

KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
August 19, 2021

Meeting Location:

Due to COVID-19, the meeting was held virtually only, through the Microsoft Teams platform.

Members Present: Jonathan Brunswig, PharmD., President; Bill Walden, RPh., Vice President; Terica Gatewood, PharmD., Inv. Member; Tiffany Strohmeyer, PharmD.; Andrew Truong, PharmD. (delayed); 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; Jennifer Donnelly, MPH, K-TRACS Assistant Director & Sr. Epidemiologist; Reyne Kenton, K-TRACS Program Manager; LaTonyua Rice, PharmD, K-TRACS Pharmacist; Gayle Donaldson, K-TRACS Public Information Officer; Jackie Yingling, Assistant Director; Linda Blasi, LMSW, Public Service Administrator; Jeanine Brizendine, Sr. Administrative Assistant; 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 8:33am the Executive Secretary gave a brief welcome and stated expectations and guiding principles around virtual meetings. The President then called the open meeting to order at 8:35am.

ADMINISTRATIVE PROCEEDINGS

19-533 Tammy Boon

- A motion was made and seconded to approve as presented the Final Order of Surrender officially canceling Ms. Boon's technician registration and disposing of the disciplinary matter in question, with the expectation that any future application would render said order an automatic revocation. In the case of said revocation, the Board would then handle such with a stipulation order and take the appropriate votes at that time. (Axcell/Strohmeyer) Truong not present for vote. Motion carries.

APPROVALS

Minutes and New Licensees & Registrants

- A motion was made and seconded to approve the minutes from the Board meeting on June 2nd & 3rd of 2021, and all new licensees and registrants since May 27, 2021. (Gatewood/Axcell) Truong not present for vote. Motion carries.

REPORTS

Director Report

Website: Since June 26th, the Board website remains frozen due to OITS migration of the web servers to a different environment. OITS has projected late August completion of this project, at which time the website will revert to June 26th, and all updates KBOP has made since that time will need to be reuploaded. This will take several days for Board staff to complete, and the priorities will be the ePrescribing waiver and all COVID guidance.

Staffing: The Board has filled the administrative assistant vacancy and Jeanine Brizendine has stepped into the Sr. Administrative Assistant position. Tammy Brown comes to KBOP from BOHA, having hit the ground running in early July. The Board is now at full staff, but with approval of the requested sixth inspector, the Board will post that new position soon. This will take some time, and the position is anticipated to begin mid-FY2022.

K-TRACS: A special thanks to the K-TRACS Team for their hosting of the Peer-to-Peer Learning conference in Kansas City last week. There were 53 in-person participants, including Hawaii and Alaska, with 100+ virtual participants. A graphic artist captured the activities and highlights in real-time, which was an enthralling, dynamic presentation that KBOP will be putting into a calendar for meeting members to have as a reminder. Kansas was represented exceptionally well on a national stage, and many were thrilled with the networking opportunity. This conference won't be annual due to the workload, but may be biennial and in collaboration with other states.

Mr. Andrew Truong, PharmD, who had hitherto been delayed, entered the meeting at 8:55am.

ADMINISTRATIVE PROCEEDINGS (cont.)

20-311 Austin Tracy

- Mr. Tracy 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 related virtual guidelines for Mr. Tracy.
- Ms. Head had no opening statement, but called the Board's Executive Secretary to testify. The Executive Secretary was sworn in and gave her testimony.
- Mr. Tracy questioned whether the Board's exhibits as presented included a change of address he had submitted and a written defense he had earlier given, which the Executive Secretary confirmed.
- Judge Snell went over virtual rules for testimony, then swore in Mr. Tracy, who gave testimony.
- Following no objections from either party to the documents submitted, Mr. Tracy's Exhibit A as well as the Board's Exhibits 1-10 were admitted as evidence, with Exhibits 2 and 4 to be sealed on account of legally protected personal information.
- Ms. Head had no closing remarks. Mr. Tracy gave a closing remark thanking the Board for their time.
- A motion was made and seconded at 9:37am to enter into closed session for KAPA deliberations, to include Judge Snell and the Executive Secretary. (Truong/Strohmeier) Motion carries.
- The President reconvened the open proceedings at 10:06am.
- A motion was made and seconded to allow Mr. Tracy to maintain his pharmacy technician registration, subject to a \$500 fine to be paid to the Board within 6 months of order, and immediately placing the registration under a two-year probationary period, during which Mr. Tracy will have no access to controlled substances, must have his current and any future PIC acknowledge the Final Order, must update the Board with any changes in his employment, address, or criminal history information, must timely respond to any lawful Board timelines, and at the end of which he will reappear before the Board to petition their full and unlimited approval of his registration. (Walden/Truong) Motion carries.

Recess: The Board recessed at 10:12am.

Reconvene: The Board reconvened at 10:21am.

ADMINISTRATIVE PROCEEDINGS (cont.)

20-190 Shasity "Summer" Brown

- Ms. Brown, who goes by "Summer", 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 related guidelines for Ms. Brown.
- Following no objection from either party, Board Exhibits 1-12 as well as Ms. Brown's Exhibit A were all entered as evidence.
- Ms. Head called the Board's Executive Secretary, who was sworn in and gave her testimony.
- Judge Snell noted, as a matter of housekeeping, that Exhibit 1 contained an error wherein the Executive Secretary had typed "8/19" which instead should be corrected to read "8/10."
- Judge Snell went over virtual rules for testimony, then swore in Ms. Brown, who gave her testimony.
- Neither party made closing statements, and so concluded the evidentiary proceedings.
- A motion was made and seconded at 10:51am to move into closed deliberations per KAPA, to include Judge Snell and the Executive Secretary. (Strohmeyer/Gatewood) Motion carries.
- The President called the open proceedings back to order at 11:02am to further question Ms. Brown, so Judge Snell reopened the evidentiary proceedings, with participants still under oath.
- The Executive Secretary provided additional testimony.
- Ms. Brown provided additional testimony upon questioning by the Board.
- Judge Snell reclosed the evidentiary proceedings on the matter.
- A motion was made and seconded at 11:25am to enter back into closed KAPA deliberations, to include Judge Snell and the Executive Secretary. (Strohmeyer/Truong) Motion carries.
- The President reconvened the open proceedings at 11:36am.
- A motion was made to order Ms. Brown's completion of the 33 additional CE hours prior to any renewal of her license, with failure to do so resulting in the denial of such renewal. (Noches-Talbert) No second was provided. Motion dies.
- A motion was made and seconded to revoke Ms. Brown's license effective immediately. (Walden/Gatewood) Ms. Noches-Talbert votes nay; all others in favor. Motion carries.

Recess: The Board recessed at 11:39am.

Reconvene: The Board reconvened at 11:46am.

REPORTS (cont.)

Director Report (cont.)

COVID-19 Updates: The Board's last guidance was updated August 5th. The Governor has mandated masks in state office buildings and state public spaces, including for members of the public who enter. The Board office is open 8:30am-4:30pm, to allow sanitization time at end of day. Practitioners have been reminded that they are required to follow local county orders as well as company policies and procedures in terms of appropriate health and safety guidelines. The Board had previously extended remote work guidance through the end of 2021, and will revisit again at the December meeting. The US Department of Health and Human Services has introduced an eighth amendment to the PREP Act which expands the immunization authority previously issued to now allow for seasonal influenza vaccines to anyone 18 years-of-age or older. Since the FDA has not fully approved the COVID-19 vaccination, it cannot be added to a statewide protocol until such time, and the Board has summarized this in notifications.

Other: Following continued communications from an individual since July 23rd, Board staff have now ceased providing responses to said individual, as all action towards health and safety within the Board's

authority has been taken. Dr. Axcell noted that professionalism and respect need to be stressed regarding communications with the Board.

VAR Record Keeping: On a question of storing vaccine records in a different format than they were received, the Board was in agreement with the Executive Secretary to issue guidance that however a record comes into the pharmacy format-wise is how it ought to be retained, at minimum.

Board Member Reports

Dr. Strohmeyer highlighted that ePrescribing has been rough, as some prescribers can only send scripts to certain pharmacies, making patients go to places they don't want to and thereby causing pharmacies a loss in customers. President Brunswig believes this to be a discussion point, if patient choice is being limited by prescribers. The Executive Secretary will reach out to BOHA colleagues to make them aware of these limitations. From the staff perspective, the ePrescribing waiver is going as well as expected. Calls have somewhat dissipated, and a staff member updates the posted waiver list at least once a week. The Board's partners at BOHA, Dental, Nursing, etc., have been messaging to their licensees. CMS ePrescribing requirements are supposed to be effective in January. The Board will not have information regarding these federal requirements.

Director Report (cont.)

FDA MOU: Following a request from many states, with the full support of NABP behind them, the implementation requirement has been delayed until October 2022.

NABP: Committee and Task Force annual assignments have concluded. Dr. Axcell, with Dr. Truong as alternate, along with the Executive Secretary, have all been appointed to committees.

Tripartite: There have been inquiries from the school on exam acceptance rates for both pharmacist tests.

Budget: Budget and performance measures are due on September 15th. The Board is currently in the midst of a 2-year budget cycle which was previously approved. No significant changes are expected.

Other: October 13th & 14th will be the new dates for the fall Board meeting.

Recess: The Board recessed for lunch at 12:16pm.

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

PUBLIC COMMENT

None.

PRESENTATION FROM NOVARTIS/SANDOZ

- Kate Kulesher, State Government Affairs for Sandoz, and the Novartis team of Lisa Butler, Director of State Licensing Compliance with Novartis, Salvatore DelloBueno, Head of Quality Insurance, Kate Kulesher, Dave Mason, Manager for DSCSA, and Dee George of State Government Affairs presented to the Board in response to multiple state requests for manufacturer license information to fulfill new registration requirements.
- The Executive Secretary noted that subsequent conversation with Novartis/Sandoz surrounding newly implemented Board DSCSA requirements highlighted an overly burdensome and duplicative process, allowing the Board to make adjustments to these requirements.

PRESENTATION ON ALTERNATE DELIVERY AND WHITE BAGGING

The Executive Secretary gave a public thank you to Kristin Villa at KU School of Pharmacy for the partnership the Board has begun with her rotating pharmacist interns who, as discussed in a prior meeting, are working on projects for the Board and several of whom gave the following presentations.

Alternate Delivery – Connie Marker, an intern with KU School of Pharmacy and a PharmD Candidate in the class of 2022, did a rotation in June with Kristin Villa and presented before the Board her findings.

White Bagging -

- Haley Maxwell, PharmD candidate with the class of 2022, a Masters student in health informatics with the KU School of Pharmacy and School of Nursing, also presented before the Board, on different bagging policies and what they mean for the practice of pharmacy.
- Karen Braman, Sr. Vice President of the Kansas Hospital Association, Clinical and Strategic Initiatives, and former member of KBOP, gave a second presentation on white bagging.
- The Board was in agreement with the Executive Secretary that staff and the Board's attorney should review current statutes and regulations and consider steps by other states. An update will be provided at the Board's December meeting.

EXECUTIVE SESSION

A motion was made and seconded at 2:30pm 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 at 2:45pm so as to conclude the meeting's agenda. (Walden/Gatewood) Motion carries.

Reconvene: The meeting was reopened to the public at 2:45pm.

Adjourn: A motion was made and seconded to adjourn at 2:45pm. (Strohmeyer/Truong) Motion carries.