

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING AGENDA
June 13-14, 2018

Meeting Location: University of Kansas Hospital Heart Center
4000 Cambridge St, Room HC 6802
Kansas City, KS 66160

Wednesday, June 13, 2018

Members Present: John Worden, PharmD., President; Chad Ullom, R.Ph., Investigative Member; Robert Haneke, PharmD; Cheri Pugh, Public Member; Bill Walden, R.Ph; and Jonathan Brunswig, PharmD.

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Carly Haynes, R.Ph., Director of Compliance, Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Kayla Jones, Compliance Inspector; Reyne Kenton, KTRACS Program Manager; Heidi Nelson, Administrative Specialist; Randy Forbes, JD, General Counsel.

Meeting Called to Order: The meeting was called to order at 9:00 am.

Staff Reports

Compliance and Inspectors

Director of Compliance Carly Haynes shared a presentation about how compliance is the key to consumer safety. The presentation included statistics from recent inspections.

Pharmacy Compliance Inspector Melissa Martin explained the pre-opening inspection form that is being developed for the eight facility types that require a pre-opening inspection.

Licensed Pharmacy Inspector Jim Kinderknecht explained the Research and Teaching registration that is available for K9 unit training for law enforcement and for pharmacology research for schools and labs.

Licensed Pharmacy Inspector Shelley Rosebrook shared what exactly the inspectors do as part of their job. Their tasks include inspections, investigations, answering questions, drafting regulations, and writing tests.

Pharmacy Compliance Inspector Kayla Jones reported on the Consumer Product Safety Commission inspections that the inspectors complete on behalf of the Federal Government.

The Director of Compliance explained how investigations work and how the increased volume has meant increased time and increased complexity. She also requested that the Board consider making the Pharmacist in Charge responsible for driving the Continuous Quality Improvement meetings and require access to the state's newsletter for all pharmacies as part of those meetings. The Inspectors would also like the Board to consider allowing partial fills for a CII prescription.

Ms. Martin updated the Board on the creation of the compounding inspection forms. She also thanked the Board for passing the compounding regulations. John Worden thanked the Inspectors for the deeper dive in their presentation and requested that the compounding inspection form be sent to the compounding task force before finalization. Discussion was held about the feasibility of inspecting all pharmacies in an 18-month period. Dr. Worden requested that the inspectors provide drafts of needed statutory or regulatory changes to the Board for consideration at future meetings.

Technician CE Audit

The Executive Secretary provided an update on the initial Technician Continuing Education Audit. Technicians who did not complete the required amount of CE were either assessed a fine and additional CE or were revoked. She also provided an update on the current legal caseload.

Recess: The Board recessed at 11:00am.

Reconvene: The Board reconvened at 1:40 pm.

Presentation on CBD from Cody Freeze, PharmD

Public Comment:

Chris Bell, Kansas Council of Health System Pharmacists

Mr. Bell asked when the compounding task force would reconvene. The Executive Secretary said the group membership was still being finalized and would be convened before the Board's next meeting.

Legislative Session Closeout

The Executive Secretary provided a recap of the 2018 Kansas legislative session and the outcome of previously reported legislative actions.

- Cyber Security & IT: CITO approval required for IT projects over \$5,000.
- 2018 HB 2386: The bill was amended to exempt Health Care Agencies and passed.
- The Telemedicine bill passed, but it did not contain any language relating to pharmacy.
- 2018 HB 2280 created a change in the administrative regulation adoption process by adding in a requirement for approval by the Director of Budget.
- The dental therapist bill did not pass.
- Two K-TRACS bills were introduced by legislators but didn't pass.
- 2018 SB 282 – Annual Kansas Controlled Substance Update. The bill passed but the drugs mitragynine, and 7-hydroxymitragynine (Kratom) were removed from Schedule I and so remain legal substances in Kansas. The Board requested that Randy Forbes explore the possibility of the Board exercising its emergency scheduling authority for Kratom. The legislature also amended the bill to include language exempting cannabidiol (0% THC) from the definition of marijuana. This would only have implications for law enforcement in terms of compliance.

- The Board discussed what they wanted their role to be in the medicinal marijuana discussion. The Executive Secretary proposed a 50-state survey presentation to the Board.

NABP Annual Meeting

Chad Ullom, Jonathan Brunswig, Jim Kinderknecht, & the Executive Secretary went to the meeting in Denver, Colorado and it was excellent. Mr. Ullom was a member of the Resolutions Committee, and he reported that the committee does a lot of work. It was a good experience and he would encourage others to do it if they had an opportunity. He also attended a session on changing Pharmacy Boards from scope of practice focus to standard of care – what can you do verses what may you do. Mr. Ullom said going to national meetings has changed how he looks at his profession and he now wants to focus on how we can help the patients not the signing of forms.

Mr. Brunswig shared that he has been to a lot of national meetings and this was one of the best. Mr. Kinderknecht had high praise for the keynote speaker.

Board Member Reports

Bob Haneke wishes he was able to be in Kansas City and hopes to be there in person at the next meeting.

Bill Walden met with Senator Schmidt who is running for insurance commissioner. The Executive Secretary offered her appreciation for the Senator

Jon Brunswig reported that a large chain pharmacy is refusing to fill prescriptions from a specific provider.

Reyne Kenton brought the new banners that were designed for K-TRACS promotion.

Mr. Ullom explained a new app that NABP has created for pharmacists to keep track of their continuing education.

Board Discussion:

The Board just received the first report from the TelePharmacy Pilot Project and the Executive Secretary requested that the Board review that report and then discuss at the next meeting.

Previously tabled K.A.R. 68-2-20

The regulation went through the approval process, public hearing, and then was tabled by the Board. The Executive Secretary shared that the current regulation conflicts with a 2017 statutory change, but the proposed K.A.R. 68-2-20 would not be in conflict even though it might require additional changes in the future. The Board could adopt the regulation and then make changes later.

A motion was made and seconded to made to adopt K.A.R. 68-2-20 (Walden/Ullom)

Roll Call: Ms. Pugh -- Yes, Mr. Walden -- Yes, Dr. Worden -- Yes, Mr. Ullom -- Yes, Dr. Brunswig -- Yes, Dr. Haneke -- Yes.

The motion passed. The regulation will be effective 15 days after publication in the Kansas Register

Compliance Director Haynes asked for clarification on what compliance with the recently adopted K.A.R. 68-2-20 looks like and discussion was held about what prescriptions can be filled in Kansas based on the prescriber type.

The Board received a letter from University of Kansas Health System about proposed changes to 68-7-15(b). The Board agreed that the regulation could be part of the next batch of regulations to be amended.

Recess: John Worden recessed the meeting at 3:18 pm

Reconvene: John Worden reconvened the meeting at 3:29 pm

Approvals

A motion was made and seconded to approve the Summary Disciplinary Actions, Minutes of the March 8, 2018 Board Meeting, Minutes of the April 5 Special Board Meeting, and New Licensees and Registrants (Brunswick/Walden). Motion passed.

A motion was made and seconded to approve the Stipulation and Consent Order for Walgreens (Walden/Brunswick). Motion passed.

A motion was made and seconded to approve the Stipulation and Consent Order for Alixa (Walden/Haneke). Motion passed.

A motion was made and seconded to approve the Stipulation and Consent Order for Udechukwunyerere Chukwukelu (Walden/Pugh). Motion passed.

A motion was made and seconded to approve the Stipulation and Consent Order for Provident Marketing (Walden/Brunswick). Motion passed.

Reports:

Mid-Year Executive Secretary's Report

The Executive Secretary reported on changes made by the Department of Administration to transportation requirements for staff and board members.

The PMP Advisory Committee met on April 27, 2018. The Executive Secretary presented a proposal to them at their request and the Committee expressed concerns. The Executive Secretary updated the Board on the office space maximization project and the continued efforts to make the most of the space that we currently have.

The NABP Interactive Board Member forum is scheduled for November 28 & 29. This meeting is for new Board members to connect with NABP and the Executive Secretary encouraged Mr. Walden & Dr. Brunswick to attend.

Due to the dates of the forum, the November Board Meeting will be rescheduled.

The Executive Secretary recommended moving case 17-171 to the Office of Administrative Hearing. There were no objections from the Board.

The Executive Secretary met with the Board's new administrative hearing judge Loren Snell.

Task Force Update:

- The Collaborative Practice Task Force has met twice since the last Board meeting.
- The Rural Nurse/Pharmacy Technician hasn't met in a while. Topics seem to be highly controversial with minimal commonality or room for compromise. This group hasn't been as high priority as other committees.

The Rural Health Symposium is August 21 in Salina and several staff and Board members will be in attendance.

Reyne Kenton was elected to the Appriss PMP Advisory Committee.

Progress continues to be made on the 2018 Task List.

The Topeka office staff has done 'ride-alongs' with inspectors to observe their role in the field.

The Governor's Substance Abuse Task Force hopes to have recommendations to the governor by September 1.

The Executive Secretary updated the Board on two other mandates from the Governor. He has requested that some agencies provide a list of offenses that would disqualify an individual from registration or licensure and removed any reference to criminal history from state job applications. There is no significant change for our agency.

Planning for the October 2018 meetings is coming along well.

Executive Session

A motion was made and seconded at 4:10 pm to enter into executive session per K.S.A. 75-4319(b) to discuss personnel matters of nonelected personnel to reconvene at 4:30pm and to include the Executive Secretary (Ullom/Brunswick). Motion passed.

John Worden reconvened the meeting at 4:45 pm.

Adjourn: John Worden adjourned the meeting at 4:45 pm.

Thursday, June 14, 2018

Members Present: John Worden, PharmD., President; Chad Ullom, R.Ph., Investigative Member; Robert Haneke, PharmD; Cheri Pugh, Public Member; Bill Walden, RPh; and Jonathan Brunswick, PharmD.

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Carly Haynes, R.Ph., Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Kayla Jones, Compliance Inspector; Reyne Kenton, KTRACS Program Manager; Heidi Nelson, Administrative Specialist; Randy Forbes, JD, General Counsel; Michele Tunnell, JD, Administrative Law Judge; Loren Snell, JD, Administrative Law Judge.

Meeting Called to Order: The meeting was called to order at 8:36 am.

The Board received a welcome from Rick Couldry, Vice President, Pharmacy and Clinical Professions at the University of Kansas Hospital, Tami Peterson, Director of Medical Staff Nursing & Bob Paige, President and CEO of The University of Kansas Health System.

Chad Ullom introduced the student that was interning with him and the Board received a thank you from Judge Tunnell.

Pilot Project Update

The Board discussed the report that they received and requested a directive to submit future reports earlier and with more specifics/details.

Approval

A motion was made and seconded to approve the Stipulation and Consent Order for Brett Courtright (Brunswick/Pugh). Motion passed.

Case 17-169 Uldis Pironis

- The Board was represented by Mr. Forbes.
- Uldis Pironis represented himself and appeared without counsel.
- Ms. Tunnell swore in Mr. Pironis who gave testimony.
- Ms. Tunnell swore in Ms. Blasi who gave testimony.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 9:56 am.
- Dr. Worden reconvened the proceedings at 10:06 am.
- Motion made to approve renewal application with stipulation that he cannot be PIC or independent pharmacy owner in Kansas. (Brunswick/Haneke) Motion carries.

Case 17-059 Britani Winberry

- Proposed Default Order due to no-show.
- Executive Director will make determination if anything is received.

Case 17-187 Jody Reel

- The Board was represented by Mr. Forbes.
- Jody Reel represented herself and appeared without counsel.
- Ms. Tunnell swore in Ms. Reel who gave testimony.
- Ms. Tunnell swore in Jim Kinderknecht who gave testimony.
- Ms. Blasi was still under oath.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 10:52 am.
- Dr. Worden reconvened the proceedings at 11:23 am.
- Motion made to uphold the summary order as presented. (Brunswick/Walden) Haneke voted no and asked to be recorded. Motion carries.

Case 18-004 Lindale Lee

- The Board was represented by Mr. Forbes.
- Lindale Lee represented himself and appeared without counsel.
- Ms. Tunnell swore in Mr. Lee who gave testimony.
- Ms. Blasi was still under oath.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 12:07 pm.
- Dr. Worden reconvened the proceedings at 12:26pm.
- Motion made to approve the application pending receipt of a letter of support from a previous & current pharmacy employer and an individual from the VA. These would be reviewed for compliance and final approval of the application by the investigative member. (Ullom/Walden) Motion carries.

Case 17-312 Mario Edwards-Cunningham

- Proposed Default Order due to no-show.

Case 18-062 Sy'era Caldwell

- The Board was represented by Mr. Forbes.
- Sy'era Caldwell represented herself and appeared without counsel.
- Ms. Tunnell swore in Ms. Caldwell who gave testimony.
- Ms. Blasi was still under oath.
- Ms. Tunnell swore Angelique Byrd who gave testimony.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 12:54 pm.
- Dr. Worden reconvened the proceedings at 12:58 pm.
- Motion made to approve the application. (Ullom/Haneke) Motion carries.

Case 18-084 India Bridgeford

- The Board was represented by Mr. Forbes.
- India Bridgeford represented herself and appeared without counsel.
- Ms. Tunnell swore in Ms. Bridgeford who gave testimony.
- Ms. Blasi was still under oath.
- The Board entered into closed session at 1:42 pm.
- Dr. Worden reconvened the proceedings at 1:52 pm.
- The Board determined that it would be most appropriate to consider only the findings of fact and conclusions of law noted in the Summary Order of Revocation and should not consider the Amended Summary Order. The Board asked Mr. Forbes if he had any objection.
- Mr. Forbes and Ms. Bridgeford agreed to continue the hearing based solely on the findings of fact and conclusions of law set forth in the Summary Order of Revocation.
- The Board overruled the admission of Exhibits 5 and 10.
- Additional exhibits related to the Amended Order would be stricken from the record and not considered by the Board.
- Exhibit 3 was amended and became Exhibit A.
- The Board entered into closed session for KAPA deliberations at 2:27 pm.
- Dr. Worden reconvened the proceedings at 2:36 pm.
- Motion made to uphold the original summary order of revocation. (Walden/Brunswig) Motion carries.

Case 18-070 Ijeoma Esomonu

- The Board was represented by Mr. Forbes.
- Ijeoma Esomonu represented herself and appeared without counsel.
- Ms. Tunnell swore in Ms. Esomonu who gave testimony.
- Ms. Blasi was still under oath.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 3:11pm.
- Dr. Worden reconvened the proceedings at 3:18pm.

- Motion made to approve the application pending the passing of the MPJE with the restriction that she not be a PIC or owner of a pharmacy. (Ullom/Haneke)
Motion carries.

Adjorn: John Worden adjourned the meeting at 3:21 pm.