

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES**
September 13, 2018

**Meeting Location: Board of Healing Arts Board Room
800 SW Jackson, Lower Level
Topeka, KS 66612**

Thursday, September 13, 2018

Members Present: John Worden, PharmD., President; Mike Lonergan R.Ph., Vice-President; Chad Ullom, R.Ph., Investigative Member; Robert Haneke, PharmD; Cheri Pugh, Public Member; Bill Walden, RPh; and Jonathan Brunswig, 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; Jackie Yingling, Assistant Director; Heidi Nelson, Administrative Specialist; Randy Forbes, JD, General Counsel; Linda M. Blasi, Public Service Administrator; Loren Snell, JD, Administrative Law Judge.

John Worden called the meeting to order at 8:36 am

Case 17-003 Brett Wolford

- The Board was represented by Mr. Forbes.
- Brett Wolford represented himself and appeared without counsel.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 8:47 am.
- Dr. Worden reconvened the proceedings at 8:56 am.
- Motion made to allow Mr. Wolford's intern registration to proceed without any disciplinary action. (Ullom/Lonergan) Motion carries.

Case 17-146 Richard Brent Blankenship

- The Board was represented by Mr. Forbes.
- Richard Brent Blankenship represented himself and appeared without counsel.
- Mr. Snell swore in Kelly Rockers who gave testimony.
- Mr. Forbes requested the hearing be closed for the Board to hear sensitive information.
- Mr. Snell swore in Mr. Blankenship who gave testimony.
- The Board reopened the hearing.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 9:16 am.
- Dr. Worden reconvened the proceedings at 9:28 am.
- Motion made to approve the application to take the MPJE. Upon passage of the exam, Mr. Blankenship would be issued a license on probation for four years

which would prevent him from being a pharmacy owner, PIC, or preceptor. He must also stay in the KsPRN program. (Walden/Ullom) Motion carries.

Recess: The Board recessed at 9:30am.

Reconvene: The Board reconvened at 9:38am.

Case 18-441 Lucas Oborny

- The Board was represented by Mr. Forbes.
- Lucas Oborny represented himself and appeared without counsel.
- Mr. Snell swore in Ms. Linda Blasi who gave testimony.
- Mr. Snell swore in Mr. Oborny who gave testimony.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 9:55am.
- Dr. Worden reconvened the proceedings at 10:04am.
- Motion made to approve intern registration on 2 years of probation and a recommendation for a mental health evaluation. Any change to criminal history or Missouri intern status would require notification to the Board within 10 days. (Lonergan/Haneke) Motion carries.

Case 17-153 Nathan Selman

- Motion made to propose a default order. (Ullom/Brunswig) Motion carries.

Case 18-422 Taylor Uhrmacher

- Motion made to propose a default order. (Ullom/Brunswig) Motion carries.

Reports

NABP

The Board received a report from Bill Cover with the National Association of Boards of Pharmacy. Every dollar of the annual dues that KBOP pays equals \$1,300 in NABP assistance.

Recess: The Board recessed at 11:22am.

Reconvene: The Board reconvened at 11:28am.

October Meetings

- The Executive Secretary provided an update on the plans for MALTAGON and NABP-AACP District 6, 7 & 8 meetings that the Board is hosting in October of 2018.
- The Board approved the introduction of a resolution on ingestible event markers at the NABP-AACP District 6, 7 & 8.

Recess: The Board recessed at 11:47am.

Reconvene: The Board reconvened at 12:25pm.

Awards and Recognition

Reyne Kenton was named Employee of the 2nd quarter and Fan Xiong was selected as a finalist nominee at the Safe States Conference.

Financial and Operations Report

Jackie Yingling gave an overview of

- How governmental fund accounting works;
- Explained the difference between appropriation, encumbrance, and expenditure;
- Walked through the prior authorization procedure;
- Gave an overview of the K-TRACS expenditures and related grant money; and
- Provided an overview of expenses over the past 5 years.

Fiscal Year 2020 and 2021 Budget Submission

The Executive Secretary presented the Board with the highlights of the budget being submitted to the Division of Budget that includes a request for state general funding for the K-TRACS program. She explained the new performance-based budgeting model and how that will work for the agency and highlighted additions and enhancements that are being requested.

Pilot Project(s)

The Board received reports from the Pilot Project and requested that they be more detailed.

Recess: The Board recessed at 1:26 pm.

Reconvene: The Board reconvened at 1:35 pm.

Public Comment:

Joe Heidrick, representing the University of Kansas School of Pharmacy, inquired about sharing the cost of background checks for interns. A discussion was held about the possibility of the agency and the school sharing background check information on intern registrants.

Reports, cont.:

Committees and Task Force

The Executive Secretary reported that great progress was being made by the PMP Advisory Committee (meeting monthly) on the creation of a guidance document for staff to use in identifying consumers, prescribers, and pharmacists with suspicious patterns. The Compounding Task Force is back together, meeting regularly, and is working on regulations. Individuals have been added representing veterinary and nuclear pharmacy practice, along with out-of-state representation.

The Pharmacy Tech/Rural Nurse Task force will be meeting again soon.

The Collaborative Practice Task Force does not currently have a meeting scheduled.

The CE Committee continues to meet regularly.

Board Member Mileage Reimbursement update: The Attorney General's office stepped in and board members will be reimbursed as usual.

Board Member Reports

Jon Brunswig has received questions from medical staff about outdated medications that could potentially be life-saving but are expired and cannot be replaced. Policies are being rewritten to continue use at provider discretion. Carly Haynes suggested they contact the manufacture. The policy puts responsibility on physician if they want to use expired medications and must consult with patient if they are coherent.

Bob Haneke passed along reports from the East Coast that street drug dealers are packing in naloxone with their illegal drugs.

Chad Ullom asked for clarification on what the options are for increasing the pharmacy technician ratio. The Executive Secretary indicated that the ratio is regulatory and can be changed but pointed out that the Pharmacy Technician/Rural Nurse Task Force is very split and hasn't yet reached a consensus. She plans to bring two drafts of the regulation to the next committee meeting for their review.

Board Discussion:

Continuing Education

The Executive Secretary requested clarification from the Board on BCLS and ACLS courses if approved by ACPE since the CE definition in the regulation excludes these courses but approves all ACPE courses. The Board directed staff to admit BCLS and ACLS courses if ACPE approved and if not ACPE approved, request that they be submitted to the Board for approval. The regulation will be amended.

Board Delegation of Authority

The Executive Secretary provided the Board with a proposed Board Delegation of Authority document that could be adopted at the November Board Meeting and then reviewed annually by the Board moving forward. The Board and Mr. Forbes provided feedback.

Reinstatement Guidance Document

The document lays out the process for reinstatement of a pharmacist who has let their license expire.

A motion was made and seconded to accept the Guidance Document for Reinstatement of a Pharmacist License after Nonrenewal. (Ullom/Walden) The motion passed.

Regulations for Consideration

- K.A.R 68-2-20 is back to square one even though the Board adopted it in June because it is missing the Office of Budget approval.
- K.A.R. 68-7-24: epinephrine kits in schools – the Attorney General says the only authority the Board has is to authorize school nurses to maintain epinephrine. The Executive Secretary's recommendation was to move forward with statutory changes instead of regulations.
- Next on the agenda are the DSCSA regulations, CQI and KBOP newsletter review requirements, and updates to K-TRACS regulations.
- K.A.R. 68-7-15: The Board was provided with a proposed draft of the regulation in response to a letter from the University of Kansas Health System. Chris Bell, UKHS, requested clarification on the sterile compounding portion of the regulation.

Scheduling of Kratom on Emergency Basis

Kevin Fowler reviewed the legislation and determined that the Board cannot emergency schedule Kratom.

2019 Legislative Agenda

- The Board is working on amendments allowing partial fills of CIIs in accordance with CARA 21 USC 829(f).

- There is nothing that allows the Board to erase past discipline in the Board of Pharmacy Practice Act or Kansas Administrative Procedure. The Board requested that it be kept on the table for future consideration, but it is not a priority for 2019 legislation.
- FDA compounding statement and proposed MOU-MOU says states will provide information to the FDA on adverse events in the state.

Approvals

A motion was made and seconded to approve the Stipulation and Consent Agreements (Brunswig/Pugh). Motion passed.

A motion was made and seconded to approve the Summary Disciplinary Actions, Minutes of the June 13 & 14, 2018 Board Meeting, New Licensees and Registrants, and Appointments (Walden/Brunswig). Motion passed.

eLicense Preview

The Executive Secretary gave the Board a preview of the Case/Complaint module that is being developed for the eLicense system. All complaints will receive a complaint number and if needed, the complaint would be sent along for review and would receive a case number. The case management system will be integrated into the eLicense system and discipline will be connected to the license verification.

Recess: The Board recessed at 3:31 pm.

Reconvene: The Board reconvened at 3:35 pm.

Executive Session

A motion was made and seconded at 3:35 pm to enter into executive session per K.S.A. 75-4319(b) to discuss personnel matters of nonelected personnel to reconvene at 4:15 pm and to include the Executive Secretary (Ullom/Brunswig). Motion passed.

John Worden reconvened the meeting at 4:15 pm.

Adjourn: John Worden adjourned the meeting at 4:15 pm.