

Kansas State Board of Pharmacy
Minutes of the September 13 & 14, 2012
Board Meeting

800 SW Jackson, Lower Level
KBOHA Conference Room
Topeka, KS 66612

Thursday, September 13, 2012

Meeting Called to Order: President Jim Garrelts called the meeting to order at 9:02am.

Members Present: Jim Garrelts, Pharm. D., President; Nancy Kirk, Public Member, Vice President (9:44am); Bob Haneke, Pharm D.; Michael Lonergan, Pharm. D.; David Schoech, R.Ph.; Chad Ullom, R.Ph.; and John Worden, Pharm. D.

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Reyne Kenton, Compliance Officer; Doug Taylor, Compliance Counsel; Christina Morris, PDMP Director, and Randall Forbes, General Counsel.

Others Present: See attached listing.

Approval of the Agenda:

A motion was made and seconded to approve the agenda as amended. (Schoech/Ullom) Motion passed. Added to the agenda: ePA Study under Board Reports - Mr. Lonergan; and CPE Monitor Service under Executive Director Report.

Approval of the May 31 & June 1, 2012 Minutes:

A motion was made and seconded to approve the minutes as printed. (Ullom/Haneke) Motion passed.

Approval of the July 19, 2012 Minutes:

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

Board Discussion

Board Orientation – Carol Williams, Executive Director – Governmental Ethics Commission presented information on Board Ethics. There are different laws for the legislature and the boards, agencies, and staff. Boards may not receive free or discounted tickets based on position on the Board. Blanket offers are permissible because they do not target a specific Board. Meals up to \$25 are permissible. Amounts over are acceptable if the function is deemed necessary to the Board. Trinkets at exhibits are okay because the givers are not specifically targeting the position on the Board.

Synthetic Cannabinoids – Dwain Worley, KBI Chemist, presented information concerning the synthetic cannabinoids. K.A.R. 68-20-30 was the recent emergency

regulation. The Board had requested during the July 19th meeting to review the information before seeking permanent scheduling of UR-144, 1-Pentyl-3- (2,2,3,3-tetramethylcyclopropyl)indole, with the tetramethylcyclopropanoylindoles as the basic structure. Documents provided are electronically attached to the agenda. Mr. Worley provided other information via a power point presentation. The Board needs the information indicating abuse potential before they approve an emergency scheduling.

Pharmacy Technician Training and Certification – Linda Radke, PharmD, BCPS, presented the information to the Board. Documents provided are electronically attached to the agenda. Dr. Radke requested the Board discuss and possibly propose statutes or regulations to require all pharmacy technicians to be graduates of an accredited program and obtain a national certification. Ms. Billingsley suggested a task force be formed to consider the proposal. One issue could be replacement of pharmacists with technicians if technicians obtain enhanced responsibilities and capabilities. NACDS submitted a letter concerning the certification of technicians. Mr. Lonergan encouraged the Board to keep flexibility so pharmacists would be able to choose a system that works best for their practice site. Doug Funk, KPhA president, spoke to the Board. The task force should be comprised of representatives from the interested groups. A motion was made and seconded to form a Technician Training and Certification Task Force. (Worden/Haneke) Motion passed. The Board representatives to the task force will be John Worden, Nancy Kirk, and Chad Ullom. KPhA will chair the task force with either Mike Larkin or Doug Funk. The Task Force will report back to the Board with a recommendation on how, what and when to proceed with any legislation.

Automation in LTCF Regulation Discussion –
K.A.R. 68-7-10, K.A.R. 68-9-2 and K.A.R. 68-9-3.

Documents provided are electronically attached to the agenda. Dr. Haneke presented the information from the July meeting and asked for discussion on several questions still remaining from the meeting. The Board consensus was to maintain the automation to pharmacies within the state. The consensus on E-kits was to leave the language as written. Blake Griese, Golden Living, spoke to the Board on the medication loading of the automation.

Pilot Projects – Wesley Medical Center

A motion was made and seconded to approve the Wesley Medical Center pilot project as presented and to have them report back biannually. (Haneke/Kirk) Motion passed.

A motion was made and seconded to send the pilot project application and documents to a Mr. Haneke, Ms. Haynes, and Ms. Billingsley for review before the applicant makes a presentation to the Board for any approval action. (Worden/Schoech) Motion passed.

Recess: Dr. Garrelts declared a break to reconvene in 10 minutes.

Reconvene: Dr. Garrelts reconvened the meeting at 11:22am

NPLEx Update and Pseudoephedrine Regulatory Update – Ms. Billingsley presented the information to the Board. Attachments were provided electronically. Berend Koops, Merck, made comments to the Board concerning the MOU with NAPLEx. The MOU will be provided to the Board as soon as Appriss and NADDI have come to an agreement.

Pharmacy Budget for Fiscal Years 2013, 2014, and 2015 – Ms. Billingsley presented the information. The budget for this year is \$817,000 for Board of Pharmacy which does not include KTRACS. KTRACS received a grant; however the grant was mainly for enhancements (75%). The Board budget does not include any budget for PDMP. KTRACS Advisory Board is responsible to find a funding source. Funding must be obtained for KTRACS to stay operational. The doctors are accessing the system more than pharmacists. Ms. Billingsley asked for options including shutting down the KTRACS system. To find funding from the people accessing the system would require a statute change. Another possible solution would be to have each regulatory agency having licensees accessing the system to contribute based on use. Dr. Garrelts suggested not placing designated money for KTRACS in the Pharmacy Board budget. The legislature will need to fund.

Fee Reduction Discussion – The Board discussed the regulation pursuing the decrease in fees charged by the board. Ms. Billingsley proposed a 10% cut to all licenses, registrations, and permits. A motion was made and seconded to reduce fees 10%. (Schoech/Haneke) Motion passed. Ms. Billingsley will draft the regulation and send to Department of Administration.

Cost Management System – Ms. Billingsley presented the information. The state is providing all agencies the use of software to measure outputs. Every agency must decide who, how and what to measure if they choose to use the cost management system.

Recess: Dr. Garrelts recessed the meeting for lunch at noon to reconvene at 1pm.

Reconvene: Dr. Garrelts reconvened the meeting at 1pm.

Public Hearings for Proposed Regulations

K.A.R. 68-21-1. Definitions

K.A.R. 68-21-2. Electronic reports.

K.A.R. 68-21-7. Drugs of concern.

Dr. Garrelts adjourned the regular meeting and opened the public hearing at 1:00pm.

Dr. Garrelts asked for public comment.

Ms. Morris provided a letter from ---

The Joint Committee on Administrative Rules and Regulations sent a letter with their suggestions and requests to review identified language in the proposed regulation. They requested the Board send a letter to them with the final conclusion and action.

The following people spoke on the regulation change:

John Sisto, Express Scripts, presented a letter on behalf of Express Scripts and expressed concern about the requirement of the driver's license. Anyone under 16 and some elderly would not have a driver's license. Express Scripts would suggest either the driver's license or the patient's insurance identification could be used as an identifier. The other concern is the change in the daily reporting implementation date. Most providers have planned for the January 2013 implementation date.

Derek Hein, NACDS, addressed the Board concerning the "Drugs of Concern". Mr. Hein requested ample time for implementation of changes to drugs of concern. Mr.

Sisto added that typically 90 days is required to make software changes.

Dr. Garrelts closed the public hearing.

Dr. Garrelts called the regular meeting to order at 1:16pm.

The Board discussed the identification number as to what the proposed regulation requires. The more options allowed - the more difficult KTRACS has in clustering the data.

The discussion was tabled.

Attorney General Derek Schmidt — General Schmidt thanked the Board for their focus and work in aiding to prevent designer drugs remaining commercially available as Bath Salt and potpourri. The Attorney General's office has a keen interest in the elimination of illicit drugs whether they are designer, diverted, or cooked. After the Samuels' Act, Kansas saw a dramatic reduction in clandestine meth labs. The number of labs has increased recently possibly due to the methods of tracking and the changing from fewer cookers to more shakers (one pot method). General Schmidt addressed the need for continued data sharing with law enforcement from the prescription drug monitoring program. In the light of budget restraints it becomes important to find ways to "keep doing what we are doing well". The Board thanked General Schmidt for taking time to address the Board.

Proposed Regulations

The Board returned to the discussion of the public hearing.

K.A.R. 68-21-1. Definitions

A motion was made and seconded to add after driver's license requirement: "Kansas State Identification number, or Insurance Identification number and then without those use the patient's initials plus the birthdate" (Kirk/Worden). Roll call: Dr. Garrelts – No, Dr. Haneke – No, Ms. Kirk – Yes, Dr. Lonergan – No, Mr. Schoech – No, Mr. Ullom – No, and Dr. Worden – No. Motion failed.

A motion was made and seconded to amend the proposed language to state the order of preference for the identification number – driver's license, if not driver's license the state identification number, insurance number and if none of the above use the patient's initials with the 8-digit birthday using a place holder if there were no middle initial plus the gender. (Lonergan/Schoech) Roll call: Dr. Garrelts – Yes, Dr. Haneke – Yes, Ms. Kirk – Yes, Dr. Lonergan – Yes, Mr. Schoech – Yes, Mr. Ullom – Yes, and Dr. Worden – Yes. Motion passed. Ms. Morris will change the language of the regulation to reflect the Board's motion.

K.A.R. 68-21-2. Electronic reports.

A motion was made and seconded to add language to say implementation must be completed 90 days after the effective date of the regulation. (Lonergan/Kirk) Roll call: Dr. Garrelts – Yes, Dr. Haneke – Yes, Ms. Kirk – Yes, Dr. Lonergan – Yes, Mr. Schoech – Yes, Mr. Ullom – Yes, and Dr. Worden – Yes. Motion passed. Ms. Morris will change the language of the regulation to reflect the Board's motion and send the regulation to the Committee on Rules and Regulations.

K.A.R. 68-21-7. Drugs of concern.

A motion was made and seconded to adopt the proposed regulations. (Kirk/Lonergan)

Roll call: Dr. Garrelts – Yes, Dr. Haneke – Yes, Ms. Kirk – Yes, Dr. Lonergan – Yes, Mr. Schoech – Yes, Mr. Ullom – Yes, and Dr. Worden - Yes. The motion passed. The regulation will become effective 15 days after publication in the Kansas Register.

CIPP Committee Report – Vicki Whitaker, KPhA, presented the report to the Board. CIPP will be changing their name for participants to Kansas Pharmacy Recovery Network. The committee involved with KS-PRN will continue to be called the CIPP Committee. Ms. Whitaker shared the “Point System” used in measuring non-compliance. If a participant in CIPP receives 6 points he/she is referred to the CIPP Committee for review. This will provide a more objective means of tracking the participant.

Dispensing of Animal Prescriptions – Documents are electronically attached to the agenda. The Board reviewed the letters from AVMA and KVMA. Dr. Shirley Arck, Dr. Marty Vanier, Dr. Beth Davis, and Gary Reser appeared. Gary Reser, Kansas Vet Association, spoke with the Board concerning Kansas Vet scripts. The AVMA letter was sent to all 50 Boards of Pharmacy. Dr. Beth Davis, KSU Vet School, addressed the Board. Dr. Marty Vanier is involved with making policy and would like to see a closer working between pharmacists and veterinarians. Dr. Shirley Arck spoke as a pharmacist for the Veterinary School and would be happy to help pharmacists understand the drugs for animals. Ms. Billingsley requested Dr. Arck to write an animal drug article for the Board newsletter. Plumbs Veterinary Drug Handbook is a good reference for drugs and animals.

Recess: Dr. Garrelts declared a break to reconvene in 10 minutes.

Reconvene: Dr. Garrelts reconvened the meeting at 2:49pm

Legislative Discussion –

- Retail Telepharmacy – Ms. Billingsley asked the Board to discuss and help clarify direct supervision and if the Board would open the statute to change the definition of direct supervision. Representative Sloan is contemplating a change to the statute. The Board consensus was to review the implications of the change in regards to other functions in the pharmacy act.
- Unused Medication Program – Ms. Billingsley met with KAMU and other interested parties to discuss the unused medication program. Several groups would like to change K.S.A. 65-1635 on who can dispense so that mid-levels can dispense unused medications from federally qualified health center or indigent clinic for purposes of the unused medication program only. There are a couple of legislators looking to change the statute for the midlevels. The suggestion was made that the Board should write a letter explaining their concerns.
- Collaborative Practice and Medication Therapy Management – Ms. Billingsley discussed an opinion on Collaborative Practice that was forwarded to the Board on September 21, 1999. The opinion allows a pharmacist to enter a collaborative practice with a corresponding physician to practice whatever functions the physician and pharmacist agree upon. The question may be how liability insurance will be affected. Doug Funk addressed collaborative practice in relationship to something that will help both groups like prior authorizations. The

Board may need to seek an opinion from the liability insurance companies like Pharmacist Mutual.

Open Meetings Review and Disciplinary Procedures – Doug Taylor, Compliance Counsel, made the presentation. Information provided is electronically attached to the agenda. Mr. Taylor presented a brief overview of Kansas Open Meetings Act (KOMA). Mr. Taylor explained the disciplinary procedures used by the office. The investigative meeting will determine the suggested action of the Board. Mr. Taylor formalizes the action into a Consent Agreement or Summary Order. The Board will then be presented the applicable cases for review and action. Mr. Taylor receives all technician applications that have anything on the criminal background check. Mr. Taylor can approve, can approve with a warning letter, can send a Summary Order with probation, or deny the application. Mr. Taylor explained the formal hearing process for all cases coming in front of the Board. Time sensitive cases may necessitate an extra meeting of the Board.

Election of Officers –

President – Mr. Haneke nominated and Mr. Ullom seconded the nomination of David Schoech for President. The vote was unanimous.

Investigative Board Member – Mr. Schoech nominated and Mr. Haneke seconded the nomination of Chad Ullom for Investigative Board Member. The vote was unanimous.

Vice President – Mr. Ullom nominated and Mr. Worden seconded the nomination of Bob Haneke for Vice President. The vote was unanimous.

Schedule Future Board Meetings

February 13, 2013, Wednesday – 1pm – Legislative – phone conference

March 7 & 8, 2013, Thursday and Friday - Lawrence

June 6 & 7, 2013, Thursday and Friday - Topeka

September 18 & 19, 2013, Wednesday and Thursday – Overland Park (if available)

November 21 & 22, 2013, Thursday and Friday – Wichita

Board Member Reports

NABP Interactive Member Forum – David Schoech will be attending the meeting next week. The topic of discussion: areas in which NABP can help the state boards.

MALTAGON – David Schoech – This organization is comprised of only Boards of Pharmacy primarily from southern states. They discuss Board issues we have in common. David Schoech and Debra Billingsley attended the meeting in September. Ms. Billingsley reported on the discussion regarding the accreditation of community pharmacies. The members of MALTAGON feel that their states and pharmacies are being negatively impacted and have requested all the Boards to encourage NABP to slow down on this project. NABP says the accreditation is to create higher standards. The Board inspects for minimal standards. The concern is that insurance payers will require accreditation before reimbursement.

ePA Study – Michael Lonergan – electronic prior authorizations. The meeting was held August 21, 2012. A cross section of the industry met and discussed prior authorizations (PAs) and the challenges of obtaining PAs. Electronic submission of PAs could streamline the process and increase patient care. NCPP is working on standards. The group plans to meet again in October. Mr. Lonergan recommended that the Board request the legislature appoint an industry group to conduct the study since the issue is not necessarily a Board of Pharmacy issue.

Executive Director Report – Ms. Billingsley

- Pharmacy Summit – notes are attached electronically.
- Pharmacy Database Software Development Meeting – Ms. Billingsley explained the need to change licensing software. The State of Kansas is exploring a contract with a single vendor for the state. NABP may be able create software specific to the needs of pharmacy boards and keep the cost to a minimum. This is under discussion.
- Pharmacy Webpage – Ms. Billingsley has contracted with state vendor to redo the website and make it ADA compliant. Cost \$3,000 – \$5,000.
- National Automated Dispensing Laws 2012 – notes are attached electronically.
- Ther-Rx Letter – The letter is electronically attached to the agenda. Mr. Lonergan explained that a compounded product became commercially available and the manufacturer's price was quite large creating an access problem. The manufacturer decreased the price and FDA has said that the drug should not be compounded by compounding pharmacies since it is now commercially available. Originally the FDA did not enforce due to the extremely high cost of the drug.
- CPE Monitor Service – Ms. Billingsley made the report.

KTRACS – Ms. Morris presented the information.

- Harold Rogers Grant 2012 – Kansas received a \$400,000 grant. 75% must be used to enhance the program, leaving only 25% for overhead like salaries.
- SAMSHA Grant Application – Ms. Morris has applied for the grant which would allow \$450,000 to work with Health Information Exchange. None of the money can be used for salaries or office expenses.
- Peer Review Update – The committee has met and is determining how best to function. The first review was the top using patients. Out of the top 12 patients two have been referred to law enforcement. Peer Review has not yet reviewed prescribers or dispensers.
- Querying and Threshold Statistics – information attached electronically to the agenda.
- Top Threshold Patients by number of Prescribers- information attached electronically to the agenda.
- Top Threshold Patients by number of Dispensers – information attached electronically to the agenda.

NASCSA Annual Meeting – The documents are electronically attached to the agenda. Ms. Morris asked the Board to notify her of any thoughts they had concerning the proposed resolutions for NASCSA.

Staff Reports

Carly Haynes – thanked Ms. Billingsley for the new more functional phone. Returning calls, email and texts are faster for the people asking questions. She reported on the MPJE review of questions. After this review, the Kansas pool will be around 2000 questions. Ms. Haynes related the current continuing problems found on inspections as the CQI documentation and the Log books. She requested that the Board consider moving to requiring anyone behind the counter to be either registered or licensed. Ms. Haynes asked the opinion of the Board regarding the ability of technician to input refill numbers when the pharmacy is actually closed. In long term care facility pharmacies, many drug areas are secure from the medical records area and technicians may be able to input numbers for refilling without any other functions performed before the pharmacy is open. The Board consensus was this scenario is okay since access to drugs is prevented and only refill numbers are entered. Mr. Larkin commented that KPhA would be willing to assist in increasing understanding and compliance with CQI. Reyne Kenton – thanked Ms. Billingsley for the upgraded phone. Ms. Kenton had to travel to Wichita to activate the phone but has better reception in the western areas she has been thus far. She also said the wireless card for the computer was easy to activate and use.

Jim Kinderknecht – agreed with the problem with CQI and the daily logs reviewed during inspections. Mr. Kinderknecht asked if any of the Board had received a survey from CMS regarding cost survey. Mr. Larkin, KPhA, said the survey was from NADAC and was used to set the maximum drug cost for reimbursement.

Approval of New Pharmacists and New Registrants

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

Executive Session:

A motion was made and seconded to go into executive session for 10 minutes to discuss attorney/client privileged information and to reconvene the regular meeting at 5:08pm in the same room. The executive session is to include Mr. Forbes, Ms. Billingsley and the Ms. Morris. (Worden/Haneke) Motion passed. Dr. Garrelts reconvened the meeting at 5:12pm.

Adjourn: Dr. Garrelts adjourned the meeting at 5:13pm.

Friday, September 14, 2012

Meeting Called to Order: President David Schoech called the meeting to order at 9:07am.

Members Present: David Schoech, R.Ph., President; Bob Haneke, Pharm D., Vice President; Jim Garrelts, Pharm. D.; Nancy Kirk, Public Member; Michael Lonergan, Pharm. D.; Chad Ullom, R.Ph., Investigative Member; and John Worden, Pharm. D.

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Reyne Kenton,

Compliance Officer; Doug Taylor, Compliance Counsel; Christina Morris, PDMP Director, and Randall Forbes, General Counsel.

Others Present: See attached listing.

Administrative Hearings

- James Reilly (1-11531) **Case 11-193a** – Mr. Reilly was present with counsel, Chris Cole.
Shelia Connolly (1-11650) **Case 11-193b** – Ms. Connolly was not present.
Richard Barrows (1-09270) **Case 12-24** – Mr. Barrows was present with counsel, Chris Cole.
Mr. Ullom recused himself from the discussion due to employment with Walgreens.
Mr. Taylor presented the case to the Board for further Board discussion.
Mr. Cole spoke on behalf of the pharmacists.
A motion was made and seconded to enter quasi-judicial deliberations at 9:21am to include Mr. Forbes, Board Counsel. (Garrelts/Worden) Motion passed. Mr. Schoech reconvened the meeting at 9:44am.
The Board finds that there was an error in filling the prescription accurately but will not take financial disciplinary action. A motion was made and seconded to modify the Consent Agreements with James Reilly, Shelia Connolly and Mr. Barrows deleting the fine and requiring them to meet and evaluate the system they use. They are to report back at the November 2012 meeting with how improvements may be made to the system and how they can each apply improvements at their pharmacy to prevent errors similar to this complaint from happening again. (Garrelts/Worden) Motion passed.
- Cesar Miller (1-11729) **Case 9-52 and 10-01**- Mr. Miller was not present. Mr. Taylor presented the case to the Board. The terms of the Consent Agreement include an assessment of a \$15,000 fine, 5-year probation, implement a perpetual inventory for all controlled substances, retain, at his expense, a pharmacy consultant to perform a full audit and review record keeping practices, policy and procedures and shall implement any improvements necessary and make reports to be submitted to the Board as required in the agreement. A motion was made and seconded to accept the Consent Agreement with Mr. Miller. (Haneke/Lonergan) Motion passed.
- Interlock Pharmacy System (22-02572) **Case 12-67**. No one was present to represent Interlock Pharmacy System. Mr. Taylor presented the case to the Board. The action mirrors the action taken by the Missouri Board of Pharmacy. A motion was made and seconded to accept the Consent Agreement with Interlock Pharmacy System. (Ullom/Worden) Motion passed.
- Kansas Surgery & Recovery Center (2-08441) **Case 12-90**. No one was present to represent KSRC. Mr. Taylor presented the case to the Board. The terms of the Consent Agreement include a monetary fine of \$9,700 for failure to designate a pharmacist in charge, failure to update the policy and procedure manual, and failure to maintain a controlled substance inventory. Dr. Garrelts recused himself

from the discussion due to employment with Via Christi. A motion was made and seconded to accept the Consent Agreement with Kansas Surgery & Recovery Center. (Haneke/Lonergan) Motion passed. The Board requested quarterly inspections be performed.

- Ray Perrenoud (1-13900) – Request for Order of Completion of CIPP Program. A motion was made and seconded to enter executive session for 10 minutes to discuss privileged information to include Mike Larkin, KPhA, Vicki Whitaker, CIPP, Mr. Forbes, and Mr. Taylor to return to open session at 10:15am. (Haneke/Ullom) Motion passed. Mr. Schoech reconvened the meeting at 10:10am.
- **Recess:** Mr. Schoech declared a break to reconvene in 5 minutes.
- **Reconvene:** Mr. Schoech reconvened the meeting at 10:15am
A motion was made and seconded to accept the Order of Completion of the CIPP Program. (Haneke/Worden) Motion passed. The Board requested a letter be drafted congratulating Mr. Perrenoud for completing CIPP.

Notification of Summary Orders:

- Wendy Villers (1-11827) **Case 12-75** – 5 year probation – see order for details
- Rachel Hackett (14-07238) **Case 12-76** – Revoked – see order for details
- Ivy Nolan (14-12975) **Case 12-81** – 1 year probation – see order for details
- Molly Sexton (14-12979) **Case 12-82** – Denied registration – see order for details
- Medisca, Inc. (5-02540, 5-02813, and 5-00921) **Case 12-84** – Probation to concur with Colorado Board of Pharmacy – see order for details
- College Pharmacy (22-02401) **Case 12-85** – Probation to concur with Colorado Board of Pharmacy – see order for details
- Tia Tucker (14-01478) **Case 12-89** – Revoked – see order for details
- Jonathan Brack (1-10093) **Case 12-96** – Civil fine and CQI reports – see order for details
- Christy Reese (14-13039) **Case 12-97** – Denied registration – see order for detail
- Carla Howard (14-13297) **Case 12-112** – Denied registration – see order for detail.

Mr. Taylor gave a brief synopsis of each case.

Investigative Member Report – Closed Cases

Mr. Schoech presented the closed cases and asked for any questions. There were no questions.

Administrative Hearings

- Mary Richardson (1-09936) **Case 11-22** – Ms. Richardson was present with counsel, Jason Hoffman. Mr. Taylor presented the case to the Board. A motion was made and seconded to enter executive session for 20 minutes to discuss privileged information to include Vicki Whitaker, CIPP; Mike Larkin, KPhA; Mr. Forbes, and Mr. Taylor to return to open session at 10:45am. (Worden/Ullom) Motion passed. Mr. Schoech reconvened the meeting at 10:38am. A motion was made and seconded to continue the emergency suspension of the license for Ms. Richardson with her and her counsel's agreement until the next Board Meeting in November 2012 to give time for Missouri to hear their case. (Garrelts/Haneke)

Motion passed. Ms. Richardson and her counsel, Jason Hoffman, agreed to the continuance.

- Nancy Johnston (14-03831) **Case 12-110** – Ms. Johnston was present with no counsel. Mr. Taylor presented the case to the Board. Ms. Johnston presented her side of the situation and responded to the questions of the Board. A motion was made and seconded to go into executive session for quasi-judicial deliberations at 11:11am to include Mr. Forbes, Board Counsel. (Haneke/Ullom) Motion passed. Mr. Schoech reconvened the meeting at 11:23am. A motion was made and seconded to void the order to suspend/revoke and to direct KTRACS to review security processes in regards to passwords. (Haneke/Garrelts) Motion passed. Mr. Haneke expressed concerns as to the events happening and encouraged Ms. Johnston to review her technician functions. Please refer any questions to the Board, the office, or your field inspector.

Executive Session:

A motion was made and seconded to go into executive session for 20 minutes to discuss personnel issues and to reconvene the regular meeting at 11:50am. The executive session is to include Mr. Forbes, and Ms. Billingsley. (Garrelts/Haneke) Motion passed.

Mr. Schoech reconvened the meeting at 11:56am.

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

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

Administrative Hearings

- James Latta (1-15385) **Case 12-116** – Mr. Latta was present without counsel. Mr. Ullom recused himself from the discussion due to employment with Walgreens. Mr. Taylor presented the case to the Board. A motion was made and seconded to enter executive session for 30 minutes to discuss privileged information to include Vicki Whitaker, CIPP; Mike Larkin, KPhA; Mr. Forbes, and Mr. Taylor to return to open session at 1:30pm. (Haneke/Worden) Motion passed. Mr. Schoech reconvened the meeting at 1:18pm. A motion was made and seconded to not revoke but to maintain the suspension of Mr. Latta's pharmacist license until he further completion of the CIPP agreement. CIPP will report back the compliance of Mr. Latta at which time the Board will reconsider the suspension/revocation order. (Haneke/Worden) Motion passed.

Board Discussion

Licenses – Mr. Schoech presented the different formats of a new design for a license. Consensus was to use the buff paper. Ms. Billingsley will take the changes to the printer and proceed with obtaining the licenses for Board signatures.

Adjourn: Mr. Schoech adjourned the meeting at 1:38 pm.