

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
September 11 & 12, 2019**

**Meeting Location: Board of Cosmetology Conference Room
714 SW Jackson, Suite #100
Topeka, KS 66603**

Wednesday, September 11, 2019

Members Present: John Worden, PharmD., President; Jonathan Brunswig, PharmD., Vice-President; Bill Walden, R.Ph., Investigative Member; Mike Lonergan, R.Ph.; Terica Gatewood, PharmD; Tiffany Strohmeier, PharmD; Cheri Pugh, Public Member

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; Rachel Gardner, Administrative Assistant; Randy Forbes, JD, General Counsel; Lesa Pritz, Administrative Assistant.

Opening:

The President called the meeting to order at 8:31am, with a moment of silence & remembrance. Introductions were made of new Board members & staff changes:

- Terica Gatewood, PharmD
- Tiffany Strohmeier, PharmD
- Jennifer Donnelly, Assistant K-TRACS Director
- Ashley Riley promoted to Administrative Specialist
- Lesa Pritz hired as Administrative Assistant
- Epidemiologist position is vacant and pending KDHE grant award

Board Discussion:

Regulations for Consideration:

PIC Resignation - Clarification is needed on K.A.R. 68-2-5 regarding timely PIC resignation and notification to Board office. Each pharmacist shall submit notification on a BA-50 or resign in eLicense no later than five days after ceasing to serve as PIC. The Board agreed to proceed with this change.

Technician Ratios - The Board has discussed moving forward with 4:1 ratio with a waiver for a 6:1 ratio. The draft prepared by staff placed the core responsibility for waiver on a PIC and supervising pharmacists actively engaged in pharmacy practice in Kansas. The Board requested additional consideration be given to the 6:1 waiver before language was finalized.

Presentation from Nevada Funeral & Cemetery Services Board

Jennifer Kandt, Executive Director, gave a remote presentation on Competence & Conflict of Interest.

Recess: The Board recessed at 10:01am.

Reconvene: The Board reconvened at 10:12am.

Technician Ratio Discussion (cont.) – The Board directed the Executive Secretary to proceed with increasing the technician ratio to 4:1 and limit a pharmacist to supervising no more than two technicians that have not passed a certification exam. The Executive Secretary will survey Kansas PICs to assess the level of interest in a 6:1 tech ratio waiver option.

Proposed 2020 Meeting Dates

Conflicts on December 5th, so plans will be set for full day December 2nd and half day December 3rd. The Executive Secretary provided the Board with tentative dates for the 2020 quarterly meetings.

“Rx” or “pharmacy” name

The Board discussed the Insurance Commissioner’s concerns from the June meeting regarding possible violations of the Pharmacy Practice Act by non-pharmacy businesses using Rx or similar identifiers in the business name. On behalf of the Insurance Department, Justin McFarland provided information on the Attorney General Opinion regarding this topic and stated that this issue was not under the Commissioner’s jurisdiction but that she would lend her full cooperation. The Board’s General Counsel will direct his assistant to do further research on businesses licensed as such by the state; the Board will then cross-match with those who are Board-licensed, and the Executive Secretary will bring the findings back to Board.

Rocker’s Pharmacy

The Board gave its input concerning Rocker’s Pharmacy: a letter will be sent and will copy the Insurance Commissioner, stating Mr. Rockers process was compliant with the Kansas Pharmacy Practice Act.

Kansas Medication Collection and Disposal Program

The Executive Secretary provided background on the KDHE Kansas Medication Disposal Program and KDHE’s request for the Board to take over operation of the program soon. Since the Board is in a better position to identify facilities and pharmacies related to medication take-back efforts, the Executive Secretary recommends that the Board take responsibility for this program – renamed the Kansas Medication Collection and Disposal Program. Efforts are already underway to transfer information and processes. The Board agreed.

Recess: The Board recessed for lunch at 11:57am.

Reconvene: The Board reconvened at 12:59 pm.

Public Comment

None

Board Member Reports

None

Reports

Committee Reports and Appointments:

The Tripartite Committee reviewed the new intern application review process and determined that this year’s changes were successful for all parties. The Committee also discussed mental health issues which are resulting in criminal, disciplinary, and impaired provider problems among students and pharmacists and the need for additional prevention and treatment resources. The Board and KPhA have started the WELL. AWARE. Balanced Self-care program. The School of Pharmacy is pursuing similar efforts. The Board’s upcoming visit to the first year pharmacy intern class will also discuss these issues and provide a give-away.

Budget and Operations Report

Ms. Yingling gave a numerical overview of accounting fund details, the Board's appropriation vs. encumbrance vs. expenditure, grant funds including those related to K-TRACS and its expenditures, and FY 2020 estimated revenues. The budget timeline was explained.

FY 2020 and 2021 Budget Submission Report

The Executive Secretary summarized the submission process: IBARS data, budget narrative, performance-based budgeting measures, and pharmacy legislation for the last decade. Year-to-year enhancements are related to the state employee Cost Of Living Adjustment (COLA) and the three-year plan to reduce the salary disparity for staff pharmacists. Motion was made and seconded to accept and submit the budget. (Worden/Walden) Motion carries.

IT Strategic Plan

Board is working on migrating to the OITS environment, likely this fiscal year, with advantages for field staff operability. The Board is also required to submit its five-year IT strategic plan. Specific highlighted projects include the ongoing document digitization project, continued enhancement of eLicense, and the OITS migration.

2020 Legislation on Pharmacy Practice Act

Some starting points were brought to the attention of the Board for updates to the Kansas Pharmacy Practice Act, including but not limited to:

- Epinephrine in schools
- Emergency Kits at hospice facilities
- Cost of charging for inspections
- Cap on exam failures for registration
- Grounds for discipline for facilities, regarding DSCSA
- Expungement of minor disciplinary actions
- Telepharmacy and Automation
- Adoption of USP by statute, current differences by state
- Physician Dispensing and Compounding
- Logging of Codeine Cough Syrup
- Partial Fills of C-II prescriptions
- Technical Corrections

Recess: The Board recessed at 3:10pm.

Reconvene: The Board reconvened at 3:20pm.

2020 Legislation (cont)

The Executive Secretary has been working with the K-TRACS Advisory Committee to identify updates to the Prescription Monitoring Program Act. She reviewed the bulleted topic list with the Board and explained the stakeholder review process to finalize legislation for the Committee to request during the 2020 session. The Board briefly discussed K-TRACS funding.

CLEAR Investigation Tool

The Executive Secretary provided an explanation of the CLEAR investigation tool developed by Thompson Reuters, which would enable staff to do a deep-dive background check on applicants and licensees. This would be particularly helpful for non-resident facility applications and owners. The Executive Secretary recommended using the tool. The Board's Attorney indicated he believed the

information (largely public record) would be useful to the Board and is within the Board's authority to obtain. The Board agreed to move forward.

Director Report (cont)

The Collaborative Practice Committee is waiting for KDHE Secretary Dr. Lee Norman to review the draft statewide immunization protocol.

The Compounding Committee will meet on Monday.

The Pilot Project is in the final quarter of its two-year project. The Board agreed with the Executive Secretary's recommendation that the pharmacy owner provide a final report at the next quarterly meeting for the Board's consideration.

The CE Review Committee has not met because a new Board member must be appointed to the Committee. Tiffany Strohmeier volunteered and will be the new Board representative for the Committee.

The Executive Secretary asked for feedback from the Board regarding their monthly updates and provided a brief recap of ongoing agency projects, staffing, NABP, and the Board packet.

Action Items

A motion was made and seconded to reappoint Amanda Applegate and to appoint Jennifer Loucks to the Collaborative Drug Therapy Management Committee. (Brunswick/Gatewood) Motion carries.

A motion was made and seconded to approve the minutes from the June 6, 2019 Board meeting, all new Licensees and Registrants, and the appointments to the K-TRACS Advisory Committee. (Lonergan/Walden) Motion carries.

Executive Session

A motion was made and seconded at 4:00pm to enter into an executive session per K.S.A. 75-4319(b)(1) to discuss matters of non-elected personnel including the Board Attorney and Executive Secretary until 4:20pm. (Walden/Brunswick) Motion carries.

Reconvene: Dr. Worden reconvened the meeting at 4:20pm

Adjourn: Dr. Worden adjourned the meeting at 4:20pm.

Thursday, September 12, 2019

Members Present: John Worden, PharmD., President; Jonathan Brunswig, PharmD., Vice-President; Bill Walden, R.Ph., Investigative Member; Mike Lonergan, R.Ph.; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Cheri Pugh, Public Member

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; Reyne Kenton, K-TRACS Program Manager; Jennifer Donnelly, Assistant K-TRACS Director; Linda Blasi, LMSW, Public Service Administrator; Rachel Gardner, Administrative Assistant; Randy Forbes, JD, General Counsel; Loren Snell, JD, Administrative Law Judge.

Opening:

The President called the open meeting to order at 8:37am.

Stipulation & Consent Orders:

Motions were made and seconded to approve Stipulation & Consent Agreements as presented for Case 19-426 (Strohmeyer/Brunswig) and Case 19-347(Brunswig/Lonergan). Motions carried.

Hearings:

Case 19-044 Alex Conley

- The Board was represented by Mr. Forbes.
- Alex Conley represented himself and appeared without counsel.
- Mr. Snell swore in Mr. Conley, who gave testimony.
- The Board entered into closed session for KAPA deliberations at 8:52am and included the Executive Secretary. (Brunswig/Gatewood)
- Dr. Worden reconvened the proceedings at 9:01am.
- A motion was made and seconded to grant the intern registration, with a probationary status for a period of two years under the standard terms and with compliance of court-imposed discipline. (Lonergan/Brunswig) Opposed by Walden. Motion carries.

Case 19-356 Priyanka Nath

- The Board was represented by Mr. Forbes.
- Priyanka Nath appeared in person with counsel, Scott Gyllenborg.
- Mr. Snell swore in Ms. Nath who gave testimony.
- The Board entered into closed session for deliberations at 9:27am and included the Executive Secretary. (Brunswig/Walden)
- Dr. Worden reconvened the proceedings at 9:31am.
- A motion made and seconded to grant the intern registration, with a probationary status for a period of two years under standard terms, and with compliance of court-imposed discipline. (Brunswig/Walden) Motion carries.

Recess: The Board recessed at 9:35 am.

Reconvene: The Board reconvened at 9:44 am.

Board Discussion

The Board discussed hosting a future Board meeting at the University of Kansas School of Pharmacy. The Executive Secretary indicated that these meetings were not historically well-attended, but would discuss the potential with the School.

Stipulation & Consent Orders (cont.):

18-033 Jason Kent

- Dr. Strohmeyer recused herself from the case.
- At 9:58am, the Board entered into closed deliberations for the purpose of reviewing information regarding private information of a licensee and including the Board's attorney, the Executive Secretary, the Compliance Staff, and KsPRN staff.
- Dr. Worden reopened the proceeding at 10:19am.
- Motion was made and seconded to approve the Stipulation & Consent Agreement as presented. (Pugh/Gatewood) Motion carries.

Hearings (cont):

Case 19-137 Athanasios Mastrokostas

- The Board was represented by Mr. Forbes.
- Athanasios Mastrokostas appeared in person without counsel.
- Mr. Snell swore in Mr. Mastrokostas who gave testimony.
- The Board entered into closed session for deliberations at 10:57 am.
- Dr. Worden reopened the proceedings at 11:08am.
- Motion made and seconded to deny the application for licensure as a pharmacist by reciprocity. (Brunswick/Lonergan) Motion carries.

Case 18-680 Jessica Godwin (revisited)

At 9:45am, the Board determined that Ms. Godwin had failed to appear for her hearing scheduled at 9:00am. The Executive Secretary recommended a default order be sent, reinstating the original summary order to deny the renewal, in which there would be a short period given to request reconsideration. The Board agreed.

Stipulation & Consent Orders (cont.):

Motions were made and seconded to approve Stipulation & Consent Agreements as presented for Cases 18-442A (Brunswick/Strohmeyer), 18-638 (Brunswick/Gatewood), 18-673 (Strohmeyer/Pugh), and 19-025 (Brunswick/Pugh). Motions carried.

Recess: The Board recessed at 11:27 am.

Reconvene: The Board reconvened at 11:51 am.

Board Discussion (cont.)

KU has gone live with KTRACS integration, and we're on the final frontier with individual prescriber practices.

The Board appointed Dr. Gatewood as the Alternate Investigative Member. The Board also discussed the interval and length of investigative reviews.

Stipulation & Consent Orders (cont.):

Motions were made and seconded to approve Stipulation & Consent Agreements as presented for Cases 19-065 (Lonergan/Strohmeyer), 19-041 (Pugh/Gatewood), 19-092 (Strohmeyer/Gatewood), 19-106 (Strohmeyer/Lonergan), and 19-376 (Brunswick/Gatewood). Motions carried.

Motion was made and seconded at 12:23pm to enter into executive session for the purpose of consulting with the Board's attorney on matters that would be deemed privileged under the attorney-client relationship per K.S.A. 75-4319(b)(2) and include the Board's attorney, the Executive Secretary, and the Compliance staff until 1:00 pm (Walden/Brunswick). Motion carries.

Reconvene: Dr. Worden reopened the meeting at 1:00pm.

Reports (cont. from Wed.):

The Board agreed to accept online CPR recertification training.

The Board discussed splitting insulin pen boxes and requested that the issue be discussed with NABP and other states to determine how others are handling the matter. The Board members will send any insurance companies refusing adjustment of days supply to the Executive Secretary's attention.

Concerning the NABP Blueprint, the Executive Secretary reported that the integration involves the Board's inspection reports and gaining cohesiveness. The Board recommended revising the eLicense inspection reports and cross-walking to the NABP blueprint, rather than adopting the blueprint.

For USP Adoption by Statue, the Compounding Task Force is meeting to update the regulations consistent with revisions to USP 797. Regulations need to be put in place for chapter 800, effective in December of 2019, for which the Board will not waive enforcement. The Board discussed including additional information in the December 2019 newsletter.

The Executive Secretary noted the web Board meeting on October 22nd for the public hearing on proposed administrative regulations. The meeting will take place at 8:00am, and will include feedback from the Joint Committee on Administrative Rules and Regulations and any public comments received by the Board.

Adjourned: Dr. Worden adjourned the meeting at 1:50 pm.