

Kansas State Board of Pharmacy
Minutes of the June 6, 2013
Board Meeting

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

Thursday, June 6, 2013

Meeting Called to Order: President David Schoech called the meeting to order at 9:05am.

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, JD., Executive Secretary; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; Christina Morris JD, PDMP Director, and Randall Forbes, JD, General Counsel.

Others Present: See attached listing.

Approval of the Agenda:

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

Approval of the March 28-29, 2013; April 25, 2013; and April 29, 2013 Minutes:
A motion was made and seconded to approve the minutes as printed. (Haneke/Worden)
Motion passed.

Administrative Hearing

- Randy Hilgers, R.Ph. (1-09211) Mr. Hilgers was present with counsel, Darin Conklin, Esq. Ms. Morris presented the case to the Board and requested an executive session to receive privileged information. A motion was made and seconded to enter executive session for 15 minutes to discuss privileged information as allowed by state statute to include Mike Larkin, KPhA; Vicki Whitaker, KsPRN; Ralph Holbrook, Chairperson of CIPP; Mr. Forbes; Ms. Billingsley; Michael Mayabi, Pharmacy Intern and to return to open session at 9:22am. (Worden/Haneke) Motion passed. Mr. Schoech reconvened the meeting at 9:31am. A motion was made and seconded to accept the proposed amendment to Mr. Hilgers' Summary Order to allow him to work alone immediately and to be released early from his CIPP contract if agreed to by CIPP. (Haneke/Worden) Motion passed.
- Chris Henington, R.Ph. (1-13153) Mr. Henington was present without counsel. Ms. Morris presented the case to the Board and requested an executive session to receive privileged information. A motion was made and seconded to enter executive session for 15 minutes to discuss privileged information as allowed by state statute

and to reconvene at 10am. The executive session includes: Mike Larkin, KPhA; Vicki Whitaker, KsPRN; Ralph Holbrook, Chairperson of CIPP; Mr. Forbes; Ms. Billingsley; Michael Mayabi, Pharmacy Intern. (Worden/Haneke) Motion passed. Mr. Schoech reconvened the meeting at 10:01am. A motion was made and seconded to accept the Final Agency Order with the amendment to allow Mr. Henington to return to work immediately under restrictions. (Garrelts/Haneke) Motion passed.

- Greg Stites, R.Ph. (1-12790) Mr. Stites was present without counsel. Mr. Ullom recused himself from the discussion due to a conflict of interest. Ms. Morris presented the case to the Board. Mr. Stites requested to be allowed to pay a fine in lieu of probation which will allow his license to become unencumbered. A motion was made and seconded to modify the Summary Order to remove the probation and assess a \$500 fine. (Haneke/Lonergan) Motion passed.

Recess: Mr. Schoech declared a break to reconvene in 15 minutes.

Reconvene: Mr. Schoech reconvened the meeting at 10:30am

Executive Session:

A motion was made and seconded to go into executive session for 15 minutes to discuss client/attorney privileged information 10:30am and to reconvene the regular meeting at 10:45am in the same room. The executive session is to include Mr. Forbes, Ms. Billingsley and the Board staff. (Worden/Haneke) Motion passed.

Mr. Schoech reconvened the meeting at 10:48am.

Introductions – See sign in sheet.

Investigative Member Report – Closed Cases

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

Board Discussion/Reports

KsPRN Annual Report – Mike Larkin, KPhA; Vicki Whitaker, KsPRN; Ralph Holbrook, Chairperson of CIPP were present representing KsPRN. The Board received a printout from CIPP(KsPRN). The Board requested a quarterly update on time spent and budget expenditures to be provided at the September meeting.

Approval of New Pharmacists and New Registrants

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

Presentation

Mr. Schoech presented Ms. Kirk with a plaque and the Board's thanks for her dedicated service to the Board of Pharmacy and the citizens of Kansas.

Recess: Mr. Schoech recessed the meeting for lunch at 11:30am to reconvene at 12:30pm.

Reconvene: Mr. Schoech reconvened the meeting at 12:45pm.

Board Discussion/Reports

Pilot Project : Alixa Rx – Amanda Stewart, RPh, and Blake Griese, Esq, presented the update and request to the Board. A motion was made and seconded to allow Alixa Rx to add up to 5 additional sites with 4 being in rural areas of the state and report data back to the Board in September. (Garrelts/Ullom). A friendly amendment was offered to allow Alixa Rx to add sites as proposed by their original list through site #9 which would include the rural sites desired by the Board. (Lonergan/Worden). The amendment was accepted by Dr. Garrelts and Mr. Ullom. Motion passed.

Pharmacy Technician National Certification Task Force Update – Mr. Larkin presented the update from the task force meeting related to the feasibility and impact of mandatory pharmacy technician national certification in Kansas. Information was electronically attached to the agenda which provided discussion topics related to The task force will meet next on June 19, 2013. The hope of the committee is to have a substitute bill or a new bill in August for presentation at the September meeting. Dr. Worden stressed that the Board's mission is to support the advancement of the pharmacy technician workforce and most importantly to improve patient safety by having well trained technicians.

ADA Technical Standards for Applicants – Dr. Barnes from KU School of Pharmacy presented the school's progress regarding the establishment of technical standards in identifying essential skills needed as a student progresses through the curriculum. The information is electronically attached to the agenda. The school is reviewing implications of these standards to applicants relative to admissions and the ADA and how they will be utilized. Anyone wishing to make comments should contact Dr. Barnes within the next couple of weeks.

Recess: Mr. Schoech declared a break to reconvene in 15 minutes.

Reconvene: Mr. Schoech reconvened the meeting at 2:45pm.

Prescription Container Labeling – USP 36 - Ms. Billingsley discussed the NABP resolution related prescription labeling and provided a copy of USP 36. The information was released October 9, 2012 but it is up to each state on whether they will adopt or require the new standards as part of their regulatory scheme. The Board consensus was to reference USP 36 in the newsletter and to a link placed on the pharmacy web site.

NPLeX – Ms. Billingsley gave a quarterly update on the NPLeX tracking system. NPLeX is in the process of adding enhancements that will allow law enforcement to track smurfing operations easier. This should be in place within the next six months. Cherokee County has now joined Parsons and Chanute in requiring prescriptions for over the counter pseudoephedrine. NPLeX will delete these cities and counties from having any law enforcement access to the system since they have officially opted out of the system. Pat Hubble, Pharma, spoke against the small towns requiring prescriptions indicating that in doing so it prevents law enforcement access to the information. Drugs laws should be uniform and are generally desirable so that a patient will know how to obtain his medication in all parts of the state. KTRACS does track prescription pseudoephedrine as a drug of concern but there is no law enforcement access.

KTRACS – Ms. Morris presented a report to the Board. The report included statistics, top threshold recipients by prescribers and dispensers which are attached electronically to the agenda. Ms. Morris also gave information about the SAMSHA grant process, the KHIN MOU, and the HID turnover plan. The advisory committee has recommended that Promethazine with Codeine be added to the drugs of concern. A motion was made and seconded to accept the recommendation to add Promethazine with Codeine to the Drugs of Concern. (Worden/Ullom) Motion passed.

NABP Annual Meeting Resolutions – The Board reviewed the resolutions but no action was taken.

Regulation Update

- **K.A.R. 68-11-1** Fees for examination and licensure as a pharmacist. & **K.A.R. 68-11-2** Fees for premises registrations and permits have been stamped by the Department of Administration and the Attorney General's office and are ready for a public hearing as soon as it is published. A motion was made and seconded to publish notice for a public hearing for the next available meeting based on statutory requirements for publication. The approval of the regulations at the next available meeting will reduce fees for licenses and registrations 25%. (Haneke/Lonergan) Motion passed.
- **K.A.R. 68-18-1 → K.A.R. 68-18-3** Utilization of Unused Medications. The regulations need to be reviewed. Dr. Haneke and Mr. Ullom will lead the review and coordinate proposed changes with KDHE input. Items to be addressed is packaging and repackaging, labeling, and other areas as needed.
- **K.A.R. 68-7-10** Pharmacy based drug distribution systems in adult care homes; definitions; emergency medication kits. Dr. Haneke and Ms. Haynes will review and determine if the LTCF committee needs to be reconvened for additional input.
- **K.A.R. 68-9-1** Electronic data storage systems; and **K.A.R. 68-9-2** Automated drug delivery systems. Review will be coordinate as to how this impacts LTCF.
- **K.A.R. 68-13-1 →K.A.R. 68-13-7.** Parenteral Product. These are the proposed compounding regulations and they are continuing through the legal process.
- **K.A.R. 68-2-22** Electronic prescription transmission. These regulations are to update the regulations so that they match changes in federal and state law.

Board Member Reports

John Worden – Dr. Worden gave the Board and staff the article “*Current Approaches to Punitive Action for Medication Errors by Boards of Pharmacy*” for their reading.

Staff Reports

Carly Haynes – informed the Board of the passing of Cletus Kappelmann, Augusta – Cooper Drug on June 3, 2013.

Melissa Martin – apprised the Board of a continuing problem with electronic prescriptions from PAs and APRNs. The prescription many times does not contain the

protocol or supervising physician. Many pharmacies have to call to obtain the information and meeting with resistance from the offices in providing the required information. As electronic prescriptions increase the problem will be compounded if the vendors do not allow space for the information.

Adjourn: Mr. Schoech adjourned the meeting at 4pm.