

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES
November 27, 2018**

**Meeting Location: Board of Healing Arts Board Room
800 SW Jackson, Lower Level
Topeka, KS 66612**

Tuesday, November 27, 2018

Members Present: John Worden, PharmD., President; Chad Ullom, R.Ph., Investigative Member; Robert Haneke, PharmD; Cheri Pugh, Public Member; Bill Walden, RPh; and Jonathan Brunswig, PharmD.

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; Melissa Martin, Compliance Inspector; Kayla Jones, Compliance Inspector; Jackie Yingling, Assistant Director; Heidi Nelson, Administrative Specialist; Ashley Riley, Sr. Administrative Assistant; Megan Alford, Sr. Administrative Assistant; Randy Forbes, JD, General Counsel; Loren Snell, JD, Administrative Law Judge.

John Worden called the meeting to order at 8:27 am.

Case 13-132 Angela Little

- The Board was represented by Mr. Forbes.
- Angela Little represented herself and appeared without counsel.
- Motion to enter into closed session due to privacy at 8:30 am. (Brunswig/Haneke) Motion carries.
- Ms. Little gave testimony.
- Kelly Rockers and Ralph Holbrook gave testimony.
- Dr. Worden reconvened the proceedings at 8:34 am.
- Motion made to accept the committee's recommendation and reinstate to full licensure (Ullom/Walden). Motion carries.

Case 13-141 Leigh Angell

- The Board was represented by Mr. Forbes.
- Leigh Angell represented herself and appeared without counsel.
- Motion to enter into closed session due to privacy at 8:36 am. (Brunswig/Ullom) Motion carries.
- Ms. Angell gave testimony.
- Ms. Rockers and Mr. Holbrook gave testimony.
- Dr. Worden reconvened the proceedings at 8:40 am.
- Motion made to accept the committee's recommendation and reinstate to full licensure (Haneke/Brunswig) Motion carries.

Case 17-305 Rikki Brownfield

- The Board was represented by Mr. Forbes.
- Rikki Brownfield represented herself and appeared without counsel.
- Mr. Snell swore in Ms. Alexandra Blasi who gave testimony.

- Mr. Snell swore in Ms. Brownfield who gave testimony.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 8:59 am.
- Dr. Worden reconvened the proceedings at 9:05 am.
- Motion made to uphold revocation (Walden/Brunswick). Motion carries.

Case 18-029 Bianca Stewart

- The Board was represented by Mr. Forbes.
- Bianca Stewart represented herself and appeared without counsel.
- Ms. Blasi was still sworn in and gave testimony.
- Mr. Snell swore in Ms. Stewart who gave testimony.

Recess: The Board recessed at 9:57 am.

Reconvene: The Board reconvened at 10:03 am.

- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 10:03 am.
- Dr. Worden reconvened the proceedings at 10:21am.
- Motion made to grant the license with a 2-year probationary period which would require notification before job change and notification of any traffic violations or infraction with the law. Any infraction would be considered by the Board for possible revocation. (Ullom/Brunswick) Ullom-yes; Brunswick-yes, Haneke-yes; Worden-yes; Pugh-no; Walden-no. Motion carries.

Case 18-433 Haley Holub

- The Board was represented by Mr. Forbes.
- Haley Holub represented herself and appeared without counsel.
- Mr. Snell swore in Ms. Holub who gave testimony.
- The Board entered into closed session for KAPA deliberations and included the Executive Secretary at 10:43 am.
- Dr. Worden reconvened the proceedings at 10:55 am.
- Motion made to suspend license for 6 months, but the suspension is stayed pending registrant’s compliance with and completion of the court-mandated diversion agreement. (Ullom/Haneke) Motion carries.

Case 18-490 Kendra Wright

- The Board was represented by Mr. Forbes.
- Kendra Wright failed to appear.
- Board staff requested a default order be entered.

Case 18-503 April Green

- The Board was represented by Mr. Forbes.
- April Green failed to appear.
- Board staff requested a default order be entered.

Recess: The Board recessed at 11:01 am.

Reconvene: The Board reconvened at 11:08 am.

Board Discussion

Board Delegation of Authority

The Board previously discussed drafting a delegation document indicating what tasks would be delegated to specific board members and the Executive Secretary. Some edits were made based on board discussion in September and consultation with the Board's attorney.

A motion was made and seconded to adopt the Board Delegation of Authority (Ullom/Brunswick). Motion carries.

Staff Additions

The Executive Secretary introduced the new Assistant Director of K-TRACS Lori Haskett

Regulations for Consideration

The Board was presented with two possible draft regulations with changes in the pharmacy technician ratio – one with a 4:1 ratio, the other with a 6:1 ratio. A change in the ratio would require approval from six of the seven Board Members. The Board discussed the draft regulations and ultimately did not express concern about moving toward the 6:1 ratio. They will request written comments be submitted to the Board before the February Board meeting.

2019 Legislative Session

K-TRACS- The Executive Secretary shared that the focus of the 2019 legislative session would be permanent funding for K-TRACS. The request is for the money to come from the state general fund, but the legislature could decide to go another direction in tandem with statutory changes.

Epinephrine Kits in Schools- There is not currently a mechanism in place for the Board to move a regulation forward, but the school nurses don't want to proceed without pharmacy regulations. The project is stalled for now. Legislation needs to be spearheaded and supported by additional partners.

Practice Act Updates- Since the big practice act was passed, staff has discovered some things that were inadvertently omitted and need to be fixed. With the time and resources going toward K-TRACS funding, we can use this year to compile all the changes that need to be made and move forward with that in 2020.

Aaron Dunkel of the Kansas Pharmacists Association shared that they are working on legislation for protocols and medication administration by pharmacists. They will also be supportive of the K-TRACS funding efforts.

The Executive Secretary closed by sharing that there has been consideration of mandating registration of prescribers and dispensers of controlled substances in K-TRACS, but that this might be possible through Board of Pharmacy regulation.

Recess: The Board recessed at 12:10 pm.

Reconvene: The Board reconvened at 1:00 pm.

Public Comment:

Dr. Joe Heidrick & Dr. Robert Emerson from the KU School of Pharmacy asked the Board for clarification on interns signing vaccination protocols. The Board requested that Mr. Forbes review and provide an opinion that the Board could review at a future meeting.

Dr. Heidrick also offered to advocate for intern applicants whose status was pending with the Board.

Public Hearing on Administrative Rules and Regulations

The Executive Secretary welcomed the public and gave instructions for the public hearing and provided the Board with a letter from The Joint Committee on Administrative Rules and Regulations (via Kansas Legislative Research Department) from their meeting on October 3, 2018. The JCARR requested that the agency provide more information on the disciplinary action reporting and criminal history reporting requirements and how other states handle similar matters.

Chris Bell from the University of Kansas Health System asked for clarification on the timeline required in K.A.R. 68-7-25 with the DEA 106 form. The Executive Secretary said the DEA 106 should be submitted to the Board once complete with the DEA.

Written public comment was received from NACDS & CVS concerning the proposed regulations.

Mr. Brunswig asked if the Board had a form for this reporting. The Executive Secretary said the notification needs to come in writing (not on a prescribed form) and if the pharmacy is reporting to the DEA, it should also be reporting to the Board.

Board Discussion

Adoption of Administrative Regulations

A motion was made to revoke K.A.R. 68-13-1 and adopt K.A.R. 68-7-10, 68-9-2, 68-9-3, 68-2-23, 68-7-25, and 68-20-15b (Walden/Brunswig) Worden-yes, Ullom-yes, Walden-yes, Brunswig-yes, Haneke-yes, Cheri-yes, Lonergan-absent. Motion carries.

2019 Meeting Dates

The Board has scheduled Board meetings for February 8, June 6, September 12, and December 5.

2019 Election of Officers

A motion was made to nominate Mr. Walden as Investigative Member, Mr. Ullom as Alternate Investigative Member for the rest of his term on the board, Mr. Worden as President, and Mr. Brunswig as Vice-president. (Ullom/Walden) Motion carries.

Reports

Licensing Report

The Board received an in-depth report from the licensing staff.

Recess: The Board recessed at 2:53 pm.

Reconvene: The Board reconvened at 3:04 pm.

Director's Report

The Executive Secretary will provide a more comprehensive Director's report at the February Board Meeting but did offer a number of updates.

Committees

The Executive Secretary provided an overview of the current roster of committees that are working out of the agency including compounding, collaborative practice, technicians & rural nurses, pilot project, and prescription monitoring program. Each committee is at various stages of projects and requires time from the Executive Secretary.

The more detailed reports that were requested from Myers Family Pharmacy for the Pilot Project have not been received.

The Executive Secretary plans to work with the staff and board to prioritize specific committees for 2019.

Employee Handbook

The Employee Handbook has been updated and is waiting on the Office of Personnel to approve. It includes the flextime/leave policy.

NABP Update

The Executive Secretary & Mr. Brunswig will be attending the annual meeting in May. The Board was provided with nominations for elections and information about awards that can be nominated for from their community.

Fiscal Year 2020 and 2021 Budget Submission

The Division of Budget approved everything the Board requested except state general funding for K-TRACS. The Division of Budget indicated it's the responsibility of the legislature to determine the source of the necessary funding for K-TRACS. An appeal was made, and a meeting was held with the Governor-elect's transition team. Governor-elect Kelly has served on committees and is familiar with K-TRACS, but we do not know what her recommendation will be.

2018 Harold Rogers Grant

The application for the Harold Rogers Grant was approved and awarded at ~\$736,000. Unfortunately, there were special conditions that were attached to that grant that were not a part of the original grant application, some of which would violate K-TRACS data confidentiality laws. The Executive Secretary did not accept the grant award.

Food and Drug Administration Memorandum of Understanding

The document doesn't have a lot of the changes that were requested. NABP is working on a redline draft to present back to them. We haven't seen it, but it is likely we would participate.

Strategic Planning (truncated)

Staff has worked exceptionally hard to get to where we are on this action list. Two of the biggest were hosting the meetings in October. This is year 4 of 5 of the strategic plan and we're now looking back on what we've accomplished and what is yet to be done.

Approvals

A motion was made and seconded to approve the Stipulation and Consent Agreement for 18-480 (Walden/Brunswig). Motion Carries (Ullom abstains).

A motion was made and seconded to approve the Minutes of the September 13, 2018 Board Meeting and New Licensees and Registrants (Ullom/Walden). Motion passed.

Mr. Walden expressed appreciation for the Executive Secretary's work on the October meeting.

The Board entered into closed session for KAPA deliberations on case 17-306 and included the Executive Secretary at 3:35 pm. (Walden/Ullom)

Executive Session

A motion was made and seconded at 3:45pm to enter into executive session per K.S.A. 75-4319(b) to discuss personnel matters of nonelected personnel to reconvene at 4:00pm and to include the Executive Secretary (Walden/Ullom). Motion passed.

John Worden reconvened the meeting at 4:00 pm.

Adjorn: John Worden adjourned the meeting at 4:00 pm.