

Kansas State Board of Pharmacy
Minutes of the November 1, 2010
Board Meeting

Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Monday, November 1, 2010

Meeting Called to Order: President Shirley Arck, Pharm D. called the meeting to order at 9:30 a.m.

Members Present: President Shirley Arck, Pharm. D; Vice-President Jim Garrelts, Pharm.D; Michael Coast, R.Ph; David Schoech, R.Ph; Frank Whitchurch, R.Ph; Karen Braman, R.Ph. MS. (All appeared via teleconference).

Staff Present: Debra Billingsley, Executive Secretary; Carly Haynes, R.Ph., Pharmacy Inspector. Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; and Randall Forbes, General Counsel appeared via teleconference.

Others Present: Bill Yanek, KCHSP; Berend Koops, KACDS; Matt Casey, Independent Pharmacists; Pat Hubbell, Pharma; Jeff Bottenberg, CHPA; Barbara Belcher, Merck; Susan Zalenski, Johnson & Johnson. Mandy Hagen, CHPA, and Jim Acousto, Appriss via teleconference.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Schoech/Coast). Motion passed.

Discussion regarding progress of the statewide Electronic Logging System to report methamphetamine precursor purchases

The MOU has not been finalized with Appriss over a concern of language that requires the state to allow only those products sold by those manufacturers who paid for the system to report electronically. Since there is no MOU the Board cannot provide training or move forward. The Board attorney advised the Board that the statute requires all products to be monitored and not just those sold by certain manufacturers. Mandy Hagen of CHPA advised the Board that hypothetically another company could sell their product but that it would have to be prescription. The Board members expressed their frustration that they had been working on an MOU for months and still could not come to an agreement with CHPA and Appriss. Prior to making the initial decision to use Appriss the Board was provided a draft MOU by Appriss that did not contain the language

restricting the tracking system to only those products manufactured by the donors to CHPA. The Board and the board attorney spent many hours working with Appriss to refine this document to be mutually agreeable. After the board made the decision to use Appriss we were informed by CHPA that we had received the wrong starting document and CHPA would not accept it. CHPA then provided a second draft MOU. This document has language that the Board's attorney advised is beyond the Board's scope and potentially violates state statute. Frank Whitchurch suggested moving forward and going back to the legislature so that the statute could be amended.

The Board requested that the attorney draft additional proposed language and submit it to Appriss and CHPA in order to come to an agreement. This matter will be continued at the next Board meeting.

Adjournment: The meeting adjourned at 10:30.