

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
February 2, 2022

Meeting Location:

Due to inclement weather, the meeting was conducted entirely via the Microsoft Teams platform.

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

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; Kayla Montgomery, Compliance Inspector; Melissa Martin, Compliance Inspector; Christy Seufert, Licensed Pharmacy Inspector; Gayle Donaldson, K-TRACS Assistant Director; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Jackie Yingling, Assistant Director; Linda Blasi, LMSW, Public Service Administrator; Ashley Smith, Public Service Administrator II; Jeanine Brizendine, Sr. Administrative Assistant; Marilyn Nicol, Administrative Specialist; Rachel Gardner, Administrative Assistant; Tammy Brown, Administrative Assistant; Brenda Head, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

OPEN MEETING

At 8:38am, the President called the open meeting to order to begin the administrative proceedings.

ADMINISTRATIVE PROCEEDINGS

21-054 Kathryn Gourdon

- Ms. Kathryn Gourdon appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Loren Snell explained the administrative hearing process and virtual guidelines for Ms. Gourdon.
- Ms. Head requested that Board Exhibits 1-3, containing protected information, be sealed from the record.
- The Board re-emailed the Board Exhibits to Ms. Gourdon.
- Board Exhs. 1-6 were admitted as evidence; #1-3 were sealed; #2 was reserved for review by Ms. Gourdon.
- Ms. Head called forth the Executive Secretary, who was sworn in and gave her testimony.
- There were no questions from any party for the Executive Secretary.
- Ms. Head then called Ms. Linda Blasi to testify concerning Board Exhibit 2.
- Ms. Gourdon reviewed the reserved Board Exhibit 2, and gave no objection to such.
- Judge Snell then admitted Board Exh. 2 as evidence under seal, and swore in Ms. Linda Blasi to testify.
- Ms. Gourdon questioned Ms. Linda Blasi over the nature of her familiarity with Creighton's intern policies.
- The Board had no questions for Ms. Blasi.
- Judge Snell clarified Ms. Gourdon's exhibits, then swore her in to give her statement of testimony.
- Ms. Gourdon provided testimony.
- Ms. Head questioned Ms. Gourdon.
- Several members of the Board questioned Ms. Gourdon.
- Board member Walden questioned the Executive Secretary as to her familiarity with Creighton's procedures.
- Ms. Head and Ms. Gourdon each and separately made brief closing statements.
- At 9:41am, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary and its attorney, and that excluded Ms. Terica Gatewood.
- The President called the open meeting back to order at 10:32am.

- A motion was made and seconded to uphold the Summary Order and deny Ms. Gourdon's application for intern registration. (Walden/Noches-Talbert). All in favor were Walden, Noches-Talbert, Axcell, Truong. All opposed were Brunswig and Strohmeyer. Dr. Gatewood abstained from the vote. Motion carries.

Recess: The President called a recess at 10:33am.

Reconvene: The President called the open meeting back to order at 10:44am.

ADMINISTRATIVE PROCEEDINGS (cont.)

21-087 Logan Arkenberg

- Mr. Logan Arkenberg appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Head.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Arkenberg.
- Following no objections from Ms. Head, Mr. Arkenberg's Exhibits were admitted as evidence.
- Following no objections from Mr. Arkenberg, the Board's Exhibits 1-9 were admitted as evidence.
- Ms. Head called the Executive Secretary, who was sworn in by Judge Snell and gave her testimony.
- Neither the Board nor Mr. Arkenberg had any questions for the Executive Secretary.
- Ms. Head called Ms. Melissa Martin, who was sworn in and who gave her testimony.
- Mr. Arkenberg questioned Ms. Martin about the submitted documents and relation to his signature.
- Judge Snell had Ms. Martin clarify several points on the timeline in question.
- Mr. Arkenberg was sworn in and gave his statement of testimony.
- Ms. Head questioned Mr. Arkenberg.
- The Board had no questions for Mr. Arkenberg.
- Ms. Head gave a brief closing statement, and Mr. Arkenberg offered no closing statement.
- At 11:40am, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary and its attorney, and that excluded Ms. Terica Gatewood.
- The President called the open meeting back to order at 11:59am.
- A motion was made and seconded to restore Mr. Arkenberg's pharmacist license under conditions that he not be allowed to be the PIC in any facility until further Board order and that he pay a \$2500 fine for failure to uphold Kansas law. (Noches-Talbert/Strohmeyer) Dr. Gatewood abstained. Motion carries.

Recess: The Board recessed at 12:01pm.

Reconvene: The President called the open meeting back to order at 12:06pm.

ADMINISTRATIVE PROCEEDINGS (cont.)

21-134 Hallandale Pharmacy

- Judge Snell briefed the hearing participants on the administrative hearing process and virtual guidelines.
- The Board was represented by Ms. Head.
- Mr. David Rabbani, President of Hallandale Pharmacy, and Stephanie Bellieni with Hallandale's licensing and compliance, appeared on behalf of Hallandale Pharmacy, and were represented by Mr. Edwin Bayó.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.
- Following no objection from Hallandale's representatives, Board Exhibits 1-6 were admitted as evidence.
- Mr. Bayó questioned the Executive Secretary.
- Ms. Head then called Ms. Shelley Rosebrook, who was sworn in and gave her testimony.
- Mr. Bayó questioned Ms. Rosebrook concerning probation issues and other state discipline.
- Neither Ms. Head nor the Board had any further questions for Ms. Rosebrook.
- Mr. Bayó called Mr. David Rabbani who was sworn in and gave his testimony.
- Ms. Head questioned Mr. Rabbani.
- Mr. Bayó called Stephanie Bellieni, who was sworn in and gave testimony.

- Neither the Board nor Ms. Head had questions for Ms. Bellieni.
- Several members of the Board questioned Mr. Rabbani.
- Following no objections from Ms. Head, Hallandale's Exhibits 1-8 were entered as evidence.
- Ms. Head and Mr. Bayó each gave brief closing statements.
- At 1:44pm, the President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary and its attorney, and that excluded Ms. Terica Gatewood.
- The President called the open meeting back to order at 1:56pm.
- A motion was made and seconded to uphold the denial of Hallandale Pharmacy's registration renewal application. (Walden/Truong) Dr. Gatewood abstained. Motion carries.

Recess: The Board recessed for lunch at 1:59pm.

Reconvene: The President called the open meeting back to order at 2:16pm.

PUBLIC COMMENT

None.

BOARD DISCUSSION

COVID-19 Update

The Board had no comment on wishing to change remote work guidance at this time.

Draft Regulations

- Telepharmacy: The Board reviewed the stakeholder comments and updated regulation drafts. The Board agreed to reinsert the mileage restriction with certain additional exceptions. The Board increased the dispensing threshold and updated the waiver allowances.
- KAR 68-7-19: A material change was made prior to submission to the administrative rulemaking process and the Executive Secretary wished to review the change with the Board. The Board saw no issues with this change.

2022 Legislative Session

The Executive Secretary gave highlights of the current legislative session, with updates to follow at the next meeting. Aaron Dunkel, Executive Director of KHPA, provided additional information regarding SB 381. Christina Lawrenz with KCHP commented that they are in lockstep with KPhA. Chellie Ortiz of the Independent Pharmacist Council also stated solidarity with KHPA and KCHP.

Guidance Document for Facility Applications

Board staff have created and reviewed in detail a short guidance document for facility applicants to be able to easily identify and overcome potential challenges in their application process.

- A motion was made and seconded to approve the Guidance Document. (Walden/Axcell) Motion carries.

KBOP CJIS Policy Update

The Board has updated its policy to reflect the newer virtual CJIS system, rather than old paper document retention, and has maintained consistency with state and federal requirements.

- A motion was made and seconded to approve the updated Policy. (Strohmeyer/Gatewood) Motion carries.

Kansas Pharmacist Survey on Workplace Conditions

On January 26th, the Board released its survey on workplace conditions to just over 5000 pharmacists who live or work in Kansas. The survey, which takes around four minutes to complete, received over 650 responses in its first week, and will remain open through the end of February. One item of note was that half of responders said pharmacy conditions were poor before the pandemic and have only gotten worse. As the majority of feedback is

currently outside of the Board’s jurisdiction, the Board was in full agreement to request an interim legislative committee to review the survey, whose findings could necessitate legislator actions to begin the process of potentially necessary statutory overhaul. Additionally, the Board will release the survey’s comment section.

Board Member & Staff Information Publication

Board staff and members alike have seen an increase in public communications of a harassing nature, and so the Executive Secretary has been weighing the agency’s responsibilities of public transparency and access with its duty to the safety of its personnel. The Board was in full agreement, therefore, to have the Executive Secretary attend to the following: removal of staff last names from the Board website; sending to members their current website bios for individual review; and looking into the cost of providing additional security for future in-person meetings.

APPROVALS

Stipulation & Consent Agreements

- Motions were made and seconded to approve stipulation and consent agreements as presented for case 20-015 (Strohmeier/Axcell; Dr. Gatewood abstained) and for cases 21-110 and 19-492 (Truong/Walden). Motions carry.

Appointments & Nominations

- A motion was made and seconded to appoint KHA’s nomination of Ashley Harlow to the K-TRACS Advisory Committee and nominate Cori Durall to the KDHE DUR Committee. (Strohmeier/Gatewood) Motion carries.

EXECUTIVE SESSION

A motion was made and seconded at 3:52pm 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 4:30pm. (Truong/Gatewood) All in favor. Motion carries.

Reconvene: The President reopened meeting to the public at 4:30pm.

Adjourn: A motion to adjourn was made and seconded at 4:34pm. (Noches-Talbert/Gatewood) Motion carries.