

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
June 4, 2020**

Meeting Location:

Due to COVID-19, the meeting was conducted virtually on the WebEx platform.

Members Present: Jonathan Brunswig, PharmD., President; Bill Walden, R.Ph., Vice President; Terica Gatewood, PharmD., Investigative Member; Tiffany Strohmeier, PharmD.; Erick Axcell, PharmD.; Andrew Truong, PharmD.; Cheri Pugh, Public Member (AM only)

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 Montgomery, Compliance Inspector; Jennifer Donnelly, MPH, K-TRACS Assistant Director; Reyne Kenton, K-TRACS Program Manager; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Nikki Aronhalt, RN, K-TRACS Program Specialist; Gayle Donaldson, K-TRACS Public Information Officer; Linda Blasi, LMSW, Public Service Administrator; Rachel Gardner, Administrative Assistant; Randy Forbes, JD, General Counsel; Loren Snell, JD, Administrative Law Judge

Opening:

Virtual roll call was taken at 9:01am, following which the President shared the agenda and explained the process for closing the meeting for administrative hearings or executive sessions. The President then welcomed and introduced the Board's two newest members, Erick Axcell, PharmD., of Lawrence, and Andy Truong, PharmD., of Wichita.

Hearing:

The President called to order the Administrative Proceedings at 9:13am.

14-100 Steven Stoecker

- The Board was represented by Mr. Forbes.
- Mr. Stoecker appeared in person via video conference call.
- Judge Snell swore in Mr. Stoecker, who provided brief testimony.
- No questions were offered to Mr. Stoecker by Mr. Forbes, nor by the Board.
- Mr. Forbes called Alexandra Blasi, the Board's Executive Secretary, to give testimony.
- Judge Snell swore in Ms. Blasi, who provided testimony that Mr. Stoecker had gone above and beyond in working to complete his KsPRN program which was recognized by the Committee on Impaired Pharmacy Practice. The CIPP voted unanimously to release Mr. Stoecker.
- A motion was made and seconded to release Mr. Stoecker from the requirement of his participation in the CIPP program and reinstate his license to full, active status (Walden/Strohmeier). Motion carries.

Board Discussion:

Pharmacist Signing Immunization Protocol – Ms. Rosebrook brought to the Board's attention that one of KBOP's registered chains would like to change the immunization protocol by obtaining one original signature from the physician that would allow them to make subsequent

changes to the list of names without notification to the physician upon each change therein. Ms. Rosebrook will respond with the Board's determination that the responsibility rests with the pharmacist and physician to draft specific language outlining their procedure, documented within their protocol agreement.

COVID-19 Updates

- Point of Care Testing – This has been authorized by HHS via the PREP Act. The Board supports pharmacists providing COVID-19 testing in accordance with the HHS guidance.
- Remote Work – The Board will allow continued remote work and reevaluate at the September meeting its outlined criteria for interns, technicians, and pharmacists working remotely.
- Dangers of Theft/Loss - The Board agreed that the current regulations for reporting the loss of controlled substances mitigate concerns regarding the dangers of items lost in a potential pharmacy looting/riot scenario and no additional action is needed at this time.

Recess: The Board recessed at 10:39am.

Reconvene: The Board reconvened at 10:51am.

Board Discussion (cont):

FDA MOU – The final draft of the FDA MOU with states has been published for comment. Once officially released (later this year) the states will have one year to sign the MOU. Board members Ms. Strohmeyer and Mr. Axcell volunteered to participate in reviewing the MOU with the Executive Director, Director of Compliance, and Board attorney. Concerns were stated that the final draft, which includes NABP as a third party to collect compounding information from states on behalf of the FDA, could place undue financial, staffing, time, and confidentiality burdens on KBOP and its small business registrants, who would be the compilers of data without guarantee in right or benefit of their own access to such.

DSCSA – The Board reached the following consensuses, as the waiver period for registrants to fall into regulatory compliance under their new and shifted registration categories nears expiration:

- Third-party logistics providers will not be granted a waiver in obtaining home-state inspections.
- Distributors may provide comparable letters of credit in lieu of surety bonds.
- For nonprescription distributors, the surety bond requirement will be waived.

Medical Care Facilities Stocking Meds at Non-registered Locales -

The Board considered whether hospital pharmacies can store drugs at a different physician-owned-and-operated location not registered with the Board but owned by the hospital. The Board determined that this is inconsistent with the Kansas Pharmacy Practice Act. The Board will continue review of this issue.

Approvals:

A motion was made and seconded to approve the Stipulation & Consent Agreements, minutes from the March 10 & 11, 2020 and Special April 16, 2020 Board meetings, and new Licensees & Registrants since March 1, 2020. (Strohmeyer/Gatewood). Motion carries.

A motion was made and seconded to approve the Stipulation & Consent Agreements as presented for cases 19-414, 19-611, 20-011, 20-012, 20-013, 20-022, 19-341, and 20-014 (Gatewood/Axcell). Mr. Truong recused himself from the vote. Motion carries.

Recess: The Board recessed for lunch at 12:25pm.

Reconvene: The Board reconvened at 1:02pm.

Public Comment:

None

Reports:

Board Member Report - NABP hosted its annual meeting virtually on May 14th, for which President Brunswig was elected the Board's delegate, though Ms. Strohmeyer & Ms. Gatewood also joined. This year's meeting was largely business-only, with most resolutions and votes passing, including the election of Caroline Juran as NABP's new President.

USP and Compounding Task Force Report – The Executive Director provided an update on the USP appeals and indicated that the existing Kansas regulations require no changes pending further information from USP.

K-TRACS Division Report – The Assistant Director of K-TRACS and the K-TRACS team presented an annual report on the K-TRACS program. Highlights included current grants and recent grant applications, funding, contract and enhancements, epidemiology and utilization overview, new staff, the K-TRACS validation review, the new K-TRACS website, etc.

Director Report:

- Committee Updates
 - Collaborative Drug Therapy Management Committee has not met recently, but last meeting surrounded the statewide immunization protocol for Dr. Norman's signature. However, the group may reconvene to put together language that would include any COVID vaccine.
 - The Tripartite Committee has now ruled out written paper NAPLEX and MPJE exams. With COVID, there is limited seating at testing centers, but more centers are reopening at 50% testing capacity. The new 2020 intern class will require fingerprinting, which was matched against existing registrants in the system.
 - The CE Review Committee is continuing to approve continuing education for individual providers and pharmacists.
 - The Pilot Project Committee has not met in some time. Though there have been inquiries, no applications have been received. Though the project has gone well and been responsive in providing updates to their inspector, the two-year program (which was extended pending legislation) was included in 2020 legislation that did not receive a hearing during the session.
- The Board has hired a new Advanced Epidemiologist that will start in July, filling all our remaining vacancies.
- Office "renovation" has been completed for our new office layout but won't be in use until after July 4th when staff will return to the office in a rotation. The office will remain closed to the public.

- The remaining quarterly Board meetings are slated for September 3rd and December 10th, though in-person presence will depend upon the pandemic. After the September meeting, the Board will look toward possible implementation of six meetings per year, with two of those six meetings held remotely.

Strategic Planning (FY2021 – FY2025) Follow-up:

The Executive Director reviewed the goals, objectives, and action items for the new strategic plan developed at the March 2020 Board meeting. This is a living, evolving plan and will shape the Board submissions for FY2022 and FY2023 budgets in September.

Adjourn: The President adjourned the meeting at 2:26pm.