

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
April 6, 2022

Meeting Location:

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

Members Present: Jonathan Brunswig, PharmD., President; Bill Walden, R.Ph., Vice President; 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; Christy Seufert, R.Ph., Licensed Pharmacy Inspector; Jason Syring, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Gayle Donaldson, K-TRACS Assistant Director; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Reyne Kenton, K-TRACS Program Manager; 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 8:32 am The Executive Secretary gave a brief welcome.

At 8:35 am Mr. President called the open meeting to order to begin the administrative proceedings.

ADMINISTRATIVE PROCEEDINGS

18-793 Logan Abbott

- Mr. Abbott appeared in person with counsel, Ms. Diane Bellquist.
- The Board was represented by Ms. Brenda Head.
- Ms. Bellquist represented Mr. Abbott.
- Judge Loren Snell explained the administrative hearing process and guidelines for Mr. Abbott.
- The administrative proceeding was closed at 8:48 am.
- Ms. Bellquist gave an opening statement.
- Ms. Head had no opening statement but called Dr. James Ferguson, medical director of recovery management solutions at Addiction Solutions, to testify. Dr. Ferguson was sworn in and gave his testimony.
- Ms. Head called Kaitlyn Thompson with KsPRN to testify. Ms. Thompson was sworn in and gave her testimony.

Recess: The Board recessed the closed proceedings at 10:27 am.

Reconvene: Judge Snell called the closed proceedings back to order at 10:36 am.

- Ms. Bellquist called Ms. Stephanie Roberts, LCSW, and addiction counselor to testify. Ms. Roberts was sworn in and gave her testimony.
- Ms. Head called Ms. Alexandra Blasi, Executive Secretary, to testify. Ms. Blasi was sworn in and gave her testimony.
- Ms. Bellquist called Ms. Brittany Gore, district manager, to testify. Ms. Gore was sworn in and gave her testimony.

- Ms. Bellquist called Dr. Ernest Lykissa to testify. Dr. Lykissa was sworn in and gave his testimony. Ms. Strohmeier, Mr. President, Mr. Walden, Mr. Axcell, and Judge Snell questioned Dr. Lykissa.

Recess: The President called a recess at 12:23 pm.

Reconvene: Judge Snell reconvened the closed hearing at 12:32 pm.

- Mr. Abbott gave was sworn in and gave his testimony. Mr. Walden, Mr. Axcell, and Mr. President questioned Mr. Abbott.

Recess: Judge Snell suspended the closed hearing for public comment at 1:01 pm.

Reconvene: Mr. Walden called the open meeting to order at 1:01 pm.

PUBLIC COMMENT

None.

Recess: Mr. Walden recessed the meeting for a 15 minute break at 1:02 pm.

Reconvene: Judge Snell resumed the closed hearing at 1:19 pm.

- Ms. Head and Ms. Bellquist both gave closing statements.
- A motion was made and seconded at 2:43 pm to enter closed KAPA deliberations, to include Judge Snell and the Executive Secretary. (Mr. Walden/Mr. Truong) Motion carries.
- A motion was made and seconded to sustain the emergency order by suspending Mr. Abbot for an additional, minimum 12 months; Mr. Abbott will need to reappear at the April 2023 Board meeting; Mr. Abbott will need to pay a fine of \$2500; Mr. Abbott will be expected to maintain compliance with the KsPRN program, report any noncompliance within 10 days, and reappear before the Board following any noncompliance. (Mr. Walden/Mr. Axcell) All in favor, motion carries.

Mr. President called the open meeting back to order at 3:47 pm.

BOARD DISCUSSION

- COVID-19 Update
 - Remote work and Nurse/Tech temporary registration is extended through May 31, 2022. The Board will reevaluate at the June 2 Board meeting.
- Pharmacist Workplace Conditions Survey Data
 - The Executive Secretary went over the statistical data from the survey.
 - The Executive Secretary assigned homework to all Board members to review all the comments and discuss at the June 2022 Board meeting.
- DSCSA Federal Rulemaking
 - The Executive Secretary discussed the federal rulemaking. She encouraged Board members to submit questions and concerns to the Federal Government. The Executive Secretary and Ms. Head will propose a meeting with the Kansas Attorney General's office. The Board was in agreement.
- NABP Annual Meeting Resolutions
 - Discussion about state MPJE's moving toward a general MPJE for all states; not state specific MPJE for state licensure. The Director of Compliance discussed the MPJE writing for Kansas and urged Kansas to keep writing MPJE questions. All Board members agreed.
 - Board members agreed with most other proposed resolutions.

- Naloxone Statewide Protocol Update
 - Ms. Rosebrook and the Executive Secretary reviewed the previous protocol and found that the statute does not write that a physician must sign the protocol. Two new protocol forms will be available: one with an authorizing physician signature and one without an authorizing physician.

REPORTS

- Attorney
 - No report.
- Board Members
 - No report.
- Compliance Report
 - The Director of Compliance introduced the new Pharmacy Inspector for Western Kansas.
 - The Director of Compliance spoke about redirecting inspectors to different counties and cities.
 - MPJE writing has been completed. Review will be in the fall.
- Director Report
 - Legislative Session Report
 - The Executive Secretary gave highlights of the current legislative session, with any updates to follow at the next meeting.
 - Admin Regulation Status
 - Telepharmacy regulations are being tidied up and continuing through the administrative rulemaking process. Ours is a very large batch but the Executive Secretary is hopeful that they could return to the Board for consideration for adoption by end of year. Edits have been minimal in our regulations, so will see what the Attorney General's office has to say.
 - FDA MOU
 - Several independent pharmacies sought legal action. FDA is going to go back through the rulemaking process. Officially suspended the FDA MOU, so is not for the Board's consideration at this time. Non-enforcement will continue until process is finalized. Signers not currently held to their signatures.
 - Staffing
 - BJA grant funded position and Sr. Epi position are still vacant.
 - Intern position narrowed down.
 - First quarter newsletter will be available in April.

APPROVALS

Stipulation & Consent Agreements

- A motion was made and seconded to approve Stipulation and Consent agreement as presented for case 21-112 (Ms. Noches-Talbert/Mr. Axccl) Motions carries.

Appointments & Nominations

- A motion was made and seconded to approve the December 2, 2021 and February 2, 2022 Board meeting minutes, new pharmacies and pharmacists since February 9, 2022, the K-TRACS Advisory Committee nominee Dr. Lauren Nelson, and the DEA exempt prescription products list dated February 11, 2022. (Ms. Strohmeyer/Mr. Truong) Motions carries.

Adjourn: A motion to adjourn was made and seconded at 4:05pm. (Ms. Strohmeyer/Mr. Walden) All in favor, motion carries.