whitchurch nominated Ms. Braman with Dr. Arck second

Unanimous vote makes Ms. Braman Vice President for 2008 and 2009

A motion was made and seconded that Dr. Arck be Investigative Officer. (Whitchurch/Coast) Motion passed.

Adjourn: Mr. Coast adjourned the meeting at 1:43pm.