

Kansas State Board of Pharmacy  
Minutes of the March 8, 2012  
Board Meeting

KU School of Pharmacy  
2010 Becker Drive  
Lawrence, KS 66047

**Thursday, March 8, 2012**

**Meeting Called to Order:** President Jim Garrelts called the meeting to order at 8:08am.

**Members Present:** Jim Garrelts, Pharm. D., President; Nancy Kirk, Public Member, Vice President; Shirley Arck, Pharm. D.; Bob Haneke, Pharm D.; David Schoech, R.Ph.; and Chad Ullom, R.Ph.

**Staff Present:** Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Pharmacy Inspector; Tom Frazier, R.Ph., Pharmacy Inspector; Carly Haynes, R.Ph., Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; Doug Taylor, Compliance Counsel; Christina Morris, PDMP Director, and Randall Forbes, General Counsel.

**Others Present:** See attached listing.

**Welcome** to Dean Ken Audus and KU School of Pharmacy Faculty.  
Dr. Garrelts introduced Dean Audus and thanked the school for the use of the meeting room. Dean Audus welcomed the Board to the KU School of Pharmacy.

**Approval of the Agenda:**

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

**Approval of the November 30 & December 1, 2011 Minutes:**

A motion was made and seconded to approve the minutes as printed.  
(Schoech/Haneke) Motion passed.

**Approval of the February 15, 2012 Minutes:**

A motion was made and seconded to approve the minutes as printed. (Arck/Schoech)  
Motion passed.

**Board Discussion**

KU School of Pharmacy Medical Home Project – Joe Heidrick, Clinical Assistant Professor presented information to the Board related to a project of the School of Pharmacy. Providers are reimbursed for a higher standard of care. Standards have typically not included pharmacy services; however the goal is to begin the inclusion of pharmacy services to the medical homes. The program would give sustainable options for new graduates and other pharmacists plus better patient care and outcomes. A

motion was made and seconded to support the medical home projects financially, if money becomes available. (Haneke/Schoech) Motion passed.

Legislative Update – Ms. Billingsley presented the legislative update.

- SB 328 – Electronic prescribing has a reference to prescriber-patient relationship that is to be revised. A balloon amendment would permit pilot projects and a study on electronic prior authorizations.
- SB 327- PMP bill – The Board staff are working with the interested parties on peer review language by the KTRACS Advisory Committee.
- SB 324 - Licensing bill – The House Health Committee held a hearing on the Board's licensing bill that would permit the fee expiration date to be set by regulation. The Committee wanted the language in statute not in regulations. Ms. Billingsley will work with the Revisor's Office to draft language.
- SB 325 - Controlled substance bill – The bill would add the new controlled substances as they appear in the federal regulations.

Budget – Ms. Billingsley presented the Fee Fund Balance for discussion. The report documents are attached electronically to the agenda. Ms. Billingsley said the balance should be sufficient for the remaining year. She is in the process of replacing the laptops for the inspectors. The appropriations committee wants a minimum in the Fee Fund. If the Board wants to fund the residency program, medical home program, and other programs the Board needs to provide some one-on-one time with the legislators of the committee to get the program portion passed. Dr. Arck asked about reducing fees. Ms. Billingsley will provide information on how fees can be lowered to the Board members.

Walgreens – William Cover, R.Ph. made some brief statements about the Walgreens Well Experience Pharmacy and then showed a video describing the new wellness concept. Walgreens currently has approximately 100 stores on this new model, currently none in Kansas. The model has pharmacists out of the pharmacy dispensing area and in the public area. The prescription verification process may or may not occur at the store.

Catholic Health Initiatives – Shelley Doherty-Johnson, R.Ph., Director of ePharmacist Direct, Fargo, ND; Nancy Killion, Risk Manager, St. Catherine's Hospital; and Kenne Whitson, Interim Pharmacy Director, St. Catherine's Hospital, Garden City, KS presented their pharmacy application request to the Board. The presentation documents are electronically attached to the agenda. The Joint Commission has mandated St. Catherine's provide 24-hour pharmacy service. ePharmacist Direct has no pharmacy to register in the State of Kansas due to no registration in North Dakota. By Board consensus, each pharmacist processing orders for St. Catherine's would need to be licensed in Kansas.

**Recess:** Dr. Garrelts declared a break to reconvene in 15 minutes.

**Reconvene:** Dr. Garrelts reconvened the meeting at 10:25am

PMP Update – Ms. Morris presented the update on the KTRACS program. Ms. Morris reviewed the statistics on who is accessing the program most frequently. She also presented statistics of patients accessing the most prescribers and most pharmacies. PMP has signed a MOU with Indian Services in Kansas to allow them to use and access the system. Regulations are in the process to require 24-hour reporting and are currently undergoing changes required by the Attorney General's office.

Technician Ratio Request and DeGoler Pharmacy– Glenn Harte, R.Ph. was not present. His request was to increase the technician ratio in pharmacies that process long-term care facility prescriptions. The documents are electronically attached to the agenda. The Board took no action on the request.

Wesley Medical Center Pilot Project Proposal – Steve Edgar, Chief Operating Officer of Wesley Medical Center; Jack Bond, R.Ph., MSH, Director of Pharmacy; Robert Ragan, R.Ph., MHS, Pharmacy Manager; and Joan Kramer, Pharm. D., BCPS, Research Pharmacy Specialist presented a pilot project proposal to the Board. The presentation documents are electronically attached to the agenda. They have been working with Mike Coast and his committee on long term care facilities. The Board is waiting for SB 328 to pass through the legislature for the ability to grant permission for a pilot program. Wesley will help the Board as needed and will wait until the June meeting for permission to proceed.

Cardinal Health request for waiver of pharmacist – Martha Russell, Director of Corporate Regulatory Affairs, Regulatory Counsel; Julie Turner, R.Ph. BCNP, Director Operations Nuclear Pharmacy Services; Whitney Newman; and Sean Waters presented the waiver request to the Board. The presentation documents are electronically attached to the agenda. Ms. Haynes and Tom Conley, KDHE, spoke to the necessity of the facility needing a pharmacist during the compounding of FDG FI-18. Cardinal Health is asking the Board for permission to operate the facility without a pharmacist being present in the production of the drug. A motion was made and seconded to table the decision and seek other information input before making the decision. (Arck/Ullom) Motion passed. Ms. Kirk suggested we work with KDHE to determine what is necessary from the KDHE position.

Kansas Drug Disposal Program Policy – Ms. Billingsley reviewed the documents, electronically attached to the agenda, with the Board. Ms. Billingsley is working with KDHE to provide guidance documents relative to objectives of the program, best management practices, locator map containing pharmacy and HHW locations, reporting database, educational materials, promotional materials, public service announcements, regulation and reference materials, special waste authorization, acceptable and unacceptable lists in both English and Spanish, and an application link to KDHE and KBOP websites.

**Recess:** Dr. Garrelts recessed the meeting for lunch at noon to reconvene at 1pm.

**Reconvene:** Dr. Garrelts reconvened the meeting at 1pm.

## Administrative Proceedings

- Oluchi Ohanaka, R. Ph. (1-13342) **Case 2011-41** Ms. Ohanaka was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates Ms. Ohanaka's pharmacist license be placed on a 2-year probation, notify the Board with any changes to her name, address, phone number or employment status/location within 10 days, comply with all state and federal laws, and participate in 3 hours of continuing education related to error prevention in addition to the required 30 hours. A motion was made and seconded to accept the Consent Agreement with Oluchi Ohanaka. (Ullom/Arck) Motion passed.
- Broadway Pharmacy (2-09952) David Bergen (1-09176) **Case 2011-63**. The respondent was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement with Broadway Pharmacy and Mr. Bergen. The Agreement stipulates Broadway Pharmacy pay a civil fine of \$5000. The pharmacy shall also serve 1-year probation with the conditions to retrain staff on the necessity of accurate information and document the training; be accountable for verification of work performed by pharmacy technicians documenting such verification update the policy and procedure manual to reflect steps necessary for accurate filling and refilling of prescriptions; and provide a year of daily review of prescriptions filled as to accuracy of medication, directions, dates and refill information and provide monthly documentation of such reviews to the Board. As to Mr. Bergen the stipulations include a \$500 civil fine; a 1-year probation to include completing all the conditions placed on Broadway Pharmacy; complete 4 hours of continuing education specifically pertaining to pharmacy law; and document the number of hours he works weekly at Broadway Pharmacy for a period of one year to provide quarterly documentation of those hours to the Board. A motion was made and seconded to accept the Consent Agreement with Broadway Pharmacy and David Bergen. (Kirk/Ullom) Motion passed.
- Gessler's Pharmacy (2-10257) **Case 2011-90**. Gessler's Pharmacy did not have any representation present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement with Gessler's Pharmacy. The Agreement stipulates Gessler's Pharmacy be placed on a 2-year probation; comply with all state and federal laws, hold quarterly continuous quality improvement meeting and provide documentation to the Board upon completion of each meeting; and pay a \$500 fine for violation of K.S.A. 65-1637a and \$500 for violation of K.A.R. 68-10-1. A motion was made and seconded to accept the Consent Agreement with Gessler's Pharmacy. (Haneke/Schoech) Motion passed.
- Dana Sanders, Intern (3-05698) **Case 12-04**. Ms. Sanders was present with counsel, Steve Smith and Steve Feer, attorney and relative. Ms. Billingsley presented the case to the Board. A motion was made and seconded to go into executive session to receive confidential information for 60 minutes to include Dana Sanders, Steve Smith, Steve Feer, Sharon Iverson, Mr. Forbes, Mr. Taylor, and Ms. Billingsley, plus the court reporter and to return to open session at 2:17pm. (Haneke/Arck) Motion passed. Dr. Garrelts reconvened the meeting at 2:17pm. A

motion was made and seconded to extend the executive session for 30 minutes. (Haneke/Arck) Motion passed. Dr. Garrelts reconvened the meeting at 2:50pm. A motion was made and seconded to enter quasi-judicial deliberations to include Mr. Forbes. (Haneke/Arck) Motion passed. Dr. Garrelts reconvened the meeting at 3:05pm. A motion was made and seconded to have Ms. Sanders sign a new 5-year CIPP agreement within 10 days, to continue the suspension of her intern permit until she appears at the September Board meeting, and that she remain in compliance during this period. The Board will reconsider the suspension at the September Board meeting. (Haneke/Arck) Motion passed.

- Broadway Pharmacy – Mr. Bergen presented with counsel, Dudley Smith. Dr. Garrelts asked Mr. Bergen if he was present to contest the agreement. Mr. Bergen was not. Dr. Garrelts thanked Mr. Bergen for coming and told him the Board had already approved the Consent Agreement.
- Jonathan Miller **Case 12-07** – request for reinstatement of pharmacist license. Mr. Miller was present. Mr. Taylor presented the case. A motion was made and seconded to go into executive session to receive confidential information for 30 minutes and to include Jonathan Miller, Mr. Taylor, Mr. Forbes, and Ms. Billingsley and to return to open session at 3:55pm. (Kirk/Haneke) Motion passed. Dr. Garrelts reconvened the meeting at 3:55pm. A motion was made and seconded to go into executive session for quasi-judicial deliberations to include Mr. Forbes, Board Counsel. (Ullom/Kirk) Motion passed. Dr. Garrelts reconvened the meeting at 4:02pm. A motion was made and seconded to reinstate the license with limitations of: non-dispensing position; remain in the Oklahoma Pharmacists Helping Pharmacists (OPHP) program; have OPHP send a letter to Kansas Board of Pharmacy saying Mr. Miller is safe to practice; and authorize OPHP to communicate with CIPP. (Arck/Haneke) Motion passed. The Board wished Mr. Miller the best in his return to practice.
- Ray Perrenoud, Pharm.D. (1-13900) **Case 06-67**. Mr. Perrenoud was present. Mr. Taylor presented the case. A motion was made and seconded to go into executive session to receive privileged information for 10 minutes to include Mr. Perrenoud, Mr. Taylor, Mr. Forbes, and Ms. Billingsley and to return to open session at 4:20pm. (Ullom/Haneke) Motion passed. Dr. Garrelts reconvened the meeting at 4:35pm. A motion was made and seconded to go into executive session for quasi-judicial deliberations for 10 minutes to include Mr. Forbes, Board Counsel. (Ullom/Arck) Motion passed. Dr. Garrelts reconvened the meeting at 4:45pm. A motion was made and seconded to take no action regarding modifying the agreement. (Ullom/Haneke) Motion passed.
- Gessler's Pharmacy – Hal Schwarz appeared on behalf of Gessler's Pharmacy. Dr. Garrelts asked Mr. Schwarz if he was present to contest the agreement. Mr. Schwarz was not but he wanted to apologize to the Board for the problems encountered due to a long list of adverse problems the pharmacy had recently encountered. Dr. Garrelts thanked Mr. Schwarz for coming and told him the Board had already approved the Consent Agreement.

- Melissa Osborne **Case 11-26**. Ms. Osborne was present and then excused before her case was called. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Consent Agreement requires Ms. Osborn to be allowed to take the MPJE after payment of a \$500 civil fine and to notify the Board of any change to her address, telephone number or employment status/location. A motion was made and seconded to accept the Consent Agreement. (Ullom/Arck) Motion passed.
- Don Kaufman, R.Ph. (1-10029) **Case 07-69**. Mr. Kaufman was not present. Mr. Taylor presented the case. A motion was made and seconded to table the decision until Mr. Kaufman can appear. (Arck/Ullom) Motion passed.
- David Yang, R.Ph. (1-11251) **Case 2011-192**. Mr. Yang was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement with David Yang. The Agreement stipulates Mr. Yang's pharmacist license to remain in probationary status for the term of the probation on his Colorado license; release copies of his records from Colorado's Peer Assistance Services program to the CIPP administrator per the Board's Summary Order dated August 22, 2011; and shall formally request a hearing with the Board to terminate the probationary status at the proper time. A motion was made and seconded to accept the Consent Agreement with Mr. Yang. (Kirk/Arck) Motion passed.
- Korey Ramsey (14-11365) **Case 2011-142**. Mr. Ramsey was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review his prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Mr. Ramsey. (Haneke/Ullom) Motion passed.
- Kina Withers-Jones (14-11427) **Case 2011-154**. Ms. Withers-Jones was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review her prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Ms. Withers-Jones. (Ullom/Arck) Motion passed.
- Heath Kerr R.Ph. (1-11514) **Case 2011-77**. Mr. Kerr was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement with Mr. Kerr. The Agreement stipulates his license to practice pharmacy will remain unencumbered so long as he complies with all state or federal laws; complete 2 hours of continuing education relating to professionalism and customer service and report completion to the Board; and if the Board receives any further complaints regarding a lack of professionalism of his part the Board shall review this case as

well as any past cases in determination of discipline. A motion was made and seconded to accept the Consent Agreement with Heath Kerr. (Arck/died with no second) A motion was made and seconded to reject the Consent Agreement. (Haneke/Schoech) Motion passed (5-1) Arck.

- Jeannette Martin (14-11507) **Case 2011-158.** Ms. Martin was not present. Mr. Taylor presented the case and recommended the Board accept the Summary Order. The Order stipulates the application for registration be granted with 2-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and shall comply with all federal and state laws. A motion was made and seconded to approve the Summary Order with Ms. Martin. (Ullom/Haneke) Motion passed.
- Carrie Shumate (14-11491) **Case 2011-160.** Ms. Shumate was not present. Mr. Taylor presented the case and recommended the Board accept the Summary Order. The Order stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and shall comply with all federal and state laws.

Stacy Davison (14-11501) **Case 2011-162.** Ms. Davison was not present. Mr. Taylor presented the case and recommended the Board accept the Summary Order. The Order stipulates the application for registration be granted with 2-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and shall comply with all federal and state laws.

Ashley Belgum (14-11487) **Case 2011-164.** Ms. Belgum was not present. Mr. Taylor presented the case and recommended the Board accept the Summary Order. The Order stipulates the application for registration be granted with 1-year probation

Ysa Gallardo (14-11603) **Case 11-171.** Ysa Gallardo was not present. Mr. Taylor presented the case and recommended the Board accept the Summary Order. The Order stipulates Ysa Gallardo's technician registration be placed on indefinite probationary status; Gallardo must notify the Board of the outcome of any charges, convictions, diversions, dismissals or other results stemming from her October 30, 2011 arrest for Driving Under the Influence of Alcohol or Drugs; to notify the Board of any changes to her name, address, telephone number or employment status/location within 30 days of such change; and formally request the Board's release of probationary status in order for her registration to be unencumbered.

A motion was made and seconded to approve the Summary Orders with Ms. Shumate, Ms. Davison, Ms. Belgum, and Ms. Gallardo. (UllomHaneke) Motion passed.

- Niki Cates (14-11503) **Case 2011-159.** Ms. Cates was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year

probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review her prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Ms. Cates. (Kirk/Ullom) Motion passed.

- Richard Vaughn (14-11187) **Case 2011-126**. Mr. Vaughn was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to his address, telephone number or employment status or location, and agree to appear before the Board upon request to review his prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Mr. Vaughn. (Ullom/Haneke) Motion passed.
- Kaitlin Hunter (14-11235) **Case 2011-127**. Ms. Hunter was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review her prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Ms. Hunter. (Ullom/Haneke) Motion passed.
- Latoya Young (14-12412) **Case 2011-97**. Ms. Young was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review her prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Ms. Young. (Haneke/Ullom) Motion passed.
- Paul K. Uhlig (14-11095) **Case 11-92**. Mr. Uhlig was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with indefinite probation. To terminate the probation Mr. Uhlig must notify the Board of any charge, conviction, dismissal, diversion agreement or other outcome of his 2011 arrest; and formally request a hearing with the Board to terminate the probationary status placed on his technician registration. Additionally the Board reserves the right to revisit the matter for possible revocation of his technician registration in the event he is convicted of the charges stemming from the 2011 arrest. A motion was made and seconded to approve the Consent Agreement with Mr. Uhlig. (Ullom/Arck) Motion passed.
- Taryn Stone (14-11229) **Case 11-121**. Ms. Stone was not present. Mr. Taylor presented the case and recommended the Board accept the Consent Agreement. The Agreement stipulates the application for registration be granted with 1-year

probation, the technician shall notify the Board of any change to her address, telephone number or employment status or location, and agree to appear before the Board upon request to review her prior history and current experience as a pharmacy technician. A motion was made and seconded to approve the Consent Agreement with Ms. Stone. (Haneke/Arck) Motion passed.

### **Investigative Member Report and Closed Cases**

Mr. Schoech presented the closed cases and asked for any questions. A motion was made and seconded to accept the closed cases. (Arck/Haneke) Motion passed.

### **Board Member Reports**

Shirley Arck – Dr. Arck expressed her thanks to the Board since she would be ending her term as a Board member. Dr. Garrelts thanked Dr. Arck for being a great mentor and asset to the Board.

Chad Ullom –reported on the “Metrics for Boards” How do we measure success? He said one way might be to restart the use of the matrix developed during the last strategic plan. Ms. Billingsley agreed to include the matrix at future Board meetings.

Bob Haneke – said the drug shortages were getting worse. The situation is impacting patient care and patient safety not only in Kansas but nationally.

Nancy Kirk – thanked Dr. Arck for her years of service.

David Schoech – told Dr. Arck that she and Mike Coast had been an inspiration and good travelers to NABP on behalf of the Kansas Board of Pharmacy.

Jim Garrelts – thanked Dr. Arck for her service.

### **Approval of 50-Year Certificates**

Charles Herrelson, Waldo Hale, Robert Exon, Jackson Gabelmann, Robert Lott, Jack Klee, James MacDonald, Gary Pound, Warren Robertson, Clifford Triplett, and Darryl Warren were submitted as pharmacists achieving 50 years of licensure. A motion was made and seconded to recognize these fine pharmacists for their many years of service to the profession of pharmacy. (Kirk/Haneke) Motion passed.

### **Staff Reports**

Debra Billingsley – asked the Board who planned to attend NABP in Philadelphia in May. Currently, Mr. Ullom and possibly Mr. Schoech will be attending. Staff attending: Mr. Kinderknecht said he was planning on attending.

Tom Frazier – told the Board that long time inspector, Bob Henre, had passed away in late December, 2011. The Board will recognize Mr. Henre on the Board’s web site. Mr. Frazier told the Board about Don Burton, a pharmacist that has been practicing for 60 years. A motion was made and seconded to award Mr. Burton a certificate recognizing his 60 years of pharmacy practice. (Haneke/Garrelts) Motion passed.

**Approval of New Pharmacists and New Registrants**

A motion was made and seconded to approve the new licenses and registrations.  
(Arck/Kirk) Motion passed.

**Adjourn:** Dr. Garrelts adjourned the meeting at 5:40pm.