

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

Meeting Location:

Kansas Board of Healing Arts Conference Room
800 SW Jackson, Lower Level
Topeka, KS 66612
Conducted via 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; Jason Syring, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Christy Seufert, Licensed Pharmacy 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; Tammy Brown, Administrative Assistant; Tom Thomsen, Legal Intern; Brenda Head, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

OPEN MEETING

At 8:33 am, the President called the open meeting to order to begin the administrative proceedings.

ADMINISTRATIVE PROCEEDINGS

22-012 Vanessa Castrejon

- Ms. Castrejon was represented by her counsel, Mr. Greg Swanson, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Snell explained the administrative hearing process.
- Ms. Head requested that the Board Exhibits 1-10 be admitted as evidence, with Exhibits 1, 2, 4, 5, and 6 being sealed, and such was done by Judge Snell following no objections from Mr. Swanson.
- Mr. Swanson requested that the Respondent Exhibits 1-14 be admitted as evidence.
- Mr. Swanson presented an opening statement.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Swanson conducted cross-examination.
- Ms. Head called the Public Service Administrator, who was sworn in and gave her testimony.
- Mr. Swanson conducted cross-examination.
- Mr. Swanson called Ms. Castrejon, who was sworn in and gave her testimony.
- Judge Snell questioned the witness.
- Mr. Swanson called Ms. Amanda Haley, who was sworn in and gave her testimony.
- Mr. Swanson called Ms. Destiny Strutt, who was sworn in and gave her testimony.
- Mr. Swanson called Mr. Keating, who was sworn in and gave his testimony.
- Mr. Swanson called Ms. Loan Nguyen, who was sworn in and gave her testimony.
- Mr. Swanson called Mr. Kristian McNabb, who was sworn in and gave his testimony.
- A motion was made and seconded at 11:10 am to enter into closed KAPA deliberations. (Walden/Axcell) Motion carries.

- The President reconvened the open proceedings at 11:34 am.
- A motion was made and seconded to approve Ms. Castrejon's technician registration. (Axcell/Walden) Motion carries. Gatewood and Truong abstain.

Recess: The President called a recess at 10:00 am.

Reconvene: The President called the open meeting back to order at 10:07 am.

ADMINISTRATIVE PROCEEDINGS (cont.)

21-051 Benjamin Dandurand

- Mr. Benjamin Dandurand appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Dandurand.
- Ms. Head requested that Board Exhibits 1-6 be admitted as evidence.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Dandurand wished to testify on his behalf and was sworn in and gave his testimony.
- The Board questioned Mr. Dandurand.
- A motion was made and seconded at 11:59 am to enter into closed KAPA deliberations. (Strohmeyer/Axcell) Motion carries.
- The President reconvened the open proceedings at 12:07 pm.
- A motion was made and seconded to reinstate Mr. Dandurand's pharmacist license to a probation status. (Walden/Gatewood) Motion carries. Axcell and Truong abstain.

Recess: The President called a recess at 11:36 am.

Reconvene: The President called the open meeting back to order at 11:45 am.

Recess: The President called a recess at 12:13 pm.

Reconvene: The President called the open meeting back to order at 1:01 pm.

ADMINISTRATIVE PROCEEDINGS (cont.)

13-002 Michael Fillmore

- Mr. Michael Fillmore appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Fillmore.
- Ms. Head requested that Board Exhibits 1-3 be admitted as evidence.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Fillmore had no questions for the Executive Secretary.
- Mr. Fillmore wished to testify on his behalf and was sworn in and gave his testimony.
- A motion was made and seconded to release Mr. Fillmore from the KSPRN program and the terms and conditions of his Consent Agreement, and return Mr. Fillmore to active status (Walden/Gatewood). Motion carries.

ADMINISTRATIVE PROCEEDINGS (cont.)

22-121 Alan Kruger

- Mr. Alan Kruger appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Kruger.
- Ms. Head requested that Board Exhibits 1-3 be admitted as evidence.
- Mr. Kruger presented an opening statement.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.

- Mr. Kruger had no questions for the Executive Secretary.
- Mr. Kruger wished to testify on his behalf and was sworn in and gave his testimony.
- The Board questioned Mr. Kruger.
- A motion was made and seconded at 2:06 pm to enter into closed KAPA deliberations. (Truong/Gatewood) Motion carries.
- The President reconvened the open proceedings at 2:26 pm.
- A motion was made and seconded to deny Mr. Kruger's pharmacist application (Truong/Noches-Talbert). Motion carries.

Recess: The Board recessed at 2:30 pm.

Reconvene: The President called the open meeting back to order at 2:41 pm.

ADMINISTRATIVE PROCEEDINGS (cont.)

18-793 Logan Abbott

- Mr. Logan Abbott appeared in person without counsel, via the virtual interface.
- The Board was represented by Ms. Brenda Head.
- Judge Snell explained the administrative hearing process and virtual guidelines for Mr. Abbott.
- Ms. Head requested that Board Exhibits 1-7 be admitted as evidence.
- Ms. Head called the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Abbott questioned the Executive Secretary.
- Ms. Head redirected questions to the Executive Secretary.
- Mr. Abbott wished to testify on his behalf and was sworn in and gave his testimony.
- Ms. Head questioned Mr. Abbott.
- The Board questioned Mr. Abbott.
- A motion was made and seconded at 3:23 pm to enter into closed KAPA deliberations. (Axcell/Gatewood) Motion carries.
- The President reconvened the open proceedings at 3:45 pm.
- A motion was made and seconded to restart the terms of Mr. Abbott's previous Board Order and he cannot reappear before the Board until he meets the requirements of his Order, and his pharmacist license will remain suspended (Gatewood/Noches-Talbert). Motion carries.

APPROVALS

Minutes- February 18, 2022 and April 6, 2022

A motion was made and seconded to approve the February 18, 2022 meeting minutes, the April 6, 2022 meeting minutes, the new licensees and registrants since February 9, 2022, and the following reappointments to the K-TRACS Advisory Committee: Dr. Harold Godwin, Dr. Joe Davison, and Dr. Theresa Long. (Axcell/Truong) Motion carries.

EXECUTIVE SESSION

A motion was made and seconded (Noches-Talbert/Axcell) at 3:55 pm 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 4:30 pm. All in favor. Motion carries.

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

Adjourn: The President adjourned the open meeting at 4:30 pm.

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June 3, 2022

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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.

Staff Present: Alexandra Blasi, JD, MBA, Executive Secretary; Jim Kinderknecht, R.Ph., Licensed Pharmacy Inspector; Carly Haynes, R.Ph., Licensed Pharmacy Inspector; Jason Syring, R.Ph., Licensed Pharmacy Inspector; Melissa Martin, Compliance Inspector; Christy Seufert, Licensed Pharmacy 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; Tammy Brown, Administrative Assistant; Tom Thomsen, Legal Intern; Brenda Head, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

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BOARD DISCUSSION

COVID-19 Update

- The Board agreed to discontinue providing nurses a temporary, limited pharmacy technician registration to provide immunizations under the supervision of the pharmacy and supervising pharmacist. The Board previously extended this registration through May 31, 2022.
- The Board agreed to extend remote work privileges through the end of September 2022. The Board will discuss remote work at the August 2022 meeting to potentially make changes to the Pharmacy Practice Act.
- The Board discussed but did not grant an exception for paxlovid dispensing from an emergency department for an interim supply.

DSCSA Federal Rulemaking

- The Executive Secretary reached out to the Kansas Attorney General's office. The final date to submit comments has been extended to September 6, 2022. Draft comments will be available to board at the August 2022 Board meeting.
- The Executive Secretary attended the NABP pilot meeting in March 2022.

NABP Annual Meeting Resolutions

- NABP elected a new President and Executive Committee members.
- Delegates from the member boards of pharmacy adopted seven resolutions during the 118th National Association of Boards of Pharmacy Annual Meeting, held in Phoenix, AZ, on May 19-21, 2022.
- President Brunswig, Mr. Axcell, Mr. Truong, and the Executive Secretary attended the meeting in Phoenix, Arizona.
- The next NABP meeting will be held May 11-13, 2023 in Nashville, Tennessee.

- District 6,7,8 meeting will be held August 28-30, 2022 in Oklahoma City, Oklahoma. The Executive Secretary will represent the Board. President Brunswig, Mr. Walden, Mr. Axcell, Mr. Truong, and Ms. Gatewood hope to attend the meeting.
- The MALTAGON meeting will be held on September 18-21, 2022 in New Orleans, Louisiana. Ms. Strohmeyer will attend with several staff.

Recess: The President called a recess at 9:12 am.

Reconvene: The President called the open meeting back to order at 9:20 am.

Draft Regulations

- The Board reviewed drafts of the following administrative regulations for circulation to various stakeholder groups for feedback: KAR 68-7-8, 68-21-1, 68-21-2, 68-21-3, 68-21-4, 68-21-5, and 68-1-1b.
- The Board discussed expanding the Board’s new CE requirement to include any one-hour CE created by the Board each renewal cycle.

Recess: The President called a recess at 10:15 am.

Reconvene: The President called the open meeting back to order at 10:26 am.

Pharmacist Workplace Conditions Survey data

- The survey was released in January 2022. Survey comments are available on the Board website. Survey comments favored that there are staffing issues and employee burnout. The Board will focus on issues that the Board has authority on and what is within the scope of authority of the Board. The Board directed the Executive Secretary to reiterate to licensees what the Board does not have authority over including insurance, reimbursement, salaries, etc.
- The Board discussed next steps, at length.
- The Board recommended conducting the survey each year in conjunction with renewals.

Recess: The President called a recess at 11:28 am.

Reconvene: The President called the open meeting back to order at 11:35 am.

REPORTS

Attorney- None.

Board Members- None.

Compliance

- The Director of Compliance gave a report on:
 - Renewal progress for wholesale distributors in 2022.
 - In person inspections.
 - Praised Kansas pharmacists on their due diligence.
 - An increase in diversion cases among technicians.
 - An increase in daytime robberies and nighttime burglaries.

Director

- The Executive Secretary reported on:
 - The quarterly report from KsPRN
 - A quick wrap-up of the 2022 Legislative Session
 - A motion was made and seconded to have Mr. Axcell as the non-voting chair from the Board for the Collaborate Drug Therapy Management Committee (Walden/Gatewood). All in favor. Motion carries.
 - Fiscal year end budget
 - Staff UMB bank cards

- Staffing

EXECUTIVE SESSION

A motion was made and seconded (Strohmeier/Truong) at 12:07 pm 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 12:20pm. All in favor. Motion carries.

Recess: The President called a recess at 12:20 pm.

Reconvene: The President called the open meeting back to order at 1:01 pm.

PUBLIC COMMENT

- Andrea Corcoran, R.Ph. thanked the Board for looking at the workplace conditions and provided comments. Mr. Walden and Ms. Gatewood thanked Ms. Corcoran for her comments.

PRESENTATION

- Unused Medication Donation Program presented by Carl Black, R.Ph. and Lisa Wells, R.Ph.

Recess: The President called a recess at 1:26 pm.

Reconvene: The President called the open meeting back to order at 1:50 pm.

- K-STATE Veterinary Med presented by Dr. Elizabeth Davis, Dr. Christine Duvendack, and Dr. Kara Bergman.

Adjourn: A motion to adjourn was made and seconded at 2:25pm. (Gatewood/Strohmeier) All in favor. Motion carries.