

Kansas Board of Pharmacy
KBOHA Conference Room
800 SW Jackson, Lower Level
Topeka, KS 66612

Wednesday, February 15, 2012

Members Present: President Jim Garrelts, PharmD; Michael Coast, RPh; Robert Haneke, PharmD; (Appeared via teleconference). Shirley Arck, Pharm D; Vice-President Nancy Kirk, Public Member; David Schoech, RPh; and Chad Ullom, R.Ph. (Appeared in person).

Staff Present: Debra Billingsley, Executive Secretary; Christina Morris, KTRACs Director; Randall Forbes, General Counsel; Doug Taylor, Compliance Counsel; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer (Appeared in person) Carly Haynes, RPh; Pharmacy Inspector; and Reyne Kenton, Compliance Officer (Appeared via teleconference).

Others Present: Susan Zalenski, Johnson & Johnson; Derek Hein, KACDS; Nancy Zogleman, Polsinelli Law Firm; Erin Hutsel, CVS; Jerry Slaughter, KMS; Pat Hubbell, KSRR; (Appeared in Person); Frank Whitchurch, RPh, Optim Rx; Dr. Bob Twillman, KTRACS Advisory Committee; Amanda Hoffman, Intern (Appeared via teleconference).

Meeting Called to Order: President, Dr. Jim Garrelts called the meeting to order at 9:00.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Coast/Arck). Motion passed.

Board Discussion:

SB 327 related to Prescription Drug Monitoring Program: The Board discussed the KMS amendment that provided that the KTRACS Advisory Committee establish and perform a peer review process. Once the Advisory Committee has made a finding that a crime or violation of regulatory law has occurred the Board of Pharmacy may pass it on to law enforcement or regulatory entities. The Board's Counsel advised that the Board may have liability issues related to this provision. The Board was not opposed to the ultimate intent of the language but needed more information on how the peer review process would work. The Board voted unanimously to support SB 327 without the amendment until further study could be done providing specifics on how the peer review process would be conducted.

Veterinarian Task Force: Christina Morris provided an update on the latest meeting of the Veterinarian Task Force.

Nominations for representation on the KTRACS Advisory Committee. Dr. Shirley Arck nominated Dr. Bob Twillman. Dr. Garrelts nominated Dr. Arck. Mike Coast nominated David Schoech, R.Ph. A motion was made and seconded to appoint Dr. Twillman, Dr. Arck, and David Schoech, R.Ph. to three-year terms on the KTRACS Advisory Committee: (Kirk/Coast). Motion carried.

SB 328 Electronic Prescriptions: The Board reviewed the amendments to SB 328. The Board recommended that “48 hours” be placed in the definition of “readily retrievable” since that is in federal law and omits vagueness to the statute.

SB 324 Licensure: The Board approved the language and amendments made to SB 324 related to fees and discipline of Interns.

SB 325 Controlled Substances. The Board recommended that staff review whether there is a specific delivery manner for controlled substance samples established in federal law.

SB 211 90 day refill supply. The Board approved the language in the bill.

HB 2048 Drug Disposal Program. HB 2048 was sponsored by Rep. Tom Sloan, Rep. Kay Wolf, and Rep. Don Hill. They agreed to withdraw the bill if the Board can come up with a policy that does not necessitate rule making. The Board staff has been working with Secretary Moser related to the definition of hazardous waste. KDHE has changed their policy so that dispensed drugs would be considered household waste and as such could be sent to a municipal solid waste disposal facility. Staff plans to meet with KDHE to work on a policy that would be acceptable to KBOP and KDHE. It should be ready for review at the March Board meeting.

Budget: The House Budget Committee recommended that the Board of Pharmacy present a plan to reduce fees in order to reduce the fee fund ending balance. This is due prior to Omnibus. The Committee approved the Governor’s recommendation for FY12 and FY 13 and added an additional \$220,000 to FY13 to be used only for the KTRACS program should they be unable to obtain approval to carry over their grant funds. They should make every effort to reduce the contract amount with their software provider and to reduce other costs of the program. The Senate Committee approved the Governor’s recommendation for FY12 and FY13. They increased the FY13 funds by \$250,000 to be used only for the KTRACS program should they be unable to obtain approval to carry over their grant funds.

HB 2726 fees and surcharges. The Board provided testimony to the Committee on Government Efficiency related to collecting surcharges on fees paid by credit card. This bill could have a negative impact on our budget. Board staff will continue to monitor the bill.

Adjournment: Meeting adjourned at 11:00.