

September 2002



# Kansas State Board of Pharmacy

Landon State Office Building  
900 Jackson, Room 513  
Topeka, KS 66612  
[www.accesskansas.org/pharmacy](http://www.accesskansas.org/pharmacy)

Published to promote voluntary compliance of pharmacy and drug law.

## Board Honors 50-Year Pharmacists

Congratulations to the following pharmacists who have been licensed in good standing with the Kansas State Board of Pharmacy for 50 years. The Board of Pharmacy is grateful for their years of contribution to the pharmacy profession.

Lewis F. Reid .....	Salina
Lawrence R. Jabenis .....	Overland Park
Kenneth D. Hester .....	Leawood
John N. Bagley .....	Wichita
Paul E. Miller .....	Liberal
Francis A. Unrein .....	Plainville
Leo Shalinsky .....	Prairie Village
Thomas J. Porter .....	Cherryvale
James W. Heck .....	Douglass
Bill R. Groves .....	Wichita
William A. Sinclair .....	Osawatomie

## Centralized Processing Systems

Some pharmacies are considering using a central location for filling and/or processing patient prescriptions. Central fill and central processing are innovative technological advances that will need to be addressed by the Board in the next year. The Kansas State Board of Pharmacy often seeks assistance from persons with expertise in the areas in which they are developing regulations. Often this input into regulatory requirements takes the form of a task force. Board member Frank Whitchurch has been asked to chair the Central Processing Task Force and will be addressing issues such as medication distribution and record keeping. You may e-mail Frank at [wghtlift@aol.com](mailto:wghtlift@aol.com) if you have information concerning central processing and central fill.

## Pharmacy Board Web Site

Have you checked out the Board's Web site lately? The Board staff has been busy adding new features to create a more user-friendly, informative site for licensees and consumers alike.

Remember to check out the **new licensure verification** to find out information on all registrants and licensees. The second year of **online licensure renewal** is coming to a successful conclusion. This process offers a quick and easy way to renew your license. The newest addition to the Pharmacy Board Web site is the posting of the **North American Pharmacist Licensure Examination™** and **Multistate Pharmacy Jurisprudence Examination™** scores. You will no longer have to wait for a letter from the office before learning whether or not you successfully passed the exams. By using

your authorization to test number, your confidential score is just a click away. Lastly, do not forget to check out the frequently asked questions. The Web site address is: [www.accesskansas.org/pharmacy](http://www.accesskansas.org/pharmacy).

## New Board Members

Governor Bill Graves has announced two appointments to the Board. Jeff Thompson and Frank Whitchurch will serve terms running until April 2005 and may be reappointed. Jeff Thompson has been the director of pharmacy for the Neosho Memorial Regional Medical Center since 1992. Jeff, a University of Kansas School of Pharmacy graduate, is on the Board of Trustees of the Kansas Society of Health-System Pharmacists and a member of the Kansas Pharmacist Association. Jeff and his wife, Marilyn, have two children.

Frank Whitchurch is a pharmacy manager of an Osco Drug in Kansas City, KS. He has also served as pharmacy operations specialist at Osco in Missouri. Frank is on the Board of Trustees for the Kansas Pharmacist Association and is chairman of the Kansas Federation of Chain Pharmacies. He was awarded the Osco National Excellence Award in 1995. Frank graduated from the University of Missouri School of Pharmacy. Frank, his wife, Deborah, and daughter, Kimberly, live in Kansas City.

## Scheduled Board Meetings

- ◆ October 1 – 2, 2002, Amerisuites Hotel, 6021 SW 6<sup>th</sup> Ave, Topeka, KS.
- ◆ December 10 – 11, 2002, Amerisuites Hotel, 6021 SW 6<sup>th</sup> Avenue, Topeka, KS.

## New Pharmacy Inspector

LaTonyua Rice, PharmD, has joined the Board as a pharmacy inspector in Wichita and Southeast Kansas. LaTonyua is a 1991 graduate of University of Missouri School of Pharmacy. She worked for Osco for 13 years before coming to the Board. LaTonyua is a welcome addition to the Board staff and is available by phone at 316/258-1991.

## Refills of Controlled Substances

**Question:** Is it permissible to dispense a prescription for a quantity less than the face amount prescribed resulting in the actual number of dispensing being greater than the number of refills indication on the prescription?

**Answer:** Yes. Partial refills of Schedule III, IV, and V controlled substance prescriptions are permissible under federal regulations provided that each partial filling is dispensed and recorded in the same manner as refilling (ie, date refilled, amount dispensed, initials

*Continued on page 4*

Continued from page 1

of dispensing pharmacist, etc). The total quantity dispensed in all partial fillings can not exceed the total quantity prescribed and no dispensing can occur after six months past the date of issue.

DEA clarifies 21 CFR 1306.22 (a), (Reference to Kansas Controlled Substance Regulation 68-20-20 (b)(2)(A)), allowing for refilling beyond five refills up to six months of prescriptions for controlled substances listed in Schedules III or IV regardless of the number of partial refills dispensed, up to, but not to exceed, the total quantity prescribed by the practitioner on the original prescription. The Drug Enforcement Administration (DEA) has interpreted the regulation as follows. A prescribed quantity of 50 dosage units with three refills is the pharmacist's authorization to provide a total of 200 dosage units and the six months time frame become the limiting factors. If 25 dosage units are dispensed originally and on each subsequent refill, the patient may receive seven such refills as long as they occur within the six-month time frame for a total of 200 dosage units.

Additional information regarding DEA's Diversion Control Program is available on their Web site at [www.DEAdiversion.usdoj.gov](http://www.DEAdiversion.usdoj.gov).

### **What to Do When the Doctor Dies, Retires, or Relocates Practice**

How do you handle refill requests when a prescriber dies, retires, or relocates his/her practice? The Kansas Board of Pharmacy and Kansas Board of Healing Arts have no regulations pertaining to the number of refills allowed under these circumstances.

The following response to the issue was provided by the Office of Drugs, National Center for Drugs and Biologics, Food and Drug Administration.

It is well established that a prescription of a practitioner given to a patient signifies generally that a physician/patient relationship exists. This relationship also connotes that during the life of that prescription, the patient is under the practitioner's professional care and includes the number of authorized refills. It is our opinion that once a physician/patient relationship is broken, the prescription loses its validity since the physician is no longer available to treat the patient and oversee his/her use of the prescribed drug(s).

The Kansas State Board of Pharmacy recommends that if the pharmacist is aware of the situation, the pharmacist should counsel the patient to seek a new physician immediately. The patient should

be able to obtain a sufficient amount of prescribed drug of an unexpired prescription to carry over until the services of another physician are obtained. In some cases, obtaining the services of another physician may take 60 days or longer.

The key to this issue is the pharmacist's professional judgment. As stated in Kansas Pharmacy Practice Act Statue 65-1637, the pharmacist can refuse to refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that the prescription should not be refilled.

### **Disciplinary Actions**

Although every effort is made to ensure that the disciplinary action information is correct, you should check with the Board of Pharmacy at 785/296-4056 to verify the accuracy of the listing before making any decision based on this information. These disciplinary actions become a permanent part of a pharmacist's file.

**Randy Hilgers, RPh #09211** – Topeka, KS, was disciplined by the Board entering an order suspending his license for 365 days, provided the suspension will not become effective if no further violations of the Kansas pharmacy laws occur during a 12-month probation period.

### **Special Notice about the Newsletter.**

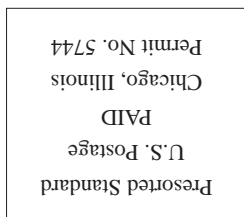
The *Kansas Board of Pharmacy News* is considered an official method of notification to pharmacists licensed by the Kansas Board of Pharmacy. These *Newsletters* have and will continue to be used in hearings as proof of notification. Please read them carefully and keep them for future reference.

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Page 4 – September 2002

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