

Kansas State Board of Pharmacy  
Minutes of the September 19 & 20, 2013  
Board Meeting

Double Tree by Hilton Hotel  
10100 College Blvd.  
Seattle I Room  
Overland Park, KS

**Thursday, September 19, 2013**

**Meeting Called to Order:** President David Schoech called the meeting to order at 9:09am.

**Members Present:** David Schoech, R.Ph, President; Bob Haneke, Pharm D., Vice President; Michael Lonergan, R.Ph; Cheri Pugh, Public Member; Chad Ullom, R.Ph, Investigative Member; and John Worden, Pharm. D.

**Members Absent:** Jim Garrelts, Pharm. D.

**Staff Present:** Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph, Pharmacy Inspector; Carly Haynes, R.Ph, Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; and Randall Forbes, General Counsel.

**Others Present:** See attached listing.

**Introduction of New Board Member** – Mr. Schoech introduced and welcomed Cheri Pugh to the Board of Pharmacy. She replaces Nancy Kirk and will serve as the consumer member.

**Approval of the Agenda:**

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

**Approval of Meeting Minutes from June 6, 2013 and July 17, 2013:**

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

**Board Reports and Discussion**

Investigative Member Report – Closed Cases – Mr. Ullom presented the closed cases and asked for any questions. There were no questions.

Continuing Education – Ms. Billingsley presented the information for discussion. K.A.R. 68-1-1b, K.S.A. 65-1632 and 65-1627 are the regulations and statutes regarding continuing education requirements. She shared that MALTAGON reciprocally accepts any CE that is approved by any of the member states. Ms. Billingsley presented the Oklahoma policy for discipline.

The office audit of continuing education has shown quite a few pharmacists that did not complete the required continuing education. Ms. Billingsley was seeking Board discussion to determine the appropriate discipline. Some of the audited licensees obtained the required CE after the June deadline and submitted the CE with July 2013 dates when notified they were being audited. The pharmacists who have not submitted the required hours or hours not within the time allowed can be placed on inactive status. Placing them on inactive status would prevent them from practicing until they were current with the continuing education. The Board suggested the language be drafted and review it tomorrow. A motion was made by Mr. Ullom to accept the Oklahoma version as a policy minus the live CE requirement and add "completion within 30 day". The pharmacist would be transferred to inactive status if the CE was not completed within 30 days. There was no second but a suggestion was made to rewrite language to review on Friday.

A motion was made and seconded to change the regulation to allow additional Board approved CE, remove the 8 hour limitation and to appoint a 5 member committee to review and approve continuing education on behalf of the Board (Haneke/Ullom) Motion passed.

KsPRN Annual Report – Mike Larkin and Vicki Whitaker asked to be removed from the agenda and will present in November.

Approval of New Licensees and Registrants - A motion was made and seconded to approve the new licenses and registrations. (Loneragan/Haneke) Motion passed.

KTRACS PMP Program – Ms. Billingsley presented the information. The regulation K.A.R. 68-21-7 will be rewritten to reflect the change in adding promethazine with codeine and prescriptions containing pseudoephedrine as a drug of concern and removing carisoprodol as it is now scheduled.

The switch in providers has created a problem with information retrieval. Ms. Billingsley suggested replacing the program director with more IT related skills who can devote the time in getting the program up and running smoothly for the providers. The Board suggested an official letter be sent to NABP to appear at the Board meeting to discuss the problems if they are still occurring. The Advisory Board needs to convene a meeting to address some of the issues. Mr. Schoech thanked Ms. Billingsley for the update on KTRACS. He stated a new director should be found quickly and that the Advisory Board should try to meet before the November Board meeting.

**Recess:** Mr. Schoech declared a break to reconvene in 10 minutes.

**Reconvene:** Mr. Schoech reconvened the meeting at 11:00am.

NPLEx Report – Ms. Billingsley presented the information. Wal-Mart is limiting the quantity a patient can obtain within a year's time. Chouteau has a city ordinance making pseudoephedrine prescription only. They join Parsons and Cherokee county in requiring a prescription. Their law enforcement will no longer be able to use NPLEx to gather user information. With the coming update, the NPLEx system will group people who have bought together four or more times in the past to allow law enforcement officials to better identify smurfers. The update will also allow proximity search. The

update will make NPLEEx a more valuable tool for law enforcement. Ms. Billingsley will be preparing the annual report for the legislature.

Pat Hubble addressed the Board. Meth labs have decreased in the state of Kansas, which was the aim of the NPLEEx system. The majority of meth is coming from Mexico and law enforcement is trying to develop tactics to decrease the influx of Meth.

### **Legislative and Regulatory Discussion**

License and Permit Fees – Ms. Billingsley presented the regulation K.A.R. 68-11-1 and 68-11-2 with the suggested changes reflecting the 20% reduction in fees. The regulations need to be stamped off by the Department of Administration and the Attorney General’s office. Once the proposed regulations are stamped off they will be scheduled for public hearing.

Controlled Substance Regulations – Ms. Billingsley presented the changes in the federal regulations. Jeff Tobae researched the difference in the list and provided the information. A motion was made and seconded to submit the list to the legislature (Ullom/Lonergan). Motion passed.

Expiration Dates on Prescriptions – Ms. Billingsley brought up the change that was made several years ago. “PRN” prescriptions have a year date. Prescriptions that have a specified number of refills, 12 or less, have expiration date of 18 months. Changing this back to one year expiration will take a statute change but result in less confusion.

Renewals – Ms. Billingsley is requesting a change to online renewals from everything renewing in June to continuously during the year, with pharmacists renewing in their birth month. This request will take a statute change. Nursing Board is already renewing by birth month.

**Recess:** Mr. Schoech recessed the meeting for lunch at 11:44am to reconvene at 1pm.

**Reconvene:** Mr. Schoech reconvened the meeting at 1:06pm.

### **Requests for Projects and Waivers**

1. Petition for continuation of a Pilot Project – AlixaRx. Amanda Stewart and Blake Griese presented the update to the Board. The study currently has 9 sites. The request, today, is to add the additional 7 sites. Mr. Griese introduced Misty Harpell, DNS-Director of Nursing Service at Edwardsville. She told the Board she has seen a decrease in missed doses and med errors. Patient care is monitored by the facility and any problem that causes harm must be reported all other internal medication incidents are documented for any error or dosing problems. The ADUs will eventually be registered as a subunit of the pharmacy. Pharmacies must be secure from diversion.

A motion was made by Dr. Haneke not to approve any additional sites at this time. The motion died for lack of a second.

Discussion continued – Lee Butler, Golden Living, asked the Board to approve the other sites due to the increase patient care provided through the ADUs from AlixaRx. Dr. Haneke will reconvene the committee for discussion of a final draft for the regulations.

A motion was made and seconded to allow AlixaRx to add the remaining 7 sites to report back to the board with the cohort and actual results before and after implementation leading to delays in therapy or missed doses or any other error type and who must make the report (Lonergan/Ullom) Motion passed was tie 3-3. The motion fails with a tie vote.

**Recess:** Mr. Schoech declared a break to reconvene in 15 minutes.

**Reconvene:** Mr. Schoech reconvened the meeting at 12:56pm

2. Request for waiver of a Pharmacist at a Nuclear Manufacturer – Cardinal Health. Tom Conley, KDHE, was present and explained how KDHE is involved in the licensure of radiopharmaceuticals. In May of 2013, KDHE issued a license to Cardinal Health with the proviso they, Cardinal Health, maintain a nuclear pharmacist on staff at the manufacturing facility. Cardinal Health asked KDHE to remove the restriction. With the possible confusion as to the requirement, Mr. Conley has come to the Board of Pharmacy for clarification. Cardinal Health was represented by Martha Russell, Julie Turner, Sean Waters, and Robert Mitchell. They received the full license from KDHE in May 2013. Cardinal must appear at the Pharmacy Board meeting in May 2014(or closest to it) for review of the waiver. KDHE does inspect yearly. Rick Couldry, KU Med, said the process is actually manufacturing and that the nuclear pharmacist does not get the training to operate a cyclotron, but would need to go to the same training as the operator to obtain the necessary training.  
The Pharmacy Board reaffirmed the motion for a waiver from the May 31 & June 1, 2012 meeting.
3. Pilot Project request for approval – KU Med Pharmacy was represented by Chris Bell and Rick Couldry. Dr. Bell presented the objectives for the KU Pilot and showed pictures of what the system looks like and how they would incorporate this system into the Tech check Tech program. Data can be collected to show error rate and other problems if they arise or whatever data the Board would believe helpful. The Board asked who is ultimately responsible if an error occurs. Dr. Bell said he would be ultimately responsible to the Board. A motion was made and seconded to approve the pilot project and to report back to the Board in March 2014. (Worden/Lonergan) Motion passed. Data collected should have the documentation of errors by pharmacists completing a 100% check for 5 days and then tech check tech for 5 days.

#### **Executive Session:**

A motion was made and seconded to go into executive session, after a 5 minute break, for 15 minutes to discuss personnel to protect the rights of a nonelected identifiable person to begin at 4:05pm and to reconvene the regular meeting at 4:20pm in the same room. The executive session is to include Marty Singleton, DCF. (Ullom/Worden) Motion passed. A motion was made and seconded to extend for 5 minutes to include the Board and Ms. Billingsley. (Ullom/Worden) Motion passed  
Mr. Schoech reconvened the regular meeting at 4:30pm.

**Adjourn:** Mr. Schoech adjourned the meeting at 4:31pm.

## **Friday, September 20, 2013**

**Meeting Called to Order:** President David Schoech called the meeting to order at 9:03am.

**Members Present:** David Schoech, R.Ph, President; Bob Haneke, Pharm D., Vice President; Michael Lonergan, Pharm. D.; Cheri Pugh, Public Member; Chad Ullom, R.Ph, Investigative Member; and John Worden, Pharm. D.

**Members Absent:** Jim Garrelts, Pharm. D.

**Staff Present:** Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph, Pharmacy Inspector; Carly Haynes, R.Ph, Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; Jackie Yingling, Accounting and Human Resources; and Randall Forbes, General Counsel.

**Others Present:** See attached listing.

### **Board Reports and Discussion**

**Budget** – Mr. Schoech welcomed Jackie Yingling to the Board office. Ms. Billingsley introduced Mark Dapp, Legislative Research. Ms. Yingling presented the budget numbers to the Board. The salary line reflects the addition of a pharmacy inspector plus the salaries of the KTRACS personnel that will need to be absorbed by the Board. The budget for out of state travel has increased. The budget must be approved by the legislature even though the new fiscal year has already started. Ms. Billingsley said the office would bring a better budget outline at the next meeting. Ms. Yingling is in the process of setting up reserved funds to cover expense items that remain fairly steady. Ms. Billingsley is very happy to have Ms. Yingling in the office to keep the budget organized and up to date. The State Finance Council can approve additional expenditures between legislative sessions. The Governor chairs the Council so the Board suggested Ms. Billingsley contact the governor's office and possibly obtain the support of Senator Roberts to add the new pharmacist inspector.

### **Legislative and Regulatory Discussion**

**Pharmacy Technician National Certification** – Mr. Schoech presented the information for Board consideration and discussion. The legislative bill will need to be revised to make it acceptable to meet the needs of the Board. The proposed language should accept either PTCB or ExCPT as certifications. The suggested language will create a Pharmacy Technician Trainee category which will last for only 24 months. They added another category of Pharmacy Support Employee who will need to register with the Board. The language needs to authorize the Board's ability to discipline any registrant, technician or support person. The Board discussed requiring having everyone behind the counter be registered or licensed. Dr. Haneke suggested limiting the language in statute but give authority to the Board to regulate through regulations. Ms. Billingsley said this change would necessitate an increase in office staff to handle the added volume of paperwork in the office. The Board requested to see the draft bill but will conceptually agree to the framework as proposed in the meeting.

Compounding – Ms. Billingsley has not been able to schedule the regulations for public hearing. Inspections will take longer and looking at technician training will be more extensive. Ms. Kenton and Ms. Haynes discussed the recent training from Campbell University with increased oversight of training and procedures required to comply with 797.

**Recess: Mr. Schoech declared a break to reconvene in 15 minutes.**

**Reconvene: Mr. Schoech reconvened the meeting at 10:49am**

Survey on KTRACS – Dr. Curry presented the information on prescription monitoring programs. The system is very useful when information can be shared with other states. The number of queries has increased during every quarter. Threshold letters are meant just to inform and the number of patients triggering the letters has dropped since the inception of the program. The Peer Review Committee can make referrals to law enforcement. The rate of opioid addiction is less in states that have a PMP. Doctors prescribing habits have changed due to the programs. This does not mean less is prescribed but the patients needing the pain medications are being better controlled by one doctor. Dr. Curry's survey was to assess if and how the program was being utilized and by who. She found that pharmacist would access the system on new or unknown patients or prescribers, unusual dosing or drug, cash-paying customers, suspicious behavior, or prescribers of concern. The pharmacists shared with Dr. Curry that the delay in reporting or the reporting to become visible did not give complete data during their searches. The compounding pharmacies said input of data was difficult and inconsistent. Dr. Curry survey reported that the providers felt more comfortable and confident and safer of the care they could provide to pain patients. The providers could also set boundaries for the patients and could confront patients about abuse and addiction. The interaction between prescribers and pharmacists should increase to provide a more team approach to medical care and pain management.

NASCA meeting is in Kansas City, October 22-25, 2013. Ms. Billingsley is taking all the inspectors.

### **Staff Reports**

Carly Haynes – shared an article from the Nursing Board Newsletter regarding APRN's writing of controlled substances. The newsletter states the APRN must identify on the prescription their responsible physician.

Reyne Kenton – thanked the Board and Ms. Billingsley for the training at Campbell University. The training was a great refresher of the online work previously completed.

Jim Kinderknecht – informed the Board that the KU intern – Jeff Tobae was smart and talented and had worked on the redesign of the Board website.

Melissa Martin – reported that she, Ms. Haynes and Ms. Kenton had completed the MPJE review for another year. This year NABP recommended a group of questions be deactivated by all the Boards. Our review affirmed the deletion would cause no area to become short of questions.

### **Board Member Reports**

District 6, 7, & 8 Meeting in Boulder, Colorado – Chad Ullom, Mike Lonergan, David Schoech and Debra Billingsley attended the meeting. The meeting allowed ample time for networking. A big topic was the recent marijuana laws and how this will affect pharmacy and patients seeking to control their disease processes. The challenge will be how hospitals will deal with people who want to smoke plus the question of how to dose a plant. In states allowing medical marijuana there is a decrease in oxycodone use. The law in Colorado says marijuana may be used in the marijuana bar or at home. Colorado has seen an upswing in DUI arrests.

### **Housekeeping:**

Meetings – The next meeting is November 21 & 22, 2013 in Wichita, Kansas at Via Christi, St. Joseph campus, 3600 E. Harry.

The Board discussed meeting dates for the next year and location. They will review calendars and proposals in November.

Elections – The Board discussed the election of officers. A motion was made and seconded to keep the current officers for the next year. (Haneke/Lonergan) Motion passed.

**Adjourn:** Mr. Schoech adjourned the meeting at 11:31am.