

KANSAS STATE BOARD OF PHARMACY

MINUTES OF THE MEETING

October 1, 2002

LOCATION: AmeriSuites, 6021 SW 6th Ave. Topeka, Kansas

MEMBERS PRESENT: Max Heidrick, RPh., President; Mike Hurst, RPh. Vice President; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Officer; Randy Forbes, Board Attorney; Karen Hollon, Public Service Administrator

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30.

ACCEPTANCE OF THE MINUTES: A motion was made and seconded to accept the minutes of the June 11-12, 2002 Board Meeting as amended (Upson/Thompson). Motion carried 5-0.

MAX HEIDRICK'S REPORT: Mr. Heidrick reported that Dana Creitz has Pasteur syndrome and is on dialysis. Mr. Heidrick stated he had attended the Kansas Pharmacist's Association Annual Meeting where Susan Linn and Nancy Corkins made a nice presentation regarding pharmacists-in-charge responsibilities.

MIKE HURST'S REPORT: Mr. Hurst reported that he had attended the Kansas Pharmacist's Association Meeting where Steve Schwarm reported on HIPPA. Mr. Hurst reported that the Orientation for New Board Members was helpful. Discussed automation in nursing homes.

MERLIN MCFARLAND'S REPORT: Mr. McFarland reported he had been doing research on the technician credentialing education by getting information from Wichita Area Vocational-Technical School. The Board discussed the direction to take concerning credentialing of technicians.

DR. DAN UPSON'S REPORT: Dr. Upson continued the discussion of credentialing technicians.

JEFF THOMPSON'S REPORT: Mr. Thompson also reported that the Orientation for New Board Members was good and felt that it should be done again and often. Discussed an article in the New York Times regarding the Canadian drug issue. Discussed telepharmacy and who would need to be registered.

FRANK WHITCHURCH'S REPORT: Mr. Whitchurch discussed with the Board that an Incident Report could be protected from the discovery process in a case and that maybe the Board should look at using as a tool. Also discussed that the Board should make it a requirement that pharmacies use Accuracy Labels.

CENTRAL FILL - Frank Whitchurch: Discussed proposed regulations. Mr. Whitchurch, Jim Kinderknecht, Susan Linn, Randy Forbes, Bob Williams, Kent Richardson, Barb Woods, and Merlin McFarland, will meet to prepare some regulations.

Mr. Heidrick recessed the meeting from 10:58 a.m. until 11:13 a.m.

Mr. Heidrick changed the December 18th and 19th, 2002 board meeting by extending the meeting through the 20th.

COMPOUNDING - Jeff Thompson: Mr. Thompson reported that there are only 12 or 13 states with compounding regulations. Mr. Thompson will finalize his ideas of what might work and have them ready to look at the December board meeting. Asked the Board for some guidance and will discuss with Jim Kinderknecht and Barb Woods.

PHARMACY CLASSIFICATION - Frank Whitchurch: Mr. Whitchurch presented the option of a classification system for pharmacies. Mr. Whitchurch has discussed with Kevin Kinkade why Missouri has pharmacy classifications. The Board decided to continue to use the present process.

DIVISION OF PERSONNEL REPORT: Terry Bernatis, Assistant Director to the Division of Personnel Services, Liz Wong, Recruiter, and Lois Ryan gave the Board an update on the recruiting process. Ms. Wong showed the Board the pamphlet that was mailed to 2100 pharmacists and reported that Personnel has received 31 responses. Personnel will meet with those interested so we will be ready for the additional full-time position if approved.

Mr. Heidrick recessed the meeting for lunch from 11:22 a.m. until 1:00 p.m.

CONSIDERATION OF CONSENT AGREEMENT FOR JOHN RENO #1-08798: A motion was made and seconded to accept the Stipulation and Final Agency Order (Upson/Hurst). Motion carried. (5-0)

CONSIDERATION OF CONSENT AGREEMENT FOR JOHN GESSLER #1-08342: Jim Kinderknecht gave some background of his investigation. A motion was made and seconded to accept the Stipulation and Final Agency Order (Hurst/Thompson). Motion carried. (5-0)

CONSIDERATION OF CONSENT AGREEMENT FOR GARY RAVIS #1-08867: Steve Schwarm appeared on behalf of Mr. Ravis. Steve Phillips gave some background of the case. A motion was made and seconded to accept the Consent Agreement and Order (McFarland/Upson). Motion carried. (5-0)

SURRENDER OF ROBERT COURTNEY'S PHARMACIST LICENSE #1-11030: A motion was made and seconded to accept the surrendering of Robert Courtney's pharmacist license according to the terms set out in the affidavit (Thompson/Hurst). Motion carried. (5-0)

STEVE PHILLIPS' REPORT: Applicant, John Major, was unable to attend and asked that his request be continued until the December Board Meeting. Mr. Phillips suggested that the Board select one person to hear the case before the next board meeting. A motion was made and seconded to grant authority to Max Heidrick to approve the final hearing (Upson/Hurst). Motion carried. (5-0) Mr. Phillips discussed some concerns with K.A.R. 68-7-12. Mr. Phillips suggested

to the Board to support the legislation from the Real Estate Board regarding the Open Meetings Act. This would make the Investigation Meeting exempt from the Open Meeting Act. The Board wants to see the final legislation before giving full support.

PIC EXAM: Susan Linn reported that the PIC Exam had been made in 2000 and had not been updated. Jim Kinderknecht went through to update and clean up the exam.

UPCOMING MEETINGS: Mr. Hurst and Ms. Linn will be attending the Life Project Meeting in Wichita. A motion was made and seconded for Ms. Linn and Dr. Upson to attend NABP's Fall Conference on November 15-17, 2002 in San Antonio (McFarland/Thompson). Motion carried. (5-0)

Mr. Heidrick recessed the meeting from 2:45 p.m. until 3:00 p.m.

OSCO DRUG #5185: Paul Hartz and Helen Beteet appeared before the Board. Mr. Kinderknecht discovered that Osco was missing 15,000 controlled substances. Mr. Hartz gave a follow-up as to what they have been doing to prevent a re-occurrence of the problem. A motion was made and seconded to accept the Stipulation and Final Order (Thompson/McFarland). Motion carried. (4-0)

KYE GOODER - Reinstatement of License: A motion was made and seconded to go into executive session for discussion of confidential information of the impaired provider program. Meeting to include Randy Forbes and Susan Linn. The open meeting to reconvene at 3:42 p.m. (Hurst/Thompson). Motion carried. (5-0). At 3:42 p.m. a motion was made and seconded to continue the executive session for discussion of confidential information with Randy Forbes and Susan Linn. The open meeting will reconvene at 3:54 p.m. (Hurst/Thompson). Motion carried. (5-0). At 3:54 p.m., the Board decided that upon successful passage of the MPJE, Mr. Gooder's license will be reinstated.

VA REPACKAGING: The Board directed Mr. Forbes to prepare a report for the December Board Meeting.

APPROVAL OF NEW LICENSES AND REGISTRATIONS: A motion was made and seconded to approve the licenses and registrations issued by the Board Office since the June Meeting (McFarland/Upson). Motion carried. (5-0)

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 4:15 p.m.

Wednesday, October 2, 2002

MEMBERS PRESENT: Max Heidrick, RPh., President; Mike Hurst, RPh. Vice President; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Witchurch, RPh.; Dan Upson, DVM, Public Member

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Officer; Randy Forbes, Board Attorney; Karen Hollon, Public Service Administrator

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30.

At 8:30 a.m., a motion was made and seconded to go into executive session with Randy Forbes for personnel matters for fifteen minutes. (Hurst/Thompson). Motion carried. (5-0)
The Board returns to open session at 8:45 a.m.

INVESTIGATIVE COMMITTEE REPORT: Mr. Hurst had a general discussion with the Board.

POSSIBLE LEGISLATIVE ACTION FOR 2003: General discussion regarding the credentialing of pharmacy technicians. Mr. Forbes discussed several statute changes the Board may wish to review at the December meeting. Mr. Forbes will draft these changes by the December meeting.

TECHNICIANS: Barb Woods passed out a survey and cover letter to send to pharmacy technicians and asked the Board for feedback. Ms. Woods also asked the Board if they would be willing to contribute to the expenses of conducting the survey. A motion was made and seconded to financially support the KU School of Pharmacy with the survey for technicians up to \$2000 (Upson/Thompson). Motion carried. (5-0)

Mr. Heidrick recessed the meeting from 9:50 a.m. until 10:05 a.m.

A motion was made and seconded for the Board to adopt the following resolution (Upson/Whitchurch). Motion carried. (5-0):

The Kansas Pharmacy Board recognizes that in the furtherance of its purpose to protect the Kansas public, it needs to take additional steps designed to prevent and/or detect the dilution of compounded drugs. The Board feels the most appropriate means to achieve these goals is through random drug audits by trained and skilled auditors. Therefore, the Board has directed its inspectors to perform such audits. It is anticipated that these audits will be effective in detecting variances between drug inventories and other pharmacy records that will reveal instances of dilution.

CIPP REPORT: Nancy Corkins and Jennith Hoover reported on the presentations at AACP and at the Annual Meeting. CIPP members would like to be able to include pharmacy technicians in the program. HAPN is having problems with keeping an assistant to Mary Carder. Ms. Corkins and Ms. Hoover asked the Board for feedback about increasing the fee to pharmacist participants. The Board agreed to this increase.

JIM KINDERKNECHT'S REPORT: Mr. Kinderknecht welcomed Ms. Rice and Ms. Kenton and reported they have been doing a great job. Mr. Kinderknecht showed the Board the new laptops. Mr. Kinderknecht reported that he is caught up on complaint investigations. Mr. Kinderknecht stated he has been attending bioterrorism meetings. Mr. Kinderknecht suggested defining in the newsletter what an intern could do. Mr. Kinderknecht reported that some insurance plans are encouraging participants to get their prescriptions from Canada.

REYNE KENTON'S REPORT: Ms. Kenton reported that she was glad to get the job as the Pharmacy Compliance Officer. Ms. Kenton said that pharmacists are glad to have someone to talk to and like the common sense coming out of the office. Ms. Kenton stated that she has had a good reception overall.

LaTONYUA RICE'S REPORT: Ms. Rice thanked Ms. Linn and the Board for hiring her as an inspector and has enjoyed the job. Pharmacists have been very receptive and are glad to have an inspector.

SUSAN LINN'S REPORT: Ms. Linn reported that she submitted a request for another full-time Compliance Officer position in the budget. Ms. Linn reported that there will be no increase in salaries or bonuses until 2005. Ms. Linn stated that she might need a Board Member to help with the budget appeal, should the position request be denied. Ms. Linn reported that the online renewals went very well again this year and licensure verifications are now possible on the website also at no charge. Ms. Linn stated that the Kansas City Star interviewed Mr. Kinderknecht and herself regarding compounding regulations and how Kansas compares to Missouri. Ms. Linn said there is an administrative hearing on the proposed regulations this month that she and Mr. Forbes will attend.

Dr. Dan left the Board Meeting at this time.

RANDY FORBES' REPORT: Mr. Forbes discussed with the Board the prescriptions being mailed from Canada. The Board could attain an injunction that would allow the Board to sue these Canadian pharmacies. Mr. Forbes will draft the pros and cons for the December Board Meeting.

Mr. Whitchurch requested the minutes on diskette.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 12:05 p.m.