

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
August 25, 2022

Meeting Location:

Kansas 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; 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; Jackie Yingling, Assistant Director; Linda Blasi, LMSW, Public Service Administrator; Ashley Smith, Public Service Administrator II; Jeanine Brizendine, R.Ph., Sr. Administrative Assistant; Marilyn Nicol, Administrative Specialist; Tammy Brown, Administrative Assistant; Bradford DeYoung, Attorney; Vanessa Rine, K-TRACS; Beth Greene, K-TRACS; Ninette Schnacker, K-TRACS; Tom Thompson, Legal Intern; Brenda Head, JD, General Counsel; Loren Snell, Administrative Law Judge, Office of Administrative Hearings.

OPEN MEETING

At 8:32 am, the President called the open meeting.

22-182 Adam Wilson

- Ms. Head reviewed the terms of the proposed Stipulation and Consent Agreement, which had been agreed-upon by the Board's investigative member and Mr. Wilson.
- The Board recognized Adam Wilson to address the Board in-person.
- At 8:44 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 8:50 am.
- A motion was made and seconded to accept the Stipulation and Consent Agreement. (Axcell/Gatewood). All in favor. Motion carries.

ADMINISTRATIVE PROCEEDINGS

22-123 *Tanisha Evans*

- Ms. Evans appeared via Microsoft Teams without legal counsel.
- The Board was represented by Ms. Head.
- Judge Snell explained the administrative hearings process and guidelines for Ms. Evans.
- Board Exhibits 1-15 were admitted as evidence.
- Ms. Head called forth the Executive Secretary, who was sworn in and gave her testimony.
- The President and Ms. Noches-Talbert questioned the Executive Secretary.
- Ms. Evans was sworn in and gave her testimony.
- Ms. Head questioned Ms. Evans.
- Mr. Walden and Ms. Noches-Talbert questioned Ms. Evans.
- No closing statement from Ms. Head.
- Ms. Evans gave a closing statement for the Board.

- At 9:45 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 9:56 am.
- A motion was made and seconded to uphold the Summary Order and revoke Ms. Evans pharmacy technician registration. (Axcell/Walden). All in favor. Abstained (Truong/Gatewood). Motion carries.

Recess: The President called a recess at 9:58 am.

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

ADMINISTRATIVE PROCEEDINGS (cont.)

22-122 Brionnah Hall

- Ms. Hall appeared in-person without legal counsel.
- The Board was represented by Ms. Head.
- Judge Snell explained the administrative hearings process and guidelines for Ms. Hall.
- Board Exhibits 1-7 to be admitted as evidence.
- Respondent Exhibits were admitted as evidence.
- Ms. Head called forth the Executive Secretary, who was sworn in and gave her testimony.
- Mr. Walden questioned the Executive Secretary.
- Ms. Head called Ms. Blasi, the Public Service Administrator, who was sworn in and gave her testimony.
- Judge Snell questioned Ms. Blasi, the Public Service Administrator.
- Ms. Hall was sworn in and gave her testimony.
- Ms. Head questioned Ms. Hall.
- Several Board members questioned Ms. Hall.
- Ms. Napier was sworn in and gave her testimony on behalf of Ms. Hall.
- At 10:59 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 11:26 am.
- A motion was made and seconded to approve Ms. Hall's pharmacy technician registration application. (Strohmeier/Walden). All in favor. Oppose (Noches-Talbert). Abstained (Truong/Gatewood). Motion carries.

ADMINISTRATIVE PROCEEDINGS (cont.)

22-073 Jennifer Menser-Roberts

- Ms. Menser-Roberts appeared in person without legal counsel.
- The Board was represented by Ms. Head.
- Judge Snell explained the administrative hearings process and guidelines for Ms. Menser-Roberts.
- Board Exhibits 1-13 to be admitted as evidence.
- Respondent Exhibits were admitted as evidence.
- Ms. Head called forth the Executive Secretary, who was sworn in and gave her testimony.
- Ms. Menser-Roberts questioned the Executive Secretary.
- Ms. Menser-Roberts was sworn in and gave her testimony.
- Ms. Head questioned Ms. Menser-Roberts.
- Mr. Walden questioned Ms. Menser-Roberts.
- Ms. Arnold was sworn in and spoke on behalf of Ms. Menser-Roberts.
- Mr. Ratcliff was sworn in and spoke on behalf of Ms. Menser-Roberts.

- At 12:11 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 12:23 pm.
- A motion was made and seconded to approve Ms. Menser-Robert's pharmacy technician registration application. (Gatewood/Axcell). All in favor. Motion Carries.

Recess: The President called a recess at 12:26 pm.

Reconvene: The President called the open meeting back to order at 12:45 pm.

APPROVALS

A motion was made and seconded to approve the June 2-3, 2022 meeting minutes, the new licensees and registrants since May 24, 2022, guidance document on K-TRACS reporting exemptions, guidance document on standard probationary terms, and updated fine and disciplinary guidelines. (Axcell/Truong) Motion carries.

Stipulation and Consent Agreements

- 22-075 Amanda Gahagan
 - A motion was made and seconded to approve the Stipulation and Consent Agreement. (Truong/Noches-Talbert). All in favor. Abstained (Walden/Gatewood). Motion carries.
- 22-097 William Stoner
 - A motion was made and seconded to approve the Stipulation and Consent Agreement. (Axcell/Strohmeyer). All in favor. Abstained (Truong/Gatewood). Motion carries.

Collaborative Drug Therapy Management Committee Appointments

- A motion was made and seconded to approve Chad Ullom (Walden/Gatewood), Megan Haftman (Truong/Gatewood), and Anthony Caracci (Strohmeyer/Gatewood) for the Collaborate Drug Therapy Management Committee. All in favor. Motions carried.

BOARD DISCUSSION

COVID-19 Update

- The COVID-19 exceptions for remote work and dispensing of paxlovid and molnupiravir has been extended through Dec. 31st, 2022.

Draft Regulations

- 68-2-24 Pharmacy owner responsibilities and restrictions.

DSCSA Comments

- Comments to the Federal Government are due on September 6th, 2022. The Executive Secretary reviewed the draft comments and the Board provided approval via consensus.

Review Approved Inspection Types

- A motion was made and seconded to approve the inspection types presented by the Director of Compliance. (Walden/Axcell). All in favor. Motion carries.

REPORTS

Attorney-

- None.

Board Members-

- None.

Licensing-

- The licensing division gave a brief overview of what they do for the Board of Pharmacy.

Director

- KsPRN will be changing their drug testing vendor.
- Introduction of new staff.

- The Executive Secretary briefly reviewed the closing financial report for FY 2022.
- The Board office will be sending out a newsletter every other month with information regarding licensing, compliance, and K-TRACS.
- The October Board meeting will be the 19th and 20th.
- Security cameras have been installed at the Board of Pharmacy.
- An officer will be available at future Board meetings and hearings.
- HB 2066 results discussed for July 1, 2021 through June 30, 2022.

Director of Compliance

- New pharmacy inspector inbox.
- Suspicious orders.
- Maximum day supply on a controlled substance.
- DEA and labeling.

PUBLIC COMMENT

None.

PRESENTATION

NCDQS

- The National Coalition for Drug Quality & Security (NCDQS) was founded by Sumeet Singh and Denise Frank. As co-founders and owners, they recognized the need for accreditation programs and inspection programs for drug wholesalers and other supply chain entities that addresses unmet needs in the industry.
- NCDQS requested approval of their inspections by the Board.
- Further discussion and a decision for the NCDQS inspection will be conducted at the October Board meeting.

NABP Verify & Supply Chain Inspection Program

- Bill Cover from NABP presented different types of services from NABP. NABP eVerify is a monitoring service for new and existing license verifications. The Supply Chain Inspection Program verifies facility licenses, designated representatives, and disciplinary action.

Mobile MAT

- MAT medications currently FDA-approved are methadone, buprenorphine, and naltrexone. These medications block the painful symptoms of opioid withdrawal, allowing the patient to stop illicitly using opioids and participate fully in the other elements of the treatment program. Once admitted, patients make regular visits to the facility and receive their medication daily per physician order which is administered by a licensed nurse. Nurses monitor and assess patients prior to each medication administration.
- A motion was made and seconded to approve the Guidance Document on Mobile MAT units (Gatewood/Strohmeier). All in favor. Motion carries.

EXECUTIVE SESSION

A motion was made and seconded (Axcell/Truong) at 4:50 pm to enter into executive session per K.S.A. 75-4319(b)(2) to consult with the Board's attorney on a matter that would be deemed privileged in the attorney-client relationship, to include the Board's attorney and Executive Secretary, and to be reopened to the public at 5:10 pm. All in favor. Motion carries.

Adjourn: A motion to adjourn was made and seconded at 5:10 pm. (Strohmeier/Truong) All in favor. Motion carries.