

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

September 28, 2023

Meeting Location:

1020 S Kansas Ave. Topeka, KS 66612

Members Present in Person: Terica Gatewood, PharmD., President; Erick Axcell, PharmD., Vice President; Tiffany Strohmeyer, PharmD., Inv. Member; Andrew Truong, PharmD.

Members Present by Teams: Jonathan Brunswig, PharmD.; 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; Jeanine Brizendine, R.Ph, Sr. Administrative Assistant; Beth Greene, K-TRACS; Ninette Schnacker, K-TRACS; Brenda Head, JD, General Counsel.

OPEN MEETING

At 8:35 am, the President called the open meeting.

PUBLIC HEARING ON ADMINISTRATIVE RULES AND REGULATIONS

The Board President explained the rules for the public hearing, including requiring participants in attendance sign-in or be recorded online, that public comment would be limited to five minutes per person per regulation packet for review, that the Board had received written comments prior to the meeting and had reviewed such comments, and that individuals wishing to address the Board for public comment should state their name and any organization with which they were affiliated.

The Board President opened the hearing on the following regulations and briefly explained: K.A.R. 68-2-24. The Board President opened the hearing for public comment.

- No public comment.

The Board President concluded the hearing on K.A.R. 68-2-24. A motion was made and second to approve the regulation (Axcell/Truong). The Executive Secretary called the roll for a vote on the motion. By unanimous vote, the regulation was approved for adoption. Absent-Walden.

The Board President opened the hearing on the following regulations and briefly explained: K.A.R. 68-20-23 and K.A.R. 68-20-3.

- No public comment

The Board President concluded the hearing on K.A.R. 68-20-23 and K.A.R. 68-20-3. A motion was made and second to revoke the regulations (Axcell/Strohmeyer). The Executive Secretary called the roll for a vote on the motion. By unanimous vote, the regulation was approved for adoption. Absent-Walden.

Recess: The President called a recess at 8:44 am.

Reconvene: The President called the open meeting back to order at 8:59 am.

The Board President opened the hearing on the following regulations and briefly explained: K.A.R. 68-20-32. The Board President opened the hearing for public comment.

- No public comment.

The Board President concluded the hearing on K.A.R. 68-20-32. A motion was made and second to approve the regulation (Strohmeyer/Truong). The Executive Secretary called the roll for a vote on the motion. By unanimous vote, the regulation was approved for adoption. Absent-Walden.

The Board President opened the hearing on the following regulations and briefly explained: K.A.R. 68-7-26. The Board President opened the hearing for public comment.

- Carl Black with Optum Rx commented.

The Board did not entertain a motion on the regulation. The public hearing was concluded.

A motion was made and seconded for all remote work permitted under the Board's emergency authorizations to be discontinued effective Nov. 1, 2023 (Truong/Axcell). Motion carries.

TEMPORARY ADOPTION OF ADMINISTRATIVE REGULATIONS

K.A.R. 68-20-33 (Clonazepam Emergency Scheduling)

A motion was made and seconded to approve temporary K.A.R. 68-20-33 (Strohmeyer/Truong). The Executive Secretary called the roll for a vote on the motion. By unanimous vote, the regulation was approved for adoption. Absent-Walden.

Recess: The President called a recess at 9:42 am.

Reconvene: The President called the open meeting back to order at 10:00 am.

BOARD DISCUSSION

Draft Regulations

- 68-7-10: Proposed draft changes have been made. Definitions have been removed and added as needed for clarity. Board members and Board staff discussed the proposed changes regarding e-kits and federal facilities.
- 68-7-18: Adding federally qualified health centers and indigent health clinics.
- These regulations will be circulated to stakeholders for feedback.

Whitebagging

- Karen Braman with the Kansas Hospital Association was invited to provide an update to the Board on a survey conducted in June 2023.
- Jonathan Buxton with PBM was invited to provide an update to the Board on the importance of specialty drugs and the whitebagging process.

ePrescriber Waiver

- A guidance document has been created for clarity on the legal requirements and when/if a prescriber should request waiver.
- Waivers will be reviewed periodically by Board staff and updated once a month.
- Notifications will go out in October for the new waiver process.
- A motion was made and second to approve the Guidance Document for ePrescriber Waivers (Truong/Strohmeier). All in favor. Motion carries.

DSCSA Enforcement

- The FDA has announced a stabilization period for compliance with November 2023 requirements under the DSCSA. Enforcement will be delayed until November 2024.
- The Board agreed to upholding the stabilization period in Kansas.

2024 Meeting Dates

- February 22
- April 26 (Business Meeting) and 27 (Board-Staff Retreat)
- July 11
- September 26
- December 5

APPROVALS

A motion was made and seconded to approve the July 26th and 27th, 2023, meeting minutes, the new licensees and registrants since July 19, 2023, and appoint KPhA nominees Heath Kerr and Madsion Livengood to the K-TRACS Advisory Committee for a three-year term. (Strohmeier/Truong) All in favor. Motion carries.

REPORTS

Budget & Operations

- The Assistant Director of Budget and Operations gave an update on the Board's financial status and the FY2024 and FY2025 budget submission.

Recess: The President called a recess at 11:48 am.

Reconvene: The President called the open meeting back to order at 1:00 pm.

PUBLIC COMMENT

None.

REPORTS CONTINUED

Attorney

- None.

Board Members

- None.

2023 Pharmacist CE Audit

- 3,644 pharmacists are compliant and 66 are noncompliant with the continuing education requirements.

Compliance

- Inspectors went to South Carolina for USP <795> and < 797> education training.
- Reorganization of inspector out of state area coverage.

Director

- 9 CVS stores in the Kansas City Kansas metro area were closed due to staff walkout.
- Funding has been requested for an Assistant Director of Compliance position. If approved, the position would be open July 1, 2024.
- Jim Kinderknecht, Licensed Pharmacist and Pharmacy Inspector will be retiring September 29th, 2023. The Board and staff thank him for his more than 35 years of service to the state of Kansas. A candidate has already been identified to fill the inspector vacancy.

EXECUTIVE SESSION

A motion was made and seconded (Truong/Strohmeyer) at 1:40 pm to enter into executive session to discuss personnel matters of nonelected personnel per K.S.A. 75-4319(b)(1), to include the Board's attorney, Executive Secretary, and the Director of Compliance to be reopened to the public at 2:15pm. All in favor. Motion carries.

Adjourn: A motion was made and seconded (Strohmeyer/Truong) to adjourn at 2:15 pm.