

Kansas State Board of Pharmacy
Minutes of the April 23 & 24, 2015
Board Meeting

800 SW Jackson, Lower Level
KBOHA Conference Room
Topeka, KS 66612

Thursday, April 23, 2015

Meeting Called to Order: President Robert Haneke called the meeting to order at 9:01am.

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

Staff Present: Debra Billingsley, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Carly Haynes, R.Ph., Licensed Pharmacy Inspector; Reyne Kenton, Compliance Inspector; Melissa Martin, Compliance Inspector; Brenda Head, General Counsel; Mitzi Dodds, Legal Assistant; and Jackie Yingling, HR and Budget.

Others Present: See attached listing.

Approval of the Agenda:

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

Approval of the January 8-9, 2015 Minutes:

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

A motion was made and seconded to adjourn the regular meeting and open the public hearing (Schoech/Ullom) Motion passed.

Public Hearings for Proposed Regulations

K.A.R. 68-20-31. 2,5-dimethoxy-4-methyl-n-(2-methoxybenzyl) phenethylamine included in schedule I.

Dr. Haneke opened the public hearing at 9:02am

Dr. Haneke asked for public comment.

Ms. Billingsley provided a letter from ---

- Raney Gilliland, Director of Kansas Legislative Research Department, sent a letter dated March 16, 2015 from The Joint Committee on Administrative Rules and Regulations stating they had “no comments” on the proposed regulation.

A motion was made and seconded to adjourn the public hearing and open the regular meeting. (Worden/Lonergan) Motion passed.

Dr. Haneke closed the public hearing and called the regular meeting to order at 9:04am. A motion was made and seconded to adopt the proposed regulation. (Worden/Ullom) Roll call: Dr. Garrelts – Yes, Dr. Haneke – Yes, Mr. Lonergan – Yes, Ms. Pugh – Yes, Mr. Schoech – Yes, Mr. Ullom – Yes, and Dr. Worden – Yes. The motion passed. The regulation will become effective 15 days after publication in the Kansas Register.

Reports / Discussion

Drug Supply Chain Security Act (DSCSA), Title II of the Drug Quality and Security Act (DQSA) Update

Ms. Billingsley began the process of codifying changes to the Pharmacy Act that would incorporate changes made from the Drug Supply Chain Security Act. With the enactment of the law, all existing state pedigree requirements that went above and beyond the Prescription Drug Marketing Act of 1987 were preempted while the baseline requirements of the original law remained in place until January 2015. The law was also intended to create a uniform national system for the licensing of wholesale distributors and third-party logistics providers by states in accordance with federal standards. Since the Pharmacy Act is going to be opened the Board should spend additional time to make sure that the changes meet federal standards and provide appropriate state jurisdiction. We have an excellent start with the changes that were suggested through our work with Cardinal and other stakeholders at the January meeting. The law needs to specifically address manufacturers, repackagers, third-party logistics providers, wholesale distributors, and dispensers as entities that may enter into transactions or engage in other activities that are subject to the statute's requirements. The term wholesaler in the Kansas Pharmacy Act aligns with the definition of the PDMA of 1987 but is inconsistent with the scope of the DSCSA. Therefore, the Board needs to update definitions and requirements. We also need to update the definition of durable medical equipment and define an outsourcing facility. The goal is to have a bill that can be filed in January 2016 so that it is ready for committee review. John Worden, Deb Billingsley, and Randy Forbes will work on the draft and determine if a task force will be necessary.

FDA Compounding Update – Ms. Billingsley attended the 2015 FDA Inter-governmental Working Meeting on Drug Compounding on March 19, 2015. The FDA discussed animal compounding and the problems that may arise. Animal compounding from bulk is not allowed due to the potential for drugs to enter the food supply chain. The compounded drugs are considered to be new drugs and require a New Animal Drug Application. 503A and 503B do not apply to animal compounding as drugs for animals is covered under the Animal Medicinal Drug Use Clarification Act (AMDUCA) and is considered manufacturing. There was discussion as to whether the 30 percent calculation should include veterinary drugs.

Ms. Billingsley advised the Board that the office had also been working with NABP to come up with an inspection report that better meets the needs of all states. The pharmacy inspection reports, particularly as they relate to sterile and nonsterile compounding, are not robust enough and many states will not accept them. Ms. Billingsley and Carly Haynes attended a blueprint meeting to work on inspection items that should be documented. NABP does perform inspections but it costs the pharmacy they are inspecting. Some states have the capability of passing those costs on to the

pharmacy whereas the Kansas Pharmacy Act is silent on the issue. Dr. Garrelts said he would rather use our own Kansas inspectors to evaluate compounding and sterile compounding in Kansas. The plan is to use the NABP inspection format as a basis for the new inspection report for Kansas so that the inspection documentation will meet the needs of our state as well as for nonresident pharmacies located in Kansas.

FDA Compounding Memorandum of Understanding –

Ms. Billingsley gave the Board a copy of the draft MOU between the FDA and the Board of Pharmacy, with her comments, for their review. The Board questioned “who” decides if the MOU is not in compliance and what would be the consequences of not being in compliance. If the MOU is not signed then the state pharmacies would be restricted to only 5% of total in shipping out of state. The MOU also includes monitoring of physician compounding which the board of pharmacy has no jurisdiction over. The MOU does not pertain to 503B (outsourcing facilities) Pertinent comments need to be submitted to the FDA for redrafting to a workable MOU. Mr. Lonergan and Dr. Worden will help Ms. Billingsley in the review of the MOU. They will compile a list of comments to be submitted to the FDA. The Board will need to inquire if they have the legal ability to enter into the FDA MOU.

Eric Everett, RPh. and Tyler Chamberlain, RPh., from O’Brien Pharmacy spoke to the issue of the MOU. Mr. Everett said that it was his opinion that 503A contains no language preventing or prohibiting interstate dispensing that is patient specific. Many pharmacies will have trouble determining the percentage of prescriptions dispensed out of state. Many of the items in the MOU are addressed by Pharmacy Compounding Accreditation Board (PCAB). Mr. Everett stated there is currently a Bill in Congress to exempt patient specific and office use from DQSA (Drug Quality and Security Act). Dr. Haneke requested Mr. Everett draft a letter and send to Ms. Billingsley/Board their specific concerns related to the MOU.

Recess: Dr. Haneke declared a break at 10:31am to reconvene in 15 minutes.

Reconvene Dr. Haneke reconvened the meeting at 10:55am

Pharmacy Technicians Regulations Update – Mr. Schoech presented the update.

The proposed regulations are currently at the Department of Administration and have been returned for clarification. The proposed regulations are electronically attached.

Collaborative Practice Report – Dr. Garrelts updated the Board on the appointment of the physicians to the Committee. Dr. Joseph Spurlock, MD, Chief Medical Officer of Harry Hynes Memorial Hospice and Dr. Robert Moser, MD have been appointed and the committee is now waiting for a third appointment. The next meeting has been tentatively scheduled for May 15, 2015 at the DCF Conference Room in Emporia, Kansas.

Budget – Ms. Yingling gave the cash balances for the year and the cash balance projection. Ms. Yingling said the legislature had previously amended the statute that decreased the agency transfer to the state general fund to 10%. Under the previous administration state agencies were required to submit 20% of the fees collected to the

SGF. This money was historically used to pay for services provided to the agency but those services are now individually charged out by the agency providing the service. The 10% is now just a pass through to the SGF with no benefit to the state agency. There was discussion that this fee could be increased back to 20% but that has been rejected thus far by the legislature. The legislature could also sweep the funds held in our balance but there has been litigation as to the legality of these sweeps that has not been resolved. The legislature returns on April 29 and will spend time determining how to fund the state. Ms. Yingling has projected how a 20% increase to the SGF would affect the agency's balance and the projection was attached to the Board packet.

Ms. Yingling also gave an update on expenditures as of March 31, 2015, stating that with 75% of the year completed, the agency has used 66 % of its appropriated budget.

Impaired Provider - KsPRN Update – Mike Lonergan, RPh, provided the Board with an update from the meeting with KsPRN. The meeting was attended by Ms. Billingsley, Randy Forbes, Mike Larkin and Ralph Holbrook, RPh. Mr. Lonergan would encourage the Board to develop standards and protocols based on research regarding what the Board requires of participants. Ms. Billingsley researched other states and many require the pharmacist with an opioid addiction sit out six months to one year before returning to a worksite. Research shows better results and less relapses. Vickie Whitaker is no longer employed by KPhA. Mike Larkin and KPhA are taking the opportunity to look at options. KPhA uses First Lab and their program has many features that can be used to enhance the program.

The Board discussed the PARE examination. Ms. Billingsley provided information from other states and NABP. The concern was related to the pass rate of participants. The Board discussed options and the need to address failing the PARE. Orders need to be written in such a way to address failure and resolution if the pharmacists become in violation of the order. The Board considered the two current Orders and the need to amend them to prevent the failure to meet deadlines that were not anticipated when the orders were drafted.

Ms. Billingsley provided the Board with information related to ProBE program Ethics Course for health care providers. The course covers different types of ethical situations including diversion of drugs and drug addiction. It is a 3 day course, cost \$1795, held several times yearly at designated locations. The Wyoming Board of Pharmacy has used this program and this may be used as an educational option.

Recess: Dr. Haneke recessed the meeting at 11:51am for lunch at noon to reconvene at 1pm.

Reconvene: Dr. Haneke reconvened the meeting at 1pm.

Reports / Discussion

NPLEx Report – Ms. Billingsley shared the statistical data. Salina Police, Iola Police, and KBI are the top agencies in using the data collected.

KTRACS – Ms. Yingling presented the report to the Board. The report included:

- Harold Rogers – KTRACS has received approval for a grant extension to December 31, 2015 and for a change in project scope.
- LACIE – is almost ready to go active
- SAMSHA – KTRACS has applied for a grant extension to September 2016.
- Kroger – working on finalizing the project. They will receive part of the funding from a grant.
- KHIN – Appriss had KHIN sign the non-disclosure form.
- Behavior Health allowed for two questions to be added to a survey to assist in KTRACS documentation.
- There are only five states Kansas is not receiving data exchange from their PMPs. (Kentucky, New Jersey, Rhode Island, Tennessee, and Iowa)
- Oklahoma is now reporting to PMPiConnect and Kansas can receive the information.
- Patient alert emails are now being sent to providers. The email contains a link to KTRACS where they can view all patient alerts sent to them on one screen.
- KDHE grant for KTRACS – Ms. Billingsley is currently working on a grant proposal for KDHE for funds from CDC to enhance KTRACS.
- Registration for KTRACS – usage of KTRACS may increase if progress is made making sign-up during the registration process easier. The problem is the requirement of a notary to affirm the person. The registration process does require a DEA number for healthcare roles. This number can be validated through the agency's access to the DEA's database. And, if the KTRACS request is made at the time of licensure application, then other documents will affirm they are who they purport to be.

A motion was made and seconded to remove the requirement of a notary if a verifiable DEA number is provided during registration or if the registration is completed during the licensure application process and process proposed is approved by legal. (Ullom/Pugh) Motion passed.

DUR Board Nominations – Ms. Billingsley advertised for a pharmacist to serve on the DUR Board. The Board encourages long term care pharmacist providers to volunteer for the nomination.

Board Meeting Dates – The Board discussed the upcoming Board meeting dates. The Board confirmed the July meeting as July 16 & 17, 2015.

Approval of New Pharmacists and New Registrants

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

Approval of 50 Year Certificates

A motion was made and seconded to recognize and congratulate the 50-year pharmacists for their many years of service to the profession of pharmacy. Thank you. (Garrelts/Lonergan) Motion passed.

George Addleman.....Oberlin, Kansas
 Samuel Barbieri.....Arma, Kansas
 Henry Brauer.....Mexico, Missouri

Norman Bresel.....	Overland Park, Kansas
Edward Burrichter.....	Lawrence, Kansas
Brendon Denton.....	Garland, Kansas
Larry Denton.....	Garland, Kansas
Thomas Frazier.....	Pratt, Kansas
John Gessler.....	Overland Park, Kansas
Fred Karban.....	Wichita, Kansas
William Kenney.....	Overland Park, Kansas
Orville King.....	Lawrence, Kansas
Phyllis McAdoo.....	Lawrence, Kansas
Mason Ormsby.....	Olathe, Kansas
William Padgett.....	Flat Rock, North Carolina
Patrick Porter.....	Neodesha, Kansas
John Reed.....	Lawrence, Kansas
James Rosander.....	Westmoreland, Kansas
Kenneth Stewart.....	Lee's Summit, Missouri
Robert Super.....	Topeka, Kansas
Harry Tishk.....	Henderson, Nevada
Larry Wagerle.....	Hutchinson, Kansas

Investigative Member Report – Closed Cases. Mr. Lonergan presented the closed cases and asked for any questions.

Board Member Reports

Bob Haneke – thanked the Board for their thoughts, concern, and prayers during his health crisis. He is getting better and recovery is slow but progressing.

Michael Lonergan – encouraged the Board to discuss and consider direction on biosimilars. The FDA will not rate these drugs with the AB rating system but will designate which they consider as biosimilar and therefore interchangeable. The current Kansas language will require the pharmacist to call a prescriber for permission to substitute. Manufacturers of name brands will fight the change if the Board seeks to change the statute from how it currently reads. The Board will discuss and place any changes in the bill being proposed for the 2016 Legislative session.

David Schoech – inquired as to problems with mid-levels not placing their protocol/supervising physician on the prescription and how the pharmacies are handling this issue. Kansas statutes and regulations require APRNs and PAs to place their protocol/supervising physician’s name on the prescription (written or electronic) to be a valid prescription in Kansas. The pharmacist can add the missing information to the prescription. Ms. Billingsley advised that she had discussed this continuing problem with the Board of Healing Arts and the Nursing Board. Both boards encourage pharmacists to report any violations so that they can make sure they have properly educated the PA or APRN on their respective board requirements.

Recess: Dr. Haneke declared a break at 1:57pm to reconvene in 15 minutes.

Reconvene Dr. Haneke reconvened the meeting at 2:05pm

Alix Pilot Project Update – Amanda Stewart, PharmD, made the presentation. Phil Burgess, Kimberly Guess, Steve Hord, and Blake Griese were all present on behalf of Alixa.

The Board discussed the proposed automation regulations. Ms. Billingsley and Mr. Forbes are currently working with the Department of Administration. The Dept of Administration have not finalized their review but it should be nearing completion. Ms. Billingsley reminded the Board that any pharmacy that intends to use automation in a nursing home will be required to submit an application so that the Board knows where automation is located prior to its installation.

Executive Director Report – Ms. Billingsley

a) Resolutions as Received To-Date from NABP – NABP meeting in May will present several resolutions the Board representatives will need to vote on. The resolutions include:

- Technicians (2)
- Pharmacist use of the Prescription Drug Monitoring Program (2)
- Limited prescriptive authority for pharmacists
- Informational program to educate other health care professionals about the role of pharmacists
- Update NABP compounding model law language
- Update NABP Drug Quality and Security Act model law language (2)
- Public confidence in NABP and its member pharmacy boards (2)
- Obtain provider status for pharmacists
- Accept ACPE accredited pre-licensure experience

The resolutions are electronically attached to the agenda.

- b) NABP Memo Re: Utah NAPLEX-MPJE Eligibility Process – Utah has turned a portion of the pharmacist licensure process to NABP. The prospective licensee will make application, receive permission to test, and obtain results from NABP but the Board will continue to approve the applicant.
- c) Comments on the Revocation of the Kansas Cancer Drug Repository Program Regulations received from Celgene after the January Board meeting.
- d) KCHP meeting – Ms. Billingsley will make a presentation on Saturday, April 25, 2015.
- e) Wichita Academy of Pharmacists – Ms. Billingsley will make a presentation on Sunday, April 26, 2015.
- f) KU Advisory Committee – meets May 1, 2015. Ms. Billingsley will attend.
- g) District 6 and MALTAGON will possibly meet in Kansas in 2016 so plans need to be made regarding hosting.
- h) Systems Automation is the vendor providing professional licensing and disciplinary software for the Board of Pharmacy. The cost is estimated at \$287,500 plus OITS cost of approximately \$35,000. The system does not contain the inspection reports formatting but the reports can be uploaded as a PDF.
- i) Archives – The state is no longer storing old documents and is in the process of returning all records to the agencies. Ms. Billingsley is in the process of obtaining bids to scan archived documents into the new system. The agency has received approval to maintain documents electronically.

- j) Other committees the office is involved with the Prescription Drug Policy Academy and Kansas Injury Prevention
- k) Continuing Education – the committee is meeting once monthly on the last Friday of each month. The committee includes Bob Haneke, Joan Kramer, Barb Woods, and Ms. Billingsley.
- l) **NABP Reports** (electronically attached to the agenda and available on the NABP webpage)
 1. Task Force on Prescription Drug Abuse
 2. Task Force on Medication Synchronization
 3. Task Force to Examine Strategies for Preventing and Reacting to Pharmacy Robberies and Thefts
 4. Task Force on Standards for the Use of PMP Data
 5. 2013-2014 Report of the Task Force on Pharmacy Licensure Standards

Staff Reports

Inspector Report – The inspectors reported they had attended and passed CLEAR to all become recertified. Ms. Martin and Ms. Haynes completed the MPJE writing project for another year and look forward to the review later in the summer.

Adjourn: Dr. Haneke adjourned the meeting at 3:25pm.

Friday, April 24, 2015

Meeting Called to Order: President Robert Haneke called the meeting to order at 8:46am.

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

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

Others Present: Ksenija Zeltkalns, court reporter. See attached listing for others.

Administrative Proceedings / Hearings

- Rachel Naugle (Technician applicant) **Case 14-113.** Ms. Naugle was present without counsel. Mr. Ullom recused himself due to Ms. Naugle's physician contacting him. Mr. Forbes presented the case to the Board. Ms. Naugle was sworn in and made her statements to the Board and answered questions. The Board entered into quasi-judicial deliberations at 9:06am. Included in the deliberations were the Board, Ms. Tunnell, and Ms. Billingsley. Dr. Haneke reconvened the open meeting at 9:17am. A motion was made and seconded to

grant Ms. Naugle a pharmacy technician registration with the conditions of 1) Notification to the Board if she changes employer, 2) Notification of any positive drug screens, and 3) Notification to any new prospective employer. (Lonergan/Garrelts) Motion passed.

- Kandyce Glenn (Technician applicant) **Case 15-019**. Ms. Glenn was not present at 9:23am.
- Steven Stoecker, R.Ph. (1-14152) **Case 14-100**. Has been continued to the July 2015 meeting
- Robert Nyquist, R.Ph. (1-08708) **Case 14-18**. Mr. Nyquist was present with counsel, Darin Conklin. Mr. Forbes presented the case to the Board and recommended the Board accept the sign Stipulation and Consent Order. Mr. Nyquist apologized to the Board for the lapse in diligence. A motion was made and seconded to accept the signed Stipulation and Consent Order with Mr. Nyquist (Ullom/Pugh) Motion passed. The Stipulation and Consent Order require Mr. Nyquist to complete the 18-hour online course entitled *Patient Safety – Medication Error Reduction for Pharmacists* available through Oregon State University College of Pharmacy, an administrative fine of \$2,500, and to comply with any other requirements contained in the agreement.
- John Reno, R.Ph. (1-08798) **Case 14-74**. Mr. Reno was not present. Mr. Forbes presented the case to the Board and recommended approval. A motion was made and seconded to accept the signed Stipulation and Consent Order with Mr. Reno (Schoech/Ullom) Motion passed. The Stipulation and Consent Order require Mr. Reno to pay an administrative fine of \$1,000 and to comply with any other requirements contained in the agreement.
- Don Atwill, R.Ph (1-10087) **Case 15-007**. Mr. Atwill was not present. Mr. Forbes presented the case to the Board and recommended approval. A motion was made and seconded to accept the signed Stipulation and Consent Order with Mr. Atwill (Ullom/Garrelts) Motion passed. The Stipulation and Consent Order require Mr. Atwill to complete the 18-hour online course entitled *Patient Safety – Medication Error Reduction for Pharmacists* available through Oregon State University College of Pharmacy, to pay an administrative fine of \$1,000, and to comply with any other requirements contained in the agreement.

Administrative Proceedings / Hearings by Phone

- Diana Bonham R. Ph. (1-11642) **Case 14-140**. Ms. Bonham was present by phone with no counsel. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Ms. Bonham. Exhibits were presented and accepted into evidence. Ms. Bonham gave her testimony to the Board and sent a letter outlining the problems she has had in the past several years. She requests relief from the Board. Ms. Bonham submitted 0 (zero) hours of 30 hours required of continuing education. The initial Summary Order requires \$100 per hour of CE not completed (\$3000) and 4 hours of CE for each hour not submitted (120

hours). The Board inquired as to why Ms. Bonham had not considered going on inactive status. Ms. Bonham was hoping to eventually be able to return to work. The Board entered into quasi-judicial deliberations at 9:49am. Included in the deliberations were the Board, Ms. Tunnell, and Ms. Billingsley. Dr. Haneke reconvened the open meeting at 9:58am.

A motion was made and seconded to amend the Summary Order to require Ms. Bonham to pay \$3000 as an administrative fine and submit 60 hours of CE (credit the 30 hours already submitted leaving 30 hours to complete) within 90 days of the signed Order to return her license to good standing. (Schoech/Ullom) Motion passed.

- George West, Jr., R.Ph. (1-10598) **Case 14-166**. Mr. West was present without counsel. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Mr. West. Exhibits were presented and accepted into evidence. Mr. West gave his testimony to the Board and described how *Pharmacy Times* had changed their process without explaining the date placed on the CE certification was the request date not the completion date. The Board office said Mr. West submitted 0 (zero) hours of continuing education of the 30 hours required within the accepted time period. The initial Summary Order requires \$100 per hour of CE not completed (\$3000) and 4 hours of CE for each hour not submitted (120 hours).

The Board entered into quasi-judicial deliberations at 10:17am. Included in the deliberations were the Board, Ms. Tunnell, and Ms. Billingsley. Dr. Haneke reconvened the open meeting at 10:35am. The Board asked Ms. Billingsley several more questions. Mr. West reconfirmed how the process at *Pharmacy Times* worked prior to the change in documentation method. Ms. Billingsley said another pharmacist had received a letter from *Pharmacy Times* giving the dates the CE had been taken.

A motion was made and seconded to uphold the initial Summary order unless Mr. West could obtain a letter from *Pharmacy Times* attesting to the date he completed the CE rather than the date he request the certificates. Mr. West must have the letter from *Pharmacy Times* to the Board office within 20 days.

(Schoech/Ullom) Motion passed. Mr. West asked if the office could give him the name of the other pharmacist or the name of the person at *Pharmacy Times* who wrote the letter. Mr. Schoech and Mr. Ullom both said the office would assist him in obtaining the information.

- Eugene Capocasale, R.Ph. (1-11156) **Case 14-174**. Mr. Capocasale was present without counsel. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Mr. Capocasale. Mr. Capocasale had submitted 10 hours of continuing education dated within the July 1, 2012 through June 30, 2014 date range of the 30 hours required. The initial Summary Order requires \$100 per hour of CE not completed (\$2000) and 4 hours of CE for each hour not submitted (80 hours). Exhibits were presented and accepted into evidence. Mr. Capocasale gave his testimony to the Board and asked the Board where in the law it stated that CE had no grace period similar to the license.

The Board entered into quasi-judicial deliberations at 11:00am. Included in the deliberations were the Board, Ms. Tunnell, and Ms. Billingsley. Dr. Haneke reconvened the open meeting at 11:12am. Ms. Tunnell was surprised at the legal argument and told Mr. Capocasale to have his legal brief filed by May 26, 2015. Mr. Forbes would have until June 26, 2015 to respond. The Board would then review the briefs and make a ruling. A motion was made and seconded to table the decision until the legal briefs could be reviewed. (Ullom/Garrelts) Motion passed.

- Ben Skoglund, R.Ph. (1-13272) **Case 14-154**. Mr. Skoglund was present by phone with no counsel. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Mr. Skoglund. Mr. Skoglund gave his testimony to the Board. Exhibits were presented and accepted into evidence. Mr. Skoglund had submitted 18 hours of continuing education of the 30 hours required. The initial Summary Order requires \$100 per hour of CE not completed (\$1200) and 4 hours of CE for each hour not submitted (48 hours). A motion was made and seconded to uphold the Summary Order requiring Mr. Skoglund to pay \$1200 as an administrative fine and submit 48 hours of continuing education within 30 days of the signed order to return his license to good standing. (Garrelts/Lonergan) Motion passed.
- Quynh-Anh Tran, R.Ph. (1-15168) **Case 14-161**. Ms. Tran was present by phone with no counsel. Mr. Ullom recused himself from the proceedings due to Ms. Tran working for Walgreens. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Ms. Tran. Ms. Tran gave testimony as to how her continuing education became dated after the accepted time due to a Walgreens server being down. Exhibits were presented and accepted into evidence. Ms. Tran had submitted 27 hours of continuing education of the 30 hours required within the appropriate time period. The initial Summary Order requires \$100 per hour of CE not completed with a minimum of \$500 fine (\$500) and 4 hours of CE for each hour not submitted (12 hours). A motion was made and seconded to accept the initial Summary Order requiring Ms. Tran to pay \$500 as an administrative fine and submit 12 hours of CE within 30 days of the signed order to return her license to good standing. (Garrelts/Pugh) Motion passed.
- Thomas Clark, R.Ph. (1-09492) **Case 14-178**. Mr. Clark was present by phone with no counsel. Mr. Forbes presented the case to the Board. Ms. Billingsley gave testimony as to requirements of continuing education and records received from Mr. Clark. Mr. Clark gave his testimony to the Board. Exhibits were presented and accepted into evidence. Mr. Clark submitted 13 hours of continuing education of the 30 hours required dated within the accepted period of July 1, 2012 through June 30, 2014. The initial Summary Order requires \$100 per hour of CE not completed (\$1700) and 4 hours of CE for each hour not submitted (68 hours).

The Board entered into quasi-judicial deliberations at 12pm. Included in the deliberations were the Board, Ms. Tunnell, and Ms. Billingsley. Dr. Haneke reconvened the open meeting at 12:09pm.

A motion was made and seconded to require Mr. Clark to pay \$500 as an administrative fine with no additional hours of CE to return his license to good standing. (Schoech/Garrelts) Motion passed.

Summary Orders

- Michelle L Cabrera (Applicant) **Case 14- 108**. Application denied.
- Kristie L. Frey (14-16339) **Case 14- 129**. Technician registration revoked.
- Susan Moore (14-05574) **Case 14-133**. Technician registration revoked.
- Ariell Nierenberg (Applicant) **Case 15-016**. Application denied.
- SirRon Jackson (Applicant) **Case 15-017**. Application denied.
- Wilford Williams, Jr. (Applicant) **Case 15-018**. Application denied.
- Thomas J. Johnson (Applicant) **Case 15-020**. Application denied.

A motion was made and seconded to accept the above listed Summary Orders (Ullom/Schoech) Motion passed.

Administrative Proceedings / Hearings

- Kandyce Glenn (Technician applicant) **Case 15-019**. Ms. Glenn was not present at 9:23am or anytime up to 12:12pm. Mr. Forbes suggested proceeding with the hearing as Ms Glenn has not made an appearance. A motion was made and seconded to proceed with the hearing. (Schoech/Ullom) Motion passed.

Mr. Forbes presented the case. Ms. Tunnell asked if Ms. Glenn had received the notice of the hearing. Mitzi Dodds said the notice had not been returned to the Board office. Ms. Billingsley gave testimony as to the technician application process and results from the KBI background check. Exhibits were presented and accepted into evidence. Mr. Forbes recommended approval of the denial of the technician application.

A motion was made and seconded to approve the action to deny technician registration. (Ullom/Garrelts) Motion passed.

Introduction

Dr. Haneke introduced Representative and pharmacist Don Hill. The Board welcomed him to the meeting. Rep. Hill thanked the Board for their service to the state and the profession. He provided an update to the finances of the state and possible changes the Board could see. Rep. Hill said he would not procrastinate on his CE as the day had been very enlightening.

Adjourn: Dr. Haneke adjourned the meeting at 12:26pm.