

Kansas State Board of Pharmacy  
Minutes of the December 2009  
Board Meeting

Via Christi – St. Joseph Campus  
3600 E. Harry  
3<sup>rd</sup> Floor, Conference Room A  
Wichita, KS 67218

**Tuesday, December 1, 2009**

**Meeting Called to Order:** President Karen Braman called the meeting to order at 9:00am.

**Members Present:** Karen Braman, R.Ph., President; Shirley Arck, Pharm.D D, Vice-President; Michael Coast, R.Ph, Investigative Member; Jim Garrelts, Pharm. D; Nancy Kirk, public member; David Schoech, R.Ph; and Frank Witchurch, R.Ph.

**Staff Present:** Debra Billingsley, Executive Secretary; Tom Frazier, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer, Reyne Kenton, Compliance Officer; Christina Morris, Assistant Executive Secretary, and Randall Forbes, General Counsel.

**Others Present:** See attached listing.

**Approval of the Agenda:**

Additions and Deletions from the agenda:

- Remove Randy Hilgers from the Administrative Proceedings on Tuesday morning.
- Add a tour of Cardinal Health on Wednesday at the conclusion of the meeting.

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

**Approval of the September 2009 Minutes**

The following corrections were made:

- Page 3 under Board Discussion Appriss - second paragraph insert after the second sentence "A grant has been offered by CHPA to cover the cost of the PSE monitoring program for the next three years. The grant would result in no cost to the state for the electronic PSE monitoring program."

A motion was made and seconded to approve the minutes as amended. (Schoech/Coast)  
Motion passed.

**Administrative Proceedings**

- Constance King, R.Ph. (1-10866) Case **08-24** – Approval of Stipulation and Final Agency Order – Ms. King's pharmacist license was surrendered with conditions as stated in the Stipulation and Final Agency Order. A motion was made and seconded to accept the stipulation and final agency order (Coast/Garrelts). Motion passed.

- Rebecca Seaman, R.Ph. (1-10628) **Case 09-33** – Approval of Stipulation and Final Agency Order – Dr. Arck suggested the end date be changed to the same date as the Missouri Board of Pharmacy order. Ms. Seaman’s pharmacist license will be placed on probation for 2 years and to meet the requirements as delineated in the Stipulation and Final Agency Order. A motion was made to accept the stipulation and final agency order with the change to the end date to coincide with the Missouri order (Coast/Schoech). Motion passed.
- Bloodhart Drug, 621 S. Main Street, Hugoton, KS **Case 09-08 & 09-10** - Approval of Stipulation and Final Agency Order. On page 4 of 11 item “6. A. FINE” Change the last sentence to read “This total amount payable is based upon a civil fine of One Thousand Five Hundred Dollars (\$1500) for Case No. 09-08 and a civil fine of One Thousand Five Hundred Dollars (\$1500) for Case No. 09-10.” A motion was made and seconded to accept the stipulation and final agency order with the amendment (Kirk/Coast). Motion passed.
- Crystal Gebler, Technician (14-06953) **Case 09-70** – Agency Order. Ms. Gebler’s technician registration was revoked for diversion of controlled substance from her employer.
- Samantha Haggard, Technician (14-08806) **Case 09-71** – Agency Order. Ms. Haggard’s technician registration was revoked for failure to report known diversion of controlled substance from employer.
- Santosh Reddy, R.Ph. (1-08815) **Case 09-24** – Approval of Stipulation and Final Agency Order. Mr. Reddy was present with counsel, Darin Conklin. Mr. Reddy was originally licensed in Kansas and reciprocated to Missouri. Mr. Reddy would receive a 60-day suspension, stayed if compliance is met with the stipulation. Mr. Reddy must pass the MPJE within 120 days and remain on probation for 3 years. He would be required to comply with the conditions to preserve the 60-day stay. A motion was made to accept the stipulation and final agency order (Garrelts/Coast). Motion passed.
- Taylor Drug, Arkansas City, KS **Case 09-39** – Approval of Stipulation and Final Agency Order. A motion was made and seconded to accept the stipulation and final agency order (Coast/Kirk). Motion passed.

### **Investigative Member Report – Closed Cases**

Mr. Coast thanked the Board staff for their hard work. The report has information from January 1, 2009 through November 1, 2009 and indicates the agency has 100 resolved or closed cases with 23 cases still in the process. The Board requested a report on diversion of hydrocodone be prepared for the March meeting. Mr. Coast thanked Mr. Forbes on the timely processing of cases.

### **Board Discussion**

Autologous Serum Eye Drops – The Board discussed the practice of using blood or plasma/serum mixed with saline or artificial tears to manage ocular surface disorders. Melissa Martin and Jim Kinderknecht went to a facility that compounds serum eye drops. There is a prescription presented to the pharmacy for the compounded eye drops. The facility they visited is USP 797 compliant. Mr. Kinderknecht does have a report for the Board but was unable to attend the meeting. This issue will be placed on the March agenda for Mr. Kinderknecht’s input.

**Recess:** A motion was made and seconded to recess the meeting for the tour of Via Christi - St. Joseph campus pharmacy and to reconvene at 10:35am (Coast/Schoech)

Board Tour of Via Christi Pharmacy – Dr. Garrelts escorted the Board on a tour of the facility.

**Reconvene:** Ms. Braman reconvened the meeting at 10:40am

### **Administrative Proceedings**

- Rick Kloxin – Pharmacy Technician Application. Ms. Billingsley provided the Board information surrounding the technician application as well as the Final Order that was issued against Mr. Kloxin's pharmacist license. Mr. Kloxin was present and made a statement to the Board. He presented the Board with recommendations from his last three employers, before the Hogan's case. Mr. Kloxin had misdemeanors in the criminal trial concerning Hogan's Pharmacy –no felonies. Mr. Kloxin has paid the fine from the Administrative Hearing. Pursuant to K.S.A. 65-1663 the Board shall take into consideration any felony conviction of the applicant for a pharmacy technician registration but such conviction shall not automatically operate as a bar to registration. A motion was made and seconded to go into executive session for quasi-judicial deliberations at 11am to include Mr. Forbes, board counsel. (Coast/Arck). Motion passed.

Ms. Braman reconvened the meeting at 11:15am.

A motion was made and seconded to allow the technician application to be approved. (Coast/Kirk) Motion passed. Ms. Braman told Mr. Kloxin the Board's concerns regarding any future reinstatement of his pharmacist's license. She stated that since Mr. Kloxin would be under the direct supervision of a pharmacist and would be limited to nonjudgmental functions that the Board considered his application as a technician. Mr. Kloxin stated he would be very willing to follow the guidelines for reinstatement of his pharmacist license. Dr. Arck advised Mr. Kloxin that any reinstatement application for licensure would be scrutinized critically based on his past history.

### **Board Discussion**

Nuclear Pharmacy Regulations – Mr. Forbes explained the denial by the Attorney General's office and how he suggested fixing the language per the AG's recommendation. The Board will make the necessary changes and resubmit the proposed regulations to the Department of Administration and then the Attorney General's Office.

Mark Wilson is the new Board liaison from Cardinal.

Review BoP Survey – The Board of Pharmacy sent out an internet survey to licensee/registrants regarding the Board Office practices. Ms. Billingsley reviewed the survey results and comments received with the Board. The survey received a good response rate. The Board discussed the results and some of the suggestions. The Board discussed what changes should be made to help our licensee/registrants. If the Board collected email addresses in effort to send information to the pharmacists those email addresses can be requested under the freedom of information act. Possibly the best way to communicate is to place notifications of important information on the web site for pharmacists to access.

## **Approval of New Pharmacists and New Registrants**

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

**Recess:** Ms. Braman recessed the meeting for lunch at noon to reconvene at 1pm.

**Reconvene:** Ms. Braman reconvened the meeting at 1pm.

## **Board Discussion**

Strict Conformity Policy – Ms. Billingsley requested the Board review the statute and prior newsletter article. The Board discussed the issue in regard to how pharmacists take care of their patients. Insurance dictates the quantity they will pay for and most pharmacists try to achieve the greatest quantity allowed for the lowest cost to their patient. The Board discussed whether a change should be made in KSA 65-1637 or 65-1656. The change could possibly be attached to Senate Bill No. 249.

Senate Bill No. 249 was discussed and how to proceed with it in the legislature. Mr. Whitchurch and Ms. Billingsley will meet with Representative Landwehr.

Hospital Telepharmacy Update – Mr. Coast reported on the latest meeting of the task force. Hospital Remote Supervision is the new name as it is more descriptive of the activities being pursued. Supervision of one technician during the completion of one task needs to be made clear. The proposed regulations will reflect the added changes and be sent on to the Department of Administration.

Tech Check Tech – Mr. Forbes presented the proposed regulation KAR 68-7-11. The Board discussed what functions may not be included in the tech check tech procedures. Mr. Forbes will add language regarding the integrity of the medication packaging and sent to the Board for their review. If no objections are expressed, the proposed regulations will be forwarded to the Department of Administration

ARNP Task Force Presentation – Alice Bell, ARNP, MPA, MA, MSN; Susan Bumsted, MN, RN; and Ronda M. Eagleson, MN, RN, ARNP, FNP-PC; representing the Kansas Nursing Association, presented information regarding the nurse practice act. They are seeking statutory changes that will affect the Board's statutes and regulations. KNA's task force desires to move the advance practice nurses to the national model. They are seeking to remove the supervising physician requirement and move to an independent practice. Ms. Braman asked the position of the Kansas Medical Society. The presenters responded that KNA had not entered into discussion with KMS at the time of their presentation to the Pharmacy Board. Their scope of practice has been delineated and any need or procedure above that would constitute a referral. KNA is pursuing independent prescribing ability. Ms. Braman requested a draft of their bill for review by the Board members. The current bill does not have any pharmacy language included unless the reviser has recently added it.

PMP Update – Ms. Braman provided the timeline developed by Ms. Morris for implementation of Kansas' PMP. The advisory committee has a report due to the legislature in January. The federal grant monies received so far will cover salary costs for a PMP director and start-up functions. The Board office has drafted a position

description that will be posted on the Board web page and the state web page. The committee is applying for the upcoming Harold Rogers grant. The proposed regulation KAR 68-21-2 has received feedback that the 24-hour data feed is difficult for some mail order pharmacies to accomplish. There are many states looking to require real-time data submission to their PMP programs by 2012. Comments were also received concerning drugs of concern. Walgreens expressed concern that flagging of individual non-controlled drugs as controlled substances as they do can cause problems in proper refill processing. Walgreens suggested scheduling the drugs of concern. The DEA is currently exploring scheduling carisoprodol. Authentication must be done for users of the system to prevent unauthorized access to patient health information. The proposed regulations are currently at the Department of Administration.

**Recess:** Ms. Braman declared a break to reconvene in 5 minutes

**Reconvene:** Ms. Braman reconvened the meeting at 2:28pm

PSE Electronic Logging – MethShield information was represented by Debbie Vignatelli Konzem, Cathy Nugent, and Shaun Singleton. Mr. Singleton gave a summary of the Kansas pilot. The MethShield pilot has been across most of Kansas except SE Kansas, and has extended into 72 counties. He included a pharmacy satisfaction survey MethShield conducted with the 92 participating Kansas pharmacies in which 60 survey responses were received. In the presentation, Mr. Singleton stated that during the pilot, MethShield had tracked 21,877 pseudoephedrine sales and had blocked 209 sales, or approximately 1 percent. He also stated that MethShield sent 241 real-time alerts to law enforcement. Mr. Singleton described MethShield's mapping and reporting capabilities. He also stated that MethShield is using the ASAP standard. After his presentation, Mr. Singleton responded to questions for approximately 15 minutes.

During Q & A, Mr. Singleton stated MethShield could be used to track other drugs and products; it was used to track Tamiflu in Australia during their recent H1N1 outbreak. Mr. Singleton, in response to a question regarding the possibility for circumvention of the system by "smurfers" replied that the "stop sale" does not actually prevent the smurfs but the reports MethShield has developed do help law enforcement catch illicit use through trends and identification notifications. Mr. Singleton responded to many questions regarding MethShield's system. An NCPA representative present at the meeting stated that to fund the MethShield system, NCPA, (National Community Pharmacists Association) is working with industry partners to identify possible funding sources. Mr. Singleton stated that MethShield would commit to expanding the Kansas pilot statewide for one year at no charge, but could not commit to three years at no charge.

Appriss was represented by Mike Davis, Jim Acquisto and Ron Hatfield, with Mr. Davis presenting the pilot summary for Appriss. During the overview, Mr. Davis stated that Appriss houses and maintains sensitive criminal justice information and supports the Methcheck system. Appriss has supported the MethCheck program statewide in Kentucky. Mr. Davis stated that Illinois and Louisiana are in the process of signing on with NPlex. Mr. Davis stated that CVS and Rite Aid have integrated their point-of-sale (POS) tracking systems with Appriss. He further stated that Walgreens has integrated their POS system, but has deployed it only in those states with legislative mandates to track meth precursor sales. Mr. Davis also stated that Wal-Mart has integrated their POS

system, but is not using it in all states. He stated that Kroger has chosen Appriss but has not begun the integration process. Regarding the Kansas pilot, Mr. Davis stated that the pilot did get started a little late in Kansas, some time in September of 2008. He said that the MethCheck pilot was in 6 counties in SE Kansas, with 22 pharmacies utilizing the system. During the pilot program, Mr. Davis stated that the MethCheck system tracked 12,765 sales, and blocked 424 (3.24%) sales. He also stated that MethCheck provided 30 real-time alerts to law enforcement. Appriss stated that they did have some chains participate for a short period during the pilot. Mr. Davis stated that Appriss was able to provide data from other states to Kansas law enforcement. Mr. Davis stated that Appriss built Methcheck to manage meth precursor tracking data across all states to track smurfs wherever they travel to purchase pseudoephedrine. He further stated that as laws are changed the system is easily modified to accommodate the change. Mr. Davis described Appriss' reporting system and stated that their mapping system is limited to Google maps. When asked whether Appriss charges any law enforcement agency or any other entity for reports, Mr. Davis stated that Appriss did not. Regarding reporting, Mr. Davis stated that when law enforcement queries the web portal for information, the agent must give a reason for the search, which is audited for appropriateness. Mr. Davis stated that Appriss did respond to the CHPA's RFP. The system is proposed to be funded by the manufacturers through NADDI for three years at no cost to the state. Neither Mr. Davis nor the CHPA representative present, Mr. Andrew Fish, could provide definitive information about funding beyond the three years. Mr. Davis stated that Appriss is totally integrated with most pharmacy chains through the cash register at point of sale. He also stated that they were integrated with many independent systems, including QS1. Upon further questioning by Board Member David Schoech, Mr. Davis clarified that Appriss is not yet integrated with QS1, but that they have started the process. Mr. Davis also stood for questions for approximately 15 minutes.

Mr. Andrew Fish representing the, Consumer Healthcare Products Association (CHPA), made a brief presentation to the Board describing the organization as well as the RFP process CHPA administered on behalf of their member companies for a meth precursor tracking system. Mr. Fish stated that CHPA represents the manufacturers of pseudoephedrine, including Johnson & Johnson, Pfizer, Merck, Novartis, Bayer and Perrigo. He stated the member companies are very concerned about the use of their products in the production of methamphetamine. He stated that CHPA approached the National Association of Drug Diversion Investigators (NADDI) about administering a nationwide meth precursor tracking system. CHPA issued an RFP for a nationwide meth precursor tracking system. Mr. Fish stated that the RFP was sent to the three vendors known to have meth precursor tracking systems. Upon questioning regarding a letter dated July 10, 2009 that Mr. Fish sent to Mr. Singleton, MethShield, stating that CHPA had terminated the RFP process, Mr. Fish stated that CHPA had terminated their involvement in the RFP process and that CHPA's individual member companies had entered into an agreement with Appriss for NPLeX, The National Precursor Log Exchange. Appriss' system is available to states at no charge if the state will mandate electronic tracking. The Board requested copies of the Memorandum of Understanding (MOU), which had been promised by Appriss at the September 2009 Board of Pharmacy meeting but never provided. Mr. Fish stated that each individual state will have its own MOU with NADDI for NPLeX but that he could provide copies of a few states' MOUs as examples. Mr. Fish explained that the states MOUs are with NADDI and not Appriss.

When asked about total annual sales of pseudoephedrine across CHPA's member companies, Mr. Fish stated it was approximately \$500 - \$700 million annually nationwide, but that he did not have an exact amount. He also stated that he did not have the amount of pseudoephedrine sales annually in Kansas but could provide that if the Board desired. Upon questioning regarding the NPLex contract, Mr. Fish stated that each CHPA member company holds an individual contract with Appriss, and that Appriss holds the contract with NADDI. He further stated that the agreement between the pseudoephedrine manufacturers and Appriss is a multi-million dollar agreement and that Appriss is paid per pseudoephedrine sale tracked. When asked about the relationship between Appriss and NADDI, Mr. Fish stated that the money flows through Appriss to NADDI. Upon questions regarding a state selecting a different meth precursor tracking system vendor, Mr. Fish stated that the CHPA member companies will only fund their selected vendor; that CHPA is not offering to fund a multi-system platform.

Kansas legislation requires the Board of Pharmacy to implement a statewide meth precursor tracking system at no cost to pharmacies Mr. Fish stated that CHPA believes that a multi-state electronic system will be more effective sooner and longer than individual states programs. He further stated that the member companies, who are pseudoephedrine manufacturers, would rather fund the tracking program than have pseudoephedrine scheduled as a controlled substance.

There was discussion regarding the draft regulations for Kansas' tracking system. The Board stated they will provide all known vendors a copy of the proposed regulations.

Sandy Horton, a representative of the Kansas Sheriff's Association, told the Board that a monitoring system is of paramount importance to law enforcement for locating of meth labs. Mr. Horton stated that the Sheriff's Association sees Appriss as the long-term solution at this time. NOTE: Sheriff Frank Denning, Legislative Chairman for the Kansas Sheriff's Association, e-mailed Board President Karen Braman on December 3, 2009, and provided the following clarification: . "I am the current Legislative Chairman for the Kansas Sheriff's Association and have been involved in these discussions for the past several months. The position of the Association (KSA) was to NOT endorse any specific vendor and that is the official position the executive board has taken. I think there has been some misunderstanding as to who was choosing the appropriate vendor but with that said I just want to reaffirm that the KSA has no specific recommendations.

My office has a contract with APPRISS to which we pay an annual fee of \$420.00. The original contract was signed on 05-20-08 and was renewed again in April 2009. Our position will be whatever vendor you select we will be supportive of that decision. " Mr. Fish was asked if there was a deadline for Kansas to accept CHPA's offer of funding Appriss' system for 3 years. Mr. Fish stated that the offer does not expire, but that it is for three years only at this point. The Board thanked the MethShield, Appriss, and CHPA representatives in attendance for their presentations and additional information.

**Executive Session** was moved to Wednesday

**Adjourn:** A motion was made and seconded to adjourn (Schoech/Arck) at 5:10pm. Motion passed.

**Wednesday, December 2, 2009**

**Meeting Called to Order:** President Karen Braman called the meeting to order at 8:05am.

**Members Present:** Karen Braman, R.Ph., President; Shirley Arck, Pharm.D D, Vice-President; Michael Coast, R.Ph, Investigative Member; Jim Garrelts, Pharm. D; Nancy Kirk, public member; David Schoech, R.Ph; and Frank Whitchurch, R.Ph.

**Staff Present:** Debra Billingsley, Executive Secretary; Tom Frazier, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer, Reyne Kenton, Compliance Officer; Christina Morris, Assistant Executive Director, and Randall Forbes, General Counsel.

**Others Present:** See attached listing.

**Executive Session**

A motion was made and seconded to go into executive session for 15 minutes to discuss client/attorney privileged information to reconvene at 8:21am in the same room. The executive session is to include Mr. Forbes and Ms. Billingsley, Ms. Morris, Mr. Frazier, Ms. Kenton, Ms. Martin and Ms. Haynes. (Arck/Schoech) Motion passed. The Board extended the executive session for 5 minutes for the same reason to reconvene at 8:26am.

**Reconvene** – Ms. Braman reconvened the meeting at 8:30am.

**Board Discussion**

Compounding Regulations – Final Draft

The Board discussed the final draft and requested the proposed regulations be sent to known compounding pharmacies, including Richardson's and Dandurand's in Wichita and Medicine Shoppe in Emporia. The proposed regulations will be sent to Department of Administration.

Budget – Ms. Billingsley sent the Board a copy of the appeal letter she sent to the Budget Department requesting funds needed to purchase a vehicle and software for the Board office. This year the Board will need to focus on budget at the legislature. The Board may need to schedule phone conferences to keep on top of the budget issue.

Fingerprinting / Back grounding – Ms. Billingsley presented information on back grounding. Kansas does not allow searches on drivers' licenses if the individual has opted out. The searches are helpful in finding addresses/post office boxes. The back grounding provider charges a yearly fee and allows unlimited searches. The office is back grounding new license and registration requests at this time. Mr. Whitchurch suggested a random sampling of renewals be backgrounder.

**Recess:** Ms. Braman declared a break to reconvene in 7 minutes



**Reconvene:** Ms. Braman reconvened the meeting at 9:00am

### **Public Hearings for Proposed Regulations**

#### **K.A.R. 68-2-20 Pharmacist's function in filling a prescription.**

Ms. Braman adjourned the regular meeting and opened the public hearing at 9:00am

Ms. Braman asked for public comment – Ms. Billingsley provided the letter from the Joint Committee on Administrative Rules and Regulations. The Joint Committee requested the Board to ensure the language did not exclude telemedicine as practice by KU School of Medicine.

Ms. Billingsley provided the letter from Kansas Medical Society. KMS requests the Board to withdraw the proposed regulation for further consideration and discussion and offered to participate with the Board of Pharmacy on a workgroup to address the issue of patient-provider relationship.

Ms. Billingsley provided the letter from Kansas Hospital Association. KHA does not support the proposed language.

Ms. Billingsley provided the letter from the Kansas Board of Healing Arts. The KBHA letter of December 1, 2009, stated that the KBHA does not oppose the proposed language.

The following people spoke on the regulation change: Carly Haynes and Tom Frazier.

Ms. Braman closed the public hearing.

Ms. Braman called the meeting to order at 9:23am.

The Board discussed the issues raised by KMS and KHA, and the need to clarify that the language change is meant to prevent illegitimate internet prescribing and not to put up a barrier to telemedicine or bonafide provider-patient relationships. The Board further discussed the fact that there is no rule or regulation prohibiting the type of internet prescribing that Hogan's pharmacy committed and that patient safety is at risk. The Board discussed the importance of getting some language on the books now and working to revise the language if necessary to ensure that there it does not create a barrier to telemedicine. Ms. Billingsley will contact KMS, KHA, and KBHA to tell them of the Board intentions.

A motion as made and seconded to adopt the proposed regulation. (Schoech/Coast)

Roll call: Mr. Coast – Yes, Mr. Whitchurch – Yes, Ms. Braman – Yes, Dr. Arck – Yes, Ms. Kirk – Yes, Mr. Schoech – Yes, and Mr. Garrelts – Yes.

A motion passed. The regulation will become effective 15 days after published in the Kansas Register.

### **Board Member Reports**

Frank Whitchurch – reported Prescription Solutions has donated \$550,000 (18,000 prescriptions) of unused medications. Prescription Solutions has received many thanks for the service. Mr. Whitchurch requested the Board begin to look for ways to encourage the pharmacy associations to advance the practice of pharmacy similar to KNA advancing ARNPs. Many states allow pharmacists to prescribe due to the level of education and expertise in drugs. Mr. Whitchurch stated the Board should pursue the authority to permit pilot programs.

Nancy Kirk – said the ability to allow participation in pilot programs was a positive step and that the Board should ask for legislative authority. Ms. Billingsley and Mr.

Whitchurch will research language used by other states and will send it to the Board for discussion at a later date.

Michael Coast – thanked the compliance officers, inspectors and office staff for the hours spent on pharmacy investigations. Mr. Coast related the biggest frustration faced by pharmacies trying to service long-term care facilities is the DEA's position on what constitutes an agent of the physician and therefore a legitimate prescription. Mr. Coast stated the DEA will not recognize a hospice nurse as an agent of the physician as well. Both cases are causing delays in patient care.

Karen Braman – included a letter from the American Society of Consultant Pharmacists that was referred to by Mr. Coast. Ms. Braman referred to the PMP update she provided the previous day. She stated that the PMP Advisory Committee is preparing their report to the legislature that is due in January and is beginning work on the upcoming Harold Rogers grant.

Shirley Arck – requested the Board revisit the discussion on meth precursor tracking systems from Tuesday afternoon. She asked that the board consider the goal of the Board versus the goal of law enforcement. The fact that law enforcement and the manufacturers were pushing for Appriss does not automatically make Appriss the program of choice. The Board discussed options. Ms. Kirk asked about the implementation timelines for both systems. The Board will request additional information from MethShield and Methcheck/Appriss, NACDS, and NCPA and will discuss this information during the February 2010 Board meeting.

Jim Garrelts – thanked the Board for coming to Wichita. The Board thanked Dr. Garrelts for hosting the Board meeting. Dr. Garrelts reported the shared services of remote order entry have freed up pharmacists to participate in other patient care programs. The program has decreased delays in providing medication to patients during second and third shift, which results in better patient outcomes.

David Schoech – apologized for being combative to Appriss. Mr. Schoech agreed with Dr. Arck's perspective of the manufacturer's being self-serving and only looking out for their best interests. Mr. Schoech stated independent pharmacies needed a better point of sale service. The system, as used in the pilot, was time consuming and inconvenient. Kansas has many independents and a system that requires the clerk to enter all the information at a computer in the pharmacy will impact good service to customers.

### **Staff Member Reports**

Debra Billingsley – told the Board of her meetings with KHPA. They are requesting information be collected for use in locating medically under-served areas. Other health agencies have received the same request and none want to use their limited resources to fund information gathering. Ms. Billingsley attended the KU Pharmacy Advisory Committee meeting. Pharmacists moving to medically under-served areas do not receive scholarships or loan forgiveness. The group is pursuing funding to offset loans. KDHE was unaware that pharmacists were not on the list of healthcare providers receiving those funds. Ms. Billingsley told the Board that she, Robert Stiles and Melissa Martin will be going to the warehouse housing the unused medications to view its operation. Ms.

Martin had made suggestions in operations and the group will observe if the suggestions were put into operation. Ms. Billingsley ask the Board to think about who would be attending the NABP convention in California during May 2010. Ms. Kirk requested to be considered for the CIPP Utah meeting. Ms. Billingsley requested information on productivity timers used in pharmacies in the state. The Board consensus was to ask NABP not to include Kansas in any reference.

Randy Forbes – made a comment on the scope of practice. Technology is rapidly changing the practice of pharmacy and the Board should look at the scope of practice and make any necessary changes to meet the changes and advance the practice of pharmacy.

Christina Morris – told the Board she attended the Vet PMP meeting with Dr. Arck. The information she gathered will be included in the report to the legislature on PMP. Ms. Braman thanked her for her help on the PMP committee.

Carly Haynes – thanked the Board for the changes made to the inventory requirements and the posting of the technicians' registration cards. Ms. Haynes requested the Board to consider requiring positive identification (photo) when patients pick up controlled substance prescriptions. She gave examples from Oklahoma and Wyoming. Ms. Haynes requested the Board consider a regulation concerning the death or retirement of a prescriber and the length of time if any refills may be processed for non-controlled maintenance prescriptions. She offered South Carolina language as a possibility. Ms. Billingsley and Ms. Haynes will on language and regulation location for both items.

Melissa Martin – informed the Board that she and Carly had reviewed the MPJE question pool. The review was completed online and was more convenient than traveling to central location. Any question that seemed questionable was discussed and a decision to keep or toss was made. The new questions were review by both Ms. Martin and Ms. Haynes. Ms. Martin reported the stores are now in the second CQI meeting. Her stores have implemented the program as intended by the Board.

Reyne Kenton – expressed the concerns of the pharmacies in her area on where history for PSE purchases was housed now that the pilot program has ended. Many pharmacies have printed all the information. The Board will request MethShield and Methcheck to provide answers on where the information resides and how it can be accessed.

Tom Frazier – thanked Mr. Coast for his assistance for his latest mission trip. Mr. Frazier informed the Board of the increasing numbers of forgeries and the inability to find anyone willing to prosecute. He stated KBI will only prosecute if the forger is selling. Ms. Billingsley said she would look into the matter.

#### **Update Matrix - Review of Action Items for the Board**

Ms. Morris reviewed the agenda items that require action by a specified individual and the date the action is due.

**Adjourn:** The Board again thanked Dr. Garrelts for hosting the Board meeting. Ms. Braman adjourned the meeting at 10:55am.

After adjournment the Board Members that were available took a tour of Cardinal, a nuclear pharmacy located in Wichita.