

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES**

July 26, 2023

Meeting Location:

Garden House at Lake Shawnee

Members Present: Terica Gatewood, PharmD., President; Erick Axcell, PharmD., Vice President; Tiffany Strohmeier, PharmD., Inv. Member; Jonathan Brunswig, PharmD.; Andrew Truong, PharmD.; Bill Walden, R.Ph.; Lucinda Noches-Talbert, Public Member

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jackie Yingling; Assistant Director; Carly Haynes, R.Ph., Director of Compliance, Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Christy Seufert, Licensed Pharmacy Inspector; Jason Syring, Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Linda Blasi, LMSW, Public Service Administrator; Ashley Smith, Public Service Administrator II; Bradford DeYoung, Attorney; Tammy Brown, Administrative Assistant; Marilyn Nicol, Administrative Specialist; Jeanine Brizendine, R.Ph, Sr. Administrative Assistant; Beth Greene, K-TRACS; Ninette Schnacker, K-TRACS; Amy Bloom, K-TRACS/Compliance

OPEN MEETING

At 1:00 pm, the open meeting began.

ACTIVITY

Board and staff retreat.

Adjourn: The open meeting adjourned at 5:00 pm.

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES**

July 27, 2023

Meeting Location:

1020 S Kansas Ave. Topeka, KS 66612

Members Present: Terica Gatewood, PharmD., President; Erick Axcell, PharmD., Vice President; Tiffany Strohmeyer, PharmD., Inv. Member; Jonathan Brunswig, PharmD.; Andrew Truong, PharmD.; Bill Walden, R.Ph.; Lucinda Noches-Talbert, Public Member

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jackie Yingling; Assistant Director; Gayle Donaldson, K-TRACS Assistant Director; Carly Haynes, R.Ph., Director of Compliance, Licensed Pharmacy Inspector; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Shelley Rosebrook, R.Ph., Licensed Pharmacy Inspector; Christy Seufert, Licensed Pharmacy Inspector; Jason Syring, Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Linda Blasi, LMSW, Public Service Administrator; Ashley Smith, Public Service Administrator II; Bradford DeYoung, Attorney; Tammy Brown, Administrative Assistant; Marilyn Nicol, Administrative Specialist; Jeanine Brizendine, R.Ph, Sr. Administrative Assistant; Beth Greene, K-TRACS; Ninette Schnacker, K-TRACS; Amy Bloom, K-TRACS/Compliance; Randy Forbes, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

OPEN MEETING

At 8:31 am, the President called the open meeting to order.

APPROVALS

A motion was made and seconded to approve the April 27, May 17, and June 30, 2023 meeting minutes, the new licensees and registrants since April 19, 2023, and the guidance document for exempt prescription products from the DEA. (Axcell/Truong) Motion carries.

A motion was made and seconded to approve the guidance document for intern or technician immunization. (Strohmeyer/Noches-Talbert) Motion carries.

BOARD DISCUSSION

Emergency Opioid Antagonist Protocol

- Pharmacists are encouraged to sign the updated protocol. This would not negate the previous version.
- A motion was made and seconded to approve the updated Emergency Opioid Antagonist Protocol. (Truong/Brunswig) Motion carries.

REPORTS

Attorney

- None.

Board Members

- Dr. Axcell reported on the success on the Collaborative Drug Therapy Management Committee. Staff will create a survey for Kansas pharmacists regarding use of the Statewide Protocols after six months.
- Dr. Truong and Dr. Axcell attended the annual NABP meeting. Both board members will be serving on the NABP telepharmacy, automation and remote dispensing committee. Six new resolutions were approved at NABP.

Compliance

- The Director of Compliance reported on nonresident pharmacy renewals and out of state inspections for pharmacies who do not have a current inspection from their home state.
- The Director of Compliance requested guidance from the Board on whether K.A.R. 68-7-8 requires the pharmacist to scan the blank back of a prescription for electronic storage. The Board indicated that the blank back of a prescription is not required to be scanned.
- Xylazine is a drug used by the equine industry. The DEA will need to answer questions regarding this drug.
- Updates to USP <795> and <797> will become effective on Nov. 1, 2023.
- Discussion of new DEA rule authorizing electronic forwarding of an original, unfilled controlled substance prescription. The Executive Director will reach out to the prescriber regulatory boards to discuss timing and request additional information from DEA through the NABP.

Director

- The Director participated in the Pharmacy Workforce Summit held in June.
- District 6,7,8 will be in Jackson Hole, Wyoming in October 2023.
- Staff recognition for the 2023 renewal season.
- KPhA has a new interim Director, Dr. Amanda Applegate.

Recess: The President called a recess at 9:34 am.

Reconvene: The President called the open meeting back to order at 9:49 am.

ADMINISTRATIVE PROCEEDINGS

23-215 Sarrina Finney

- Ms. Finney appeared via Microsoft Teams without legal counsel. Due to technological issues, Ms. Finney appeared via audio only.
- The Board was represented by Mr. Forbes.
- Judge Snell explained the administrative hearings process and guidelines for Ms. Finney.
- Board Exhibits 1-4 were admitted as evidence.
- Mr. Forbes called forth the Director of Compliance, who was sworn in and gave her testimony.
- Ms. Finney was sworn in and gave her testimony.

- At 10:17 am, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary.
- The President called the open meeting back to order at 10:27 am.
- A motion was made and seconded to revoke Ms. Finney's pharmacy technician registration (Walden/Brunswick). Dr. Strohmeyer recused from the vote. Motion carries.

ADMINISTRATIVE PROCEEDINGS CONTINUED

23-211 Jason Kent

- Mr. Kent appeared in person without legal counsel.
- The Board was represented by Mr. Forbes.
- Judge Snell explained the administrative hearings process and guidelines for Mr. Kent.
- Board Exhibits 1-8 were admitted as evidence.
- Mr. Forbes called forth the Executive Secretary, who was sworn in and gave her testimony.
- The administrative proceeding was closed to discuss protected health information at 10:38 am.
- Mr. Kent was sworn in and gave his testimony.
- At 11:21 am, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary.
- The President called the open meeting back to order at 11:31 am.
- A motion was made and seconded that Mr. Kent must complete a mental health evaluation and restart his KsPRN program term (Axcell/Brunswick). Motion carries.
- Dr. Strohmeyer recused from the hearing and vote.

Recess: The President called a recess at 11:21 am.

Reconvene: The President called the open meeting back to order at 11:31 am.

ADMINISTRATIVE PROCEEDINGS CONTINUED

23-233 Gatlin Medical Arts Pharmacy

- Mr. Gatlin appeared via Microsoft Teams with legal counsel, Mr. Netherton.
- The Board was represented by Mr. Forbes.
- Judge Snell explained the administrative hearings process and guidelines for Mr. Gatlin.
- Board Exhibits 1-10 were admitted as evidence.
- Mr. Forbes called forth the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Forbes called forth his second witness, Board Inspector, Jason Syring, who was sworn in and gave his testimony.

Recess: The President called a recess at 12:29 pm.

Reconvene: The President called the open meeting back to order at 12:40 pm.

ADMINISTRATIVE PROCEEDINGS CONTINUED

23-233 Gatlin Medical Arts Pharmacy

- Mr. Forbes called forth his third witness, the Board K-TRACS Pharmacist, LaTonya Rice, who was sworn in and gave her testimony.
- Due to Mr. Gatlin's technical issues, the hearing was temporarily suspended.

PUBLIC COMMENT

Dr. Applegate introduced two KU pharmacy students on rotation with KPhA.

ADMINISTRATIVE PROCEEDINGS CONTINUED

23-233 Gatlin Medical Arts Pharmacy

- Mr. Netherton called forth his first witness, Mr. Gatlin, who was sworn in and gave his testimony.
- Mr. Forbes made a closing statement.
- Mr. Netherton made a closing statement.
- At 2:00 pm, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary.
- The President called the open meeting back to order at 2:35 pm.
- A motion was made and seconded to approve and accept the Summary Order previously issued (Brunswick/Noches-Talbert).
 - An amended motion was made to increase the fine pursuant to the Board guidance at a \$1,000 + \$20 a day. No second, amended motion fails.
 - All in favor of original motion. Opposed (Walden). Dr. Strohmeyer recused from the vote. Motion carries.

PRESENTATIONS

Alliance for Quality Improvement and Patient Safety

- Pharmacy PSOs evaluate quality related events using casual and other analysis, systems assessments, peer to peer reviews and peer discussions to facilitate change, including IT systems process changes to minimize patient risk and prevent events from recurring. PSOs reduce medical errors and increase patient safety in various clinical setting. PSOs are not federally funded and require significant capital and operational costs. Alliance for Quality Improvement and Patient Safety would be delighted to work with Kansas to meet the CQI requirements.

BOARD DISCUSSION CONTINUED

Draft Regulations

- The Board discussed changes to the draft CQI regulation providing an exemption from certain requirements for pharmacies that have engaged Patient Safety Organizations. The Board supports the final draft and recommended routing through the administrative rulemaking process.

Recess: The President called a recess at 3:45 pm.

Reconvene: The President called the open meeting back to order 3:55 pm.

PRESENTATIONS CONTINUED

KsPRN and Tom House

- The KsPRN program has a new drug testing vendor. Data is measured by each individual and what is out of the norm for that specific individual. On average, the period from the time a participant provides a sample and when the vendor returns results to KsPRN is 5-7 days. The program is in the process of eliminating the use of urine for drug testing.

BOARD DISCUSSION CONTINUED

Consideration of Emergency Scheduling of Clonazepam

- Mr. DeYoung presented information from local law enforcement regarding identification of clonazepam in Kansas, the DEA temporary emergency scheduling of the substance in December 2022, and the Board's authority under K.S.A. 65-4102.
- The Executive Director recommended that, based on the documentation and research provided, the Board make a finding that clonazepam is an imminent hazard to public safety in Kansas and the Board move forward with emergency temporary regulations to classify clonazepam as a Schedule I controlled substance.
- A motion was made and seconded that clonazepam is an imminent hazard to public safety in Kansas and should be temporarily scheduled as a controlled substance (Strohmeyer/Truong). Motion carries.

Draft Regulations

- 68-2-25 – The Board reviewed the draft regulation. Section 2.b needs to be reviewed before this regulation is sent out to stakeholders.
- 68-7-10 – The Board reviewed the draft regulation and approved routing for stakeholder review.
- 68-7-14 – The Board reviewed the draft regulation and requested additional staff review for consideration at the next meeting.

EXECUTIVE SESSION

A motion was made and seconded (Gatewood/Axcell) at 4:42 pm to enter into executive session to consult with the Board's attorney on a matter that would be deemed privileged in the attorney-client relationship per K.S.A. 75-4319(b)(2), to include the Board's attorney, Executive Secretary, and the Director of Compliance to be reopened to the public at 5:00 pm. Motion carries.

Adjourn: A motion was made and seconded (Strohmeyer/Brunswick) to adjourn at 5:03 pm. Motion carries.