

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
February 18, 2022

Meeting Location: Board of Healing Arts Conference Room
800 SW Jackson, Lower Level
Topeka, KS 66612

Due to COVID-19, public access was granted virtual-only, via the Microsoft Teams platform.

Members Present: Jonathan Brunswig, PharmD., President; Terica Gatewood, PharmD., Inv. Member; Tiffany Strohmeier, PharmD.; Andrew Truong, PharmD. (virtual); Erick Axcell, PharmD.; Lucinda Noches-Talbert, Public Member (virtual)

Members In Absentia: Bill Walden, RPh., Vice President

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Kayla Montgomery, Compliance Inspector; Carly Haynes, R.Ph., Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector (virtual); Christy Seufert, Licensed Pharmacy Inspector; Gayle Donaldson, K-TRACS Assistant Director; Reyne Kenton, K-TRACS Program Manager; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Jehan DeDecker, K-TRACS Education Development Specialist (virtual), Education Jackie Yingling, Assistant Director; Linda Blasi, LMSW, Public Service Administrator (virtual); Jeanine Brizendine, Sr. Administrative Assistant (virtual); Ashley Smith, Public Service Administrator II; Marilyn Nicol, Administrative Specialist (virtual); Rachel Gardner, Administrative Assistant; Tammy Brown, Administrative Assistant (virtual); Brenda Head, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

OPEN MEETING

The President called the open meeting to order at 8:31am.

ADMINISTRATIVE PROCEEDINGS

16-178 Dale Heckethorn

- The Board was represented by Ms. Brenda Head.
- Mr. Dale Heckethorn appeared in person without counsel, via the virtual platform.
- Judge Snell explained the administrative hearing process and gave virtual guidelines for Mr. Heckethorn.
- After no objections from Mr. Heckethorn, Board Exhibits 1-3 were admitted as evidence, Exh. 2 being sealed.
- With no objection from Ms. Head, Mr. Heckethorn's Exhibits A-H were admitted, Exhs. A, B, & E under seal.
- Ms. Head called Ms. Alexandra Blasi, who was sworn in and gave her testimony. Ms. Blasi recommended with much praise that Mr. Heckethorn be allowed to return to work unrestricted, in accordance with KsPRN.
- No further questions were offered for Ms. Blasi.
- Mr. Heckethorn was sworn in and gave testimony, stating remorse for his actions and gratitude for the KsPRN program as a valuable experience, and thanking the Board and those who helped to support him.
- No questions were offered for Mr. Heckethorn.
- At 8:45am, the President closed the open meeting for KAPA deliberations that excluded Dr. Gatewood.
- The President called the open meeting back to order at 8:52am.
- A motion was made and seconded to return Mr. Heckethorn to unrestricted licensure effective March 3rd, 2022. (Gatewood/Strohmeier) Motion carries.

APPROVALS

Stipulation & Consent Agreements

- Motions were made and seconded to approve stipulation and consent agreements as presented for Case 20-016 (Strohmeier/Axcell; Truong abstained) and Case 21-057 (Axcell/Truong). Motions carry.

New Licensees & Registrants

- A motion was made and seconded to approve new licensees and registrants since November 23, 2021. (Truong/Gatewood) All in favor, motion carries.

BOARD DISCUSSION

COVID-19 Updates

- As per Board decision in December's meeting, remote work privileges will not be taken back up until April.
- The Board is aware that KDHE has distributed Molnupiravir to many hospital pharmacies. The Board reviewed its statutes and regulations and authorized hospitals to provide an emergency supply of the medication to patients presenting to the Emergency Department and receiving a first dose in-person. The remaining supply may be sent home with the patient in the manufacturer's original packaging according to the specific requirements of K.A.R. 68-7-11(d), K.A.R. 68-7-14, and K.A.R. 68-7-15.

NABP Annual Meeting

- The NABP Annual Meeting will be May 19th-21st.
- Members Truong and Axcell hope to attend.
- A motion was made and seconded to make President Brunswig the Board's voting delegate at the meeting. (Gatewood/Strohmeier) Motion carries.
- The Board will need to discuss proposed resolutions at the April meeting to know how to opine.
 - The District 6-7-8 meeting is August 28th-30th in Oklahoma, and the Board's Executive Secretary will represent the Board, as decisions will be made on how districts will vote. Several resolutions include the District 7/8 resolution on multistate licensure, the District 6 resolution for a national-level definition of pharmacist, and the resolution from Ohio's Board of Pharmacy regarding a national jurisprudence exam.

REPORTS

Attorney Report - None.

Director Report

- Legislative Update:

- There are 19 bills being watched that involve the Board, with eight or so being budget bills.
- There are 41 health bills being followed for any potential pharmacy implications.
- The Executive Secretary gave an overview of some key bills for the Board's awareness.

ADMINISTRATIVE PROCEEDINGS (cont.)

22-011 Alex Conley

- Mr. Alex Conley appeared in person without counsel, via the virtual platform.
- The Board was represented by Ms. Brenda Head, Disciplinary Counsel for the Board of Pharmacy.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Conley.
- Following Mr. Conley's objection to Board Exhibit 7, Judge Snell entered Board Exhs. 1-10 as evidence, with Exhs. 4 & 7 being sealed, and Exhibit 9 (an unsigned document) being replaced by a signed copy of the same.
- Ms. Head called Ms. Alexandra Blasi, who was sworn in and gave her testimony.
- Ms. Head questioned Ms. Blasi.
- Neither Mr. Conley nor the Board had questions for Ms. Blasi.
- Mr. Conley wished to testify on his own behalf, and was sworn in and gave testimony.
- Ms. Head questioned Mr. Conley.
- Judge Snell asked Mr. Conley if he had read the Stipulation and Consent Agreement in question before signing, to which he replied "yes."
- No further questions were offered by the Board nor Ms. Head.
- At 10:14am, the meeting was closed for KAPA deliberations, with Ms. Gatewood having recused herself.
- The President reconvened the open proceedings at 10:34am.

- A motion was made and seconded to uphold the Board's Stipulation and Consent Agreement, with Mr. Conley to report back before the Board at the time of his pharmacist license application. (Truong/Strohmeier) Dr. Gatewood abstained; all others in favor. Motion carries.

Recess: The Board recessed at 10:41am.

Reconvene: The President called the open meeting back to order at 10:50am.

ADMINISTRATIVE PROCEEDINGS (cont.)

22-013 Derek Douglas

- Judge Snell introduced himself and explained the hearing process and virtual guidelines for Mr. Douglas.
- The Board was represented by Ms. Brenda Head.
- Mr. Derek Douglas appeared in person without counsel, via the virtual platform.
- Following no objection from Mr. Douglas, Board Exhibits 1-7 were entered as evidence.
- Ms. Head called Ms. Alexandra Blasi who was sworn in and gave her testimony, concluding such with a recommendation that the Board accept the Stipulation and Consent Agreement as presented.
- Neither Mr. Douglas nor the Board had any questions for Ms. Blasi.
- Mr. Douglas was sworn in and gave his testimony, in which he took full responsibility for his actions.
- Neither Ms. Head nor the Board had any questions for Mr. Douglas.
- At 11:08am, the President closed the open meeting for KAPA deliberations that excluded Ms. Gatewood.
- The President called the open meeting back to order at 11:15am.
- Motion was made and seconded to approve the Stipulation and Consent Order as presented, with Mr. Douglas to report back before the Board at the time of his pharmacist license application. (Axcell/Truong) Ms. Gatewood abstained. Motion carries.

REPORTS (cont)

Director Report (cont.)

- Legislative Update (cont.):

- Language is coming through around technician reciprocity registration for those licensed in other states.
- The Board budget unanimously passed the Senate floor in a shell on February 17th. The Executive Secretary, who also anticipates its passage in the House, thanked the Jazz Pharmaceuticals lobbying firm.
- The K-TRACS bill has had two minor amendments. Chairman Hildebrand worked hard to get a hearing, where KDHE provided neutral testimony regarding reporting to Medicaid under the Federal Support Act. The Annual K-TRACS Reports have received the best feedback - an investment of time, but dividends are huge.
- The tax deduction bill for K-TRACS was presented but not warmly received, and Dr. Eplee was absent; lack of support did impact the committee's response.
- The budget was passed out of Appropriations.
- A 5% cost-of-living salary adjustment for all state employees has been recommended in the Governor's budget; the Executive Secretary gave testimony.
- No hearings have been held on any medical marijuana legislation this session.

BOARD DISCUSSION (cont.)

2021 Technician CE Audit

Out of 1,736 technicians reviewed, only 169 were non-compliant, though 11 had no results in their CPE monitor. This round was the last to involve COVID waivers, and so is perhaps the last time to conduct an audit with no disciplinary action. The Executive Secretary recommended auditing and sending warning letters, but foregoing discipline to keep a close eye next year on those who were non-compliant. The Board was in agreement.

REPORTS (cont.)

Compliance Report

The Director of Compliance gave a full Compliance Division update, and introduced its newest Inspector for SE Kansas, who has been a Kansas pharmacist for 27 years.

Board Member Reports – None.

Recess: The Board recessed for lunch at 12:04pm.

Reconvene: The open meeting was reconvened at 1:00pm.

PUBLIC COMMENT

None.

BOARD DISCUSSION (cont.)

Draft Regulations

White Bagging: A rough first draft has been created to cover two different end-point scenarios and, though modeled after Virginia, also blends language regarding shared services. Such language will not broadly legislate, but does allow for what is currently in the Board's authority to clean up. The Board was in agreement that the Executive Secretary next circulate the draft out to stakeholders, specifically KCHP and the Board's subject matter expert, and allow them to submit feedback

Pharmacy Workplace Conditions

Following the results of the Board's survey and in the footsteps of Oklahoma, the Board will highlight in its newsletter and in its renewal notifications a reporting route for workplace issues such as staffing shortages, patient safety concerns, etc. Licensees will be pointed toward the current complaint system, but will be alerted that all complaint information is optional, to safeguard against fear of retaliation.

Workplace Survey

The survey will be open through February 25th, at which time preliminary data will be released. So far there have been 973 total responses (about a 19% response rate). A question on errors being properly reported at the pharmacy received an encouragingly positive response. Some areas of great concern involve insufficient staffing, lack of lunch breaks, not feeling safe to report concerns at work, unhappiness and, most concerning for the Board, unable to practice safely at the current worksite. Respondents left more than 400 comments which the staff will analyze and bring before the Board in April, after which time all results will be forwarded to legislators for reviewing statewide and national concerns. The Executive Secretary will send this preliminary data to stakeholders, reserving the comments section which will need some redaction due to protected information.

REPORTS (cont)

K-TRACS Annual Report

Ms. Donaldson reported on K-TRACS' advancements in tracking and education, and introduced new Education Specialist who has a diverse background in pharmacist work. To accomplish their mission, K-TRACS had three goals last year: ensure the highest quality of its data, support initiatives to increase its utilization across Kansas, and to support patient outcomes by investigating and educating. Highlights toward these respective missions included correcting submission errors, academic detailing, online education modules in BOHA CE Category III, system cleanup, EHR integration, and continuation of the Advisory Committee. Following discussion as to its merits, the Board was in agreement that staff will work to update its regulations to require CE through K-TRACS' academic detailing, which offers up to 1.5 hours.

Recess: The Board recessed at 2:21pm.

Reconvene: The President called the open meeting back to order at 2:30pm.

REPORTS (cont)

Director Report

- Agency News
 - The Board is working to get on a January/February renewal period for its annual KISO training.
 - Due to short application notice, burdensome reporting requirements, and staffing, the Board chose not to apply for a state grant and work with existing federal funds.
- Annual Report

The Board's original 2021 action list had 60+ items, then another 20+ items were added to that list in addition to regular day-to-day work duties. The Executive Secretary noted the highlights, after which the Board thanked the Executive Secretary and the entire staff for all their work in sustaining a responsive and supportive agency.

EXECUTIVE SESSION

A motion was made and seconded at 3:01pm to enter into executive session per K.S.A. 75-4319(b)(1) to discuss matters of non-elected personnel, to include the Board's attorney and Executive Secretary, and to be reopened to the public at 3:40pm for adjournment. (Truong/Strohmeier) Motion carries.

Reconvene: The President reopened the meeting to the public at 3:40pm

Adjourn: The President adjourned the meeting at 3:40pm.