

Kansas State Board of Pharmacy
Minutes of the January 6, 2017
Board Meeting

Meeting Location: Kansas Board of Regents Board Room
Curtis State Office Building
1000 SW Jackson, Suite 520
Topeka, KS 66612

Friday, January 6, 2017

Meeting Called to Order: Vice President Mr. Lonergan called the meeting to order at 8:40am.

Members Present: John Worden, Pharm. D.(arrived to meeting at 10:40am), President; Michael Lonergan, R.Ph., Vice President ; James Garrelts, Pharm. D.; Robert Haneke, Pharm D; Cheri Pugh, Public Member; David Schoech, R.Ph., Alternate Investigative Member; and Chad Ullom, R.Ph., Investigative Member.

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Kayla Jones, Compliance Inspector; Reyne Kenton, KTRACS Manager; Jackie Yingling, Assistant Director; KariAnn Wootan, Administrative Specialist; Andrea Haddad, Law Clerk; Andrew Serrone, Law Clerk; Kevin Fowler, JD, General Counsel; and Michele Tunnell, JD, General Counsel.

Others Present: See attached listing.

Administrative Proceedings

Case 16 – 111B KU Hospital Pharmacy –Stipulation and Consent Agreement.

- The Board was represented by Mr. Fowler
- Richard Couldry represented KU Hospital Pharmacy and gave a presentation
- A motion was made to dismiss the stipulation and consent agreement with KU Hospital Pharmacy (Garrelts/Lonergan). Motion passed.

Case 16 – 187. Dustin McKennon

- The Board was represented by Mr. Fowler
- Mr. McKennon failed to appear
- Michele Tunnell swore in Inspector Kayla Jones who gave testimony about her investigation
- A motion was made to deny registration (Schoech/Haneke). Motion passed.

Case 16 – 170 Amtis Amani – Rescheduled for April

PTCB Presentation – Miriam Mobley Smith provided information on the Pharmacy Technician Certification Board and the Pharmacy Technician Certification Exam (PTCE).

Recess: Mr. Lonergan declared a break at 10:08 am to reconvene in 15 minutes.

Reconvene: Mr. Lonergan reconvened the meeting at 10:23 am.

NHA Presentation – Jessica Langley provided information on the National Healthcare Association and the Examination for the Certification of Pharmacy Technicians (ExCPT)

Board Discussion

Pharmacy Technician and Rural Nurse Task Force

Pharmacy Technician Task force developed the CE requirements which were implemented and we will see the results in the 2017 pharmacy technician renewal. Rural nurses are becoming registered as technicians and also have to meet the new pharmacy technician CE Requirements. Strategic Planning discussion during the November 2016 board meeting put changes to pharmacy technician regulations as a 2018 goal. Executive Secretary suggested reconvening pharmacy technician task force, with input from nurses, so they can prepare recommendations for legislative changes. Executive Secretary suggested putting an article in the KBOP Newsletter. Board agreed.

2017 Legislative Session

- Pharmacy Practice Act Amendments and Changes to the Practice Act
- Biosimilars Final Draft - Board opposes any language requiring 5-day reporting requirement for exchanges; should mirror generic substitution requirements
- PMP Act – Approved budget proviso that will require Dental, Nursing, Healing Arts, and Pharmacy to pay flat amount to cover total annual budget in proportion to that board's percentage of prescribers/dispensers
 - INK Grant Application from KBOP has been tabled

Automation Regulations – John Rocchio of CVS discussed some suggested changes for K.A.R. 68-9-3, 68-7-10, and 68-9-2. Board consensus was to ask inspectors, refer back to original task force, and have a clean-up draft ready for discussion April 2017.

Recess: Dr. Worden recessed the meeting for lunch at 11:40am to reconvene at 1pm.

Reconvene: Dr. Worden reconvened the meeting at 1:02pm.

Public Comment: Richard Couldry would like the board to evaluate the communication process to licensees. He would like email communication to be considered in addition to formal letters. Mr. Couldry would also like board to reconsider denial of Jason Kim's pharmacist application. Executive Secretary agreed to bring information to the next board meeting.

Board Discussion Cont.

2017 Legislative Session Cont.

- Controlled Substances Act Updates and Emergency Scheduling Authority drafts
- Kansas Legislative Research Department is considering 80-20 split rather than 90-10 split. This means that the Kansas Board of Pharmacy could be asked to remit up to \$200,000 to the State General Fund (current max is \$100,000).

- GW Pharmaceuticals – Epidiolex. Board expressed hesitancy to pre-schedule a product that is not yet FDA-approved. However, Board does not want to deny or delay access.
- Opioid Antagonist Accessibility Draft – newest draft puts a lot of the regulatory burden on the Kansas Board of Pharmacy. Executive Secretary recommended not making Naloxone a drug of concern by statute. Board can add it as a drug of concern later through regulation, if needed.
- Executive Secretary received email on telemedicine and telepharmacy expansion which indicated the Kansas Rural Health Group will make their recommendation to legislature next week. Dr. Garrelts mentioned Wisconsin had some good language on telepharmacy.
- Legislative Liaisons for Executive Secretary – recommend Board President and Vice President

Umbrella Public Health Board – Public Health Board Comparisons. Kansas Board of Pharmacy was the only board to receive federal grant funds. Interim Legislative Committee recommendation was that no changes be made except to merge hearing aid examiners into KDADS.

Pharmacy Change of Ownership Process – Discussed issue date vs effective date and pending vs active status. Board is okay with proposed ownership change process.

PMP Advisory Committee Membership Update

- Dr. Worden was in favor of moving forward with a conflict of interest policy draft for the PMP Advisory Committee.
- A motion was made and seconded to accept Dr. Stanley L. Wint, D.D.S, nominated by the Kansas Dental Association, as a member of the PMP Advisory Committee (Ullom/Garrelts). Motion passed.
- Board agreed to eliminate all non-mandatory members with expired terms and reappoint Mr. Schoech to the PMP Advisory Committee. A motion was made and seconded to accept Mr. Schoech as a member of the PMP Advisory Committee (Ullom/Lonergan). Motion passed.

NABP Annual Meeting – May 20-23, 2017, Orlando, FL

- The Executive Secretary requested not to attend NABP meeting. Mr. Kinderknecht will attend on behalf of the Board staff. Mr. Ullom agreed to be the Board's primary delegate using travel funds available through the NABP scholarship.

Inspector Compounding Training

Executive Secretary would like all the inspectors to go to CriticalPoint Training and become certified. Ms. Haynes is the only certified inspector. Ms. Martin and Ms. Jones scheduled for March training. Ms. Rosebrook is scheduled for November training.

Sabetha Guidance Document Draft – Dr. Garrelts indicated that it was probably fine but needed to have something added about how medications would be secured and record keeping. Board will share with some stakeholders to get feedback.

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

Reconvene Dr. Worden reconvened the meeting at 2:05pm

Reports and Updates

Board of Pharmacy Financial Report

- Cash balance for the end of December is \$1,329,364.61
- Fund balance is good and YTD revenues are up compared to FY16
- Expenses on target with 50% of year completed and about 51.3% of budget year used including encumbrances.
- Salaries July & December were higher as they included an extra pay period
- Fees – OITS/Other Svs includes registration fees for inspectors and Ms. Kenton

Staffing and KDHE CDC Grant

- Addition of Fan Xiong, Epidemiologist
- \$300,000 funding per year
 - Primary focus is RFP for Appriss – Hospital Integrations
 - 50% K-TRACS program manager salary
 - Awareness/Registration traveling display
 - Unsolicited quarterly prescriber reports

K-TRACS Report by Ms. Kenton

- Will apply for Harold Rogers Grant which is due in April
- When Ms. Kenton first started there 385 pharmacies delinquent in reporting to K-TRACS; decreased to 120-155 (mostly nonresident pharmacies). Four phases for education and discipline:
 1. Send exemption notes and letters to pharmacies who never reported
 2. Work with anyone > 60 days delinquent
 3. Contact those who are sporadically sending zero reports
 4. Fines/Discipline
- Attending summit in Baltimore next month and CDC summit in April
- Will be working on travel displays for KTRACS display & registration booth

Licensing

- eLicensing: completed Appriss integration in December due to grant, will be working on retail dealer renewals, then inspection component of compliance module as a result of old platform failure
- Technician Renewals were very successful

Compliance Report

In 2016, 229 cases were opened and 301 were closed. This was due to resolving outstanding cases from 2014 – 2015 that needed follow up. Average time open for cases closed in 2016 – 282 days as some cases were multiple years old. Average time open for cases open and closed in 2016 was only 86 days.

DEA Registration Changes – The DEA has decided to retain the current practice and not eliminate the grace period for renewal.

Inspector Reports

- Mr. Kinderknecht – contacted by reporter regarding a case from 8 years ago
- Ms. Martin – working with Missouri inspectors on issues they are facing
- Ms. Jones – thinks task force will be a good idea

Kansas NPLeX Dashboard Report – December 2016 Report. Have received more requests for data from NPLeX from consumers, but Board has no access to those records.

Board Member Reports

Dr. Garrelts – Medical Mission at Home – Request for Board Review

Board thought temporary 6-hour pharmacy with no controlled substances would be okay and was similar to something done before in Kansas. Approved.

Mr. Schoech – Talked about NABP Board Member Meeting Dec 2016 and its value.

Approvals*

1. Minutes from November 3, 2016

A motion was made and seconded to approve the Minutes. (Garrelts/Haneke)
Motion passed.

2. New Licensees and Registrants

A motion was made and seconded to approve the New Licensees and Registrants.
(Garrelts/Haneke) Motion passed.

3. Stipulations/Consent Orders

Case 15-115 CVS #8600 - CVS #8600 Stipulation

A motion was made and seconded to approve Stipulation 15-115. (Ullom/Worden)
Motion passed.

4. Summary Orders

- Case 16-047 Julie Scott
- Case 16-085 Terrell Hamp
- Case 16-136 Deena Noll
- Case 16-138 Jonathan Evans
- Case 16-152 Dana Barton
- Case 16-153 Shara Durkin
- Case 16-155 Adrian Gray
- Case 16-164 TaMesha Brown-Mullin
- Case 16-195 Nancy Lynn

A motion was made and seconded to approve the Summary Orders. (Schoech/Garrelts)
Motion passed.

Compliance Report continued

2016 CE Audit Results discussed by Andrew Serrone. Audit period for 2016 period was July 1, 2014 – June 30, 2016. The sample used for audit was all pharmacists disciplined in 2014 and a random sampling of 10% of active pharmacists totaling 282 pharmacists. Reviewed NABP CPE Monitor and 58 pharmacists were found with less than 30 hours. Several pharmacist records were unable to be accessed via the CPE Monitor. All individuals were able to provide proof of CE. Zero summary orders were issued.

Miscellaneous

Mr. Serrone and Ms. Kenton will be doing a survey of other states on PDMPs.

Executive Secretary received communication from NABP Department that deals with newsletter articles. They will be publishing a series called “Interviews with board Executive Secretaries” in their Innovations magazine. Board has no objection to Kansas’ participation.

Executive Session

A motion was made and seconded to enter into executive session for 15 minutes to discuss matters pertaining to personnel to reconvene the meeting at 3:10 pm, and to include the Executive Secretary. (Worden/Lonergan) Motion passed.

Dr. Worden reconvened the meeting at 3:10 pm

Adjourn: Dr. Worden adjourned the meeting at 3:12 pm.