

Kansas State Board of Pharmacy
Minutes of the August 17, 2017
Board Meeting

Meeting Location: Kansas Board of Regents Board Room
Curtis State Office Building
1000 SW Jackson, Suite 520
Topeka, KS 66612

Thursday, August 17, 2017

Meeting Called to Order: President John Worden called the meeting to order at 8:40

Members Present: John Worden, PharmD., President; Michael Lonergan, R.Ph., Vice President ; Chad Ullom, R.Ph., Investigative Member; Robert Haneke, PharmD; Cheri Pugh, Public Member; Bill Walden, RPh; and Jonathan Brunswig, PharmD.

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Carly Haynes, R.Ph., Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Kayla Jones, Compliance Inspector; Reyne Kenton, KTRACS Program Manager; Jackie Yingling, Assistant Director; KariAnn Wootan, Administrative Specialist; Andrew Serrone, Law Clerk; Fan Xiong, Epidemiologist; Sam Glennon, Intern; Kevin Fowler, JD, General Counsel; Michele Tunnell, JD, Administrative Law Judge.

Others Present: See attached listing.

Administrative Proceedings

Case 16-227 Yelena Kalinichenko

- The Board was represented by Mr. Fowler
- Yelena Kalinichenko represented herself and appeared without counsel.
- Ms. Tunnell swore in Ms. Kalinichenko who gave testimony.
- The Board entered into closed session for KAPA deliberations, and included the Executive Secretary.
- Dr. Worden reconvened the proceedings at 9:12 am.
- The Board tabled the pharmacy technician application until the November Board Meeting.

Case 17-032 David Weiser

- The Board was represented by Mr. Fowler
- David Weiser represented himself and appeared without counsel.
- Ms. Tunnell swore in Mr. Weiser who gave testimony
- Ms. Tunnell swore in Ms. Kenton who gave testimony on her previous investigation which resulted in revocation of Mr. Weiser's license

Recess: Dr. Worden declared a break at 9:59 am.

Reconvene: Dr. Worden reconvened the meeting at 10:15 am.

Case 17-032 David Weiser (continued)

- The Board entered into closed session for KAPA deliberations, and included the Executive Secretary.
- Dr. Worden reconvened the proceedings at 10:28 am
- The Board requested Mr. Weiser complete a mental health evaluation or utilize the service of KsPRN to receive a mental health evaluation, and requested he prepare to take the Kansas MPJE to demonstrate to the Board his commitment to the profession.
- The Board tabled the pharmacist application for reinstatement after revocation application until Mr. Weiser has completed and submitted the evaluation to the Board.

KOMA/KORA Training Kelli Stevens, JD, General Counsel for the Kansas Board of Healings Arts, provided information on the Kansas Open Meetings Act and the Kansas Opens Records Act.

Asteres Presentation Ken Hill provided information on Asteres and their automated prescription pickup kiosk.

Executive Session

A motion was made and seconded at 11:21 am to enter into executive session per KSA 75-4319(b) to discuss personnel matters of nonelected personnel to reconvene at 11:55 am, and to include the Executive Secretary. (Worden/Lonergan) Motion Passed.

Dr. Worden reconvened the meeting at 11:45 am.

Recess: Dr. Worden recessed the meeting for lunch at 11:45 am

Reconvene: Dr. Worden reconvened the meeting at 12:55 pm

Public Comment: There were no public comments.

Public Hearing on KAR 68-7-23

- Received no written public comments during the public comment period
- The JCARR review was held June 26, 2017 and the JCARR had no concerns
- The temporary regulation was adopted and effective July 1, 2017 but this hearing is for the permanent version, which includes no material changes from the temporary version.
- There were no verbal comments from the public
- A motion was made and seconded to adopt KAR 68-7-23 (Ullom/Lonergan). Motion passed unanimously via roll call vote.
- Board may consider future changes, such as location of stored records

Approvals

1. Stipulation and Consent Orders

a. 16-192A Shopko Pharmacy

A motion was made and seconded to approve Stipulation 16-192A.
(Haneke/Walden) Motion passed.

b. 16-192C Linda Lewis

A motion was made and seconded to approve Stipulation 16-192C.
(Haneke/Lonergan) Motion passed.

c. 16-088 Teresa Lowe

A motion was made and seconded to approve Stipulation 16-088. (Walden/Haneke)
Motion passed.

2. Summary Disciplinary Actions

3. Minutes from Quarterly Board Meeting – April 6, 2017

4. Minutes from Special Board Meeting – June 8, 2017

5. New Licensees and Registrants

A motion was made and seconded to approve the Summary Orders, Minutes of the April 6, 2017 Quarterly Board Meeting, Minutes of the June 8, 2017 Special Board Meeting, and New Licensees and Registrants. (Ullom/Haneke) Motion passed.

Board Member Reports

Dr. Worden – Will have a rural pharmacy symposium next week. Mentioned rural pharmacy task force, designed to address nurses dually registered as pharmacy technicians, and telepharmacy task force convened by KPhA.

Board Discussion:

Pilot Project Application – Myers Family Center*

- Committee Recommendation was not to approve pilot project without changes.
- Executive Secretary suggested sending application back for final edits and review based on detailed, specific notes provided by Committee.
- Board tabled the decision on application until the updated application is received. Meeting may be a Special Board meeting prior to November held by video conference.

DEA Exempt Anabolic Steroids*

A motion was made and seconded to approve DEA Exempt Anabolic Steroid List (Haneke/Ullom). Motion passed.

MALTAGON

Maltagon will be in Charleston, SC October 22-25. The Executive Secretary requested Board member(s) let her know if they wish to attend. The Executive Secretary and several inspectors will be in attendance.

November Board Meeting Dates

Board agreed to the two-day November Board Meeting on November 8-9.

Kansas Hosting 2018 Meetings
MALTAGON Sept 20-23, 2018
District 6-7-8 Sept 23-26, 2018

Combined meeting affects Kansas, Oklahoma, Arkansas, Louisiana, and Texas. Kansas is scheduled to host both meetings next year. Board discussed proposed meeting locations and agreed to host the meetings in Kansas City, MO for convenience.

Officer, Committee, and Task Force Appointments

- Mr. Walden was selected as the Alternate Investigative member.
- Dr. Worden volunteered to serve as the Non-Voting Chair of the Collaborative Drug Therapy Management Committee.
- Drs. Worden and Brunswig will continue to serve on the Pharmacy Technician / Rural Nurse Task Force.
- Dr. Haneke will continue to serve and Mr. Lonergan will join the Pilot Project Review Committee.
- Dr. Haneke will continue to serve on the Continuing Education Review Committee.
- Dr. Brunswig and Mr. Ullom will serve on the Automation Task Force.
- Dr. Brunswig and Mr. Walden will participate in KPhA's telepharmacy workgroup.

Regulation Review

The following regulations have received approval from Department of Administration and the Attorney General's Office, have been sent out for public comment, and will have a public hearing on November 8th at 8:30 am.

- KAR 68-1-3a – increase required intern hours from 1,500 to 1,740
- KAR 68-2-20 – revisions consistent with language added to HB 2055 permitting fills on prescriptions resulting from telehealth encounters
- KAR 68-7-12a – new inspection and PIC licensing requirements for non-resident pharmacies
- KAR 68-7-15 – amend language to allow repackaging for prescribed FDA-approved ingestible event sensor
- KAR 68-7-20 – require pharmacy, physician, physician assistant, or mid-level practitioner utilizing shared services to operate a pharmacy that is actively engaged in the practice of pharmacy
- KAR 68-11-2 – updating fees for new facility permit types (HB 2055)

The proposed compounding regulations are awaiting approval by the Attorney General's Office.

Regulations for Consideration

- KAR 68-21-7 - The PMP Advisory recommends adding gabapentin as a drug of concern in Kansas. This will allow the Board to track and review the data in K-TRACS and evaluate if the drug should be scheduled.

- New KAR 68-5-17 – The Pharmacy Technician / Rural Nurse Task Force finalized language on the requirements for technician certification exams. The regulation will apply to all technicians newly registered with the Board after July 1, 2017, and require passage of the ExCPT or PTCB exams prior to the technician’s first renewal. A technician may request a six-month extension for good cause shown. There are no additional practice limitations imposed on technicians that have not yet passed a certification exam.

Recess: Dr. Worden declared a break at 2:03pm.

Reconvene Dr. Worden reconvened the meeting at 2:18pm.

Reports

Financial Report by Ms. Yingling

- Cash balance for end of June 2017 was \$1,548,691.17
- The spend down will be addressed by K-TRACS
- Fund balance is good with revenues up almost \$75,000 YTD from FY16
- Encumbered \$44,000 for elicensing one-time enhancements under repair and service equipment
- Discussed Fund 3294 Prescription Drug Overdose – DDPI CDC Grant Expenses

Licensing

- Pharmacist and Facility Renewals May-June 2017. Staff gave 60 days on facility renewals and 45 days on pharmacist renewals. Majority of renewals were completed online.
- Used Lyris email system for renewal reminders: 25,831 emails and 12 separate mailings sent in the last 12 months.
- Working to enhance notifications by adding text messaging service through state contract with Contact Wireless.
- New Fingerprinting process with KBI / MorphoTrust coming soon
- Licensing / K-TRACS integration glitch – June 26, 2017 resolved in 48 hours

K-TRACS Report by Ms. Kenton

- Reported on August 4, 2017 PMDP Advisory Committee Meeting
 - David Schoech was elected as Chairman
 - A Peer Review Sub-Committee was formed for purposes of reviewing confidential K-TRACS data. The Sub-Committee members selected were Dr. Teresa Long, Dr. Myron Leinwetter, and Jeff Thompson, RPh
 - Update on Tableau (data reporting and analysis feature)
- First PDMP Administrators’ Roundtable occurred on August 10-11, 2017 in Overland Park, KS, and was attended by 34 states. This was created and hosted by Kansas.
 - Agenda items included Unsolicited Reporting, Data Analysis, Prescriber Report Cards, Identifying At-Risk Patients and Referring for Treatment, Supplemental Information for PDMPs to Track, Data Quality and Integrity, Law Enforcement and PDMPs, Interstate Data Sharing, EHR Integration, Data from the Veterans Administration and Tribal Nations, PDMP Operations: In-House vs. Vendors, Open Record and Research Requests,

Orientation Packet for New PDMP Administrators, Statewide Awareness and Marketing Programs, Federal legislation, and an open discussion forum.

- The Executive Secretary discussed having inspectors audit data submissions to PDMP in the future. The Board agreed.
- Kansas will begin participating in the Prescription Behavior Surveillance System (PBSS), which is funded by the federal government.

Inspector Reports

Ms. Haynes – Worked on MPJE Questions for past 2-3 weeks with Ms. Jones and Ms. Martin.

Ms. Jones – Attended Critical Point in July and completed her certification.

Mr. Kinderknecht – Thanked the Board for the opportunity to attend the Annual NABP Meeting in Orlando, FL. Enjoyed working with Intern Sam Glennon rotating with the Board in August 2017.

Ms. Martin – Attended Critical Point in June and completed her certification.

Ms. Rosebook

NPLEX

July 2017 Report

Director

- Congratulated Ms. Jones and Ms. Martin on their CISCI Certification.
- Congratulated Ms. Kenton on her first PDMP Administrators' roundtable, which was highly successful.
- Thanked the Office of Information Technology Services and Project Manager, Jason Marsh, for assistance with approval of the K-TRACS Statewide Integration project and oversight.
- Discussed office activities since the last quarterly Board meeting, including grant applications and awards; the K-TRACS statewide integration project; conferences; task force, committee and stakeholder meetings; meetings with sister agency leadership; statewide naloxone protocol; teambuilding activities; training; newsletters; etc.
- Discussed upcoming office activities

Adjourn: Dr. Worden adjourned the meeting at 3:06 pm