

**KANSAS STATE BOARD OF PHARMACY
MINUTES OF THE MEETING**

January 30, 2008
Docking State Office Building
Room 786
915 SW Harrison
Topeka, KS

Wednesday, January 30, 2008

MEMBERS PRESENT: Michael Coast, RPh., President; Dr. Shirley Arck, Pharm.D., Vice President; JoAnne Gilstrap, R.Ph.; Frank Whitchurch, R.Ph.; Karen Braman, R.Ph., M.S.; Nancy Kirk (arrived at 9:20).

STAFF PRESENT: Debra Billingsley, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; Carly Haynes, R.Ph. Pharmacy Inspector; Melissa Martin, Compliance Officer; Reyne Kenton, Compliance Officer; Randall Forbes, General Counsel; Derenda Mitchell, Assistant Attorney General; and Lane Hemsley, Legal Counsel.

OTHERS PRESENT: See attached listing.

MEETING CALLED TO ORDER: President Michael Coast called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA. A motion was made and seconded to approve an amended agenda by moving the Approval of the December Minutes before the noon break. (Gilstrap/Braman). Motion carried 5-0.

ADMINISTRATIVE PROCEEDINGS

NOEL J. MCBRIDE, R.Ph. Case No. 06-45

The Respondent was noticed but did not appear. The Board was represented through its counsel, Lane Hemsley. A motion was made and seconded to adjourn until 9:30 a.m. into executive session for the purpose of hearing confidential information. (Braman/Arck) Motion carried 4-0. The Board came out of Executive Session and a motion was made and seconded to extend the executive session until 9:45 a.m. (Kirk/Whitchurch). Motion carried 4-0. A motion was made and seconded to revoke the license of the Respondent (Arck/Kirk). Motion carried 4-0. The Board directed Mr. Hemsley to draft an Order reflecting the decision.

LORI D. DILLEHAY, R.Ph. Case No. 07-39

The Respondent appeared in person and through her attorney, Randy McCulla. The Board was represented by Derenda Mitchell, Assistant Attorney General. The proposed discipline was a Consent Agreement whereby the Respondent would be placed on a 90 day suspension beginning December 23, 2007. The Respondent was placed on 5-years probation and required to attend counseling and be involved in the CIPP program. The Board will receive quarterly reports from the counselor during the probation period. The Respondent will not dispense any drugs during the 5 year probation. The Respondent will also retake the MPJE. A motion was made and seconded to adjourn into the Executive Session to deliberate until 10:25 a.m. (Whitchurch/Gilstrap). Motion carried 4-0. The Board reconvened and a motion was made and seconded to accept the Consent Agreement. (Whitchurch/Gilstrap). Motion carried 4-0. The Board directed Ms. Mitchell to draft an Order reflecting the amendments to the Consent Agreement.

DISCUSSION REGARDING PEDIGREE AND WHOLESALE LICENSURE

The Board was provided with draft regulations related to pedigree. Pat Hubbell with PhRMA recommended an amendment that would add language that would state that the standardized system would comply with the standards of the FDA. Randy Forbes will draft new language that will reflect this intent but will also work with the Attorney General's to make sure the language will be approved.

RECESS: The Board adjourned until 11:46 a.m.

SARAH D. HARPER, R.Ph. Case No. 07-30

The Respondent appeared in person. The Board was represented by Lane Hemsley of Frieden and Forbes. John Childers of HAPN was also present. The proposed discipline was a Stipulation and Final Agency Order which provided for the standard CIPP requirements. A motion was made and seconded to accept the Stipulation. (Gilstrap/Braman). Motion carried 4-0.

DON KAUFMAN, R.Ph. Case No. 07-69

The Respondent appeared in person. The Board was represented by Derenda Mitchell, Assistant Attorney General. John Childers of HAPN was also present. The proposed discipline was a Stipulation and Final Agency Order which provided for the standard CIPP requirements. A motion was made and seconded to accept the Stipulation. (Gilstrap/Whitchurch). Motion carried 4-0.

JILL M. BALDWIN, Pharmacy Technician Case No. 07-73

The Respondent appeared in person. The Board was represented by Lane Hemsley of Frieden and Forbes. A motion was made and seconded to adjourn into Executive Session to deliberate until 1:06. p.m.. (Gilstrap/Braman). Motion carried 4-0. A motion was made and seconded to overturn the Summary Order that had been issued revoking the Respondent's registration. (Gilstrap/Whitchurch). Motion carried 4-0.

ADJOURN: The Board adjourned for lunch reconvened at 1:40 p.m.

CHALEN REED, R.Ph. Case No. 07-07

The attorney for Ms. Reed requested a continuance until a later meeting.

WASHINGTON HEALTHMART Case No. 07-32

The Respondent did not appear. The Board appeared through its counsel, Assistant Attorney General Derenda Mitchell. The proposed discipline was a Stipulation whereby the Respondent would receive a fine in the amount of \$500 for failing to have a completed incident report. The Board also requested a copy of the Respondent's policy and procedure manual. A motion was made and seconded to accept the Stipulation. (Kirk/Gilstrap). Motion carried 4/0.

WAL-MART Case No. 07-50

The Respondent did not appear. The Board appeared through its counsel, Assistant Attorney General Derenda Mitchell. The proposed Stipulation was a fine in the amount of \$500 for violating the technician to pharmacist ratio. A motion was made and seconded to accept the Stipulation. (Whitchurch/Braman). Gilstrap abstained. Motion carried 3-0.

DILLONS Case No. 07-51

The Respondent did not appear in person. The Board appeared through its counsel, Assistant Attorney General Derenda Mitchell. The proposed Stipulation was a fine in the amount of \$500 for failing to have a completed incident report. A motion was made and seconded to accept the Stipulation (Braman/Kirk). 3-1 with Gilstrap voting no.

WALGREENS Case No. 07-57

The Respondent did not appear. The Board appeared through its counsel Assistant Attorney General, Derenda Mitchell. The proposed Stipulation was a fine in the amount of \$500 for failing to counsel the patient and \$500 for failing to complete an incident report. A motion was made and seconded to accept the Stipulation (Whitchurch/Gilstrap). Motion carried 4-0.

COREY GENE FARLEY Case No. 07-81

The Respondent did not appear. The Board reviewed a Summary Order issued against the Respondent for possession of controlled substances and providing them to third parties. The Summary Order revoked the registration of the Respondent.

CINDY L. MARES CASE No. 07-78

The Respondent did not appear. The Board reviewed a Summary Order issued against the Respondent for diverting Hydrocodone 7.5 from her employer. The Summary Order revoked the registration of the Respondent.

SHAWNNA L. MARRS Case No. 07-49

The Respondent did not appear. The Board reviewed a Summary Order issued against the Respondent for diverting controlled substances from her employer. The Summary Order revoked the registration of the Respondent.

ANGELA WALTS Case No. 07-58

The Respondent did not appear. The Board reviewed a Summary Order issued against the Respondent for diverting Hydrocodone with APAP 10/325 from her employer. The Summary Order revoked the registration of the Respondent.

HEATHER WILLIAMS Case No. 07-65

The Respondent did not appear. The Board reviewed a Summary Order issued against the Respondent for diverting Oxycodone/APAP, Hydrocodone APAP, and Hydromorphone from her employer. The Summary Order revoked the registration of the Respondent.

LINDSAY NICOLE MANNING Case No. 07-61

The Respondent did not appear. The Board reviewed the Summary Order issued against the Respondent who has an addiction to controlled substances. The Summary Order revoked the registration of the Respondent.

STAFF REPORTS:

Randy Forbes updated the Board on the CQI legislation. He sent the bill to Sen Vicki Schmidt and she had put it in bill form. Randy advised the Board that he had visited with the Trial Lawyers so that they would understand the nature of the peer review process.

Randy advised that he had been contacted about a new product related to contact lenses. He discussed the FDA labeling and whether it would affect the Board rules or laws.

BOARD REPORTS:

JoAnne Gilstrap discussed some changes to be made to the December minutes. A motion was made and seconded to amend the December minutes. (Whitchurch/Braman). Motion carried 5-0.

Frank Whitchurch discussed the Pharmacy Strategic Plan. He would like to see it done in April or May. He suggested that everyone come up with some dates that would be acceptable for the meeting.

Frank requested that the Board use Adobe Acrobat or PDF format on license verifications and discipline so that it is easier to research the records on the Internet.

Frank updated the Board on the PSE issue and the fact that the Veterinarians were not happy with being included in the PMP program.

Frank discussed the lawbook and some of the problems with errors. Deb Billingsley advised that she would be meeting with Mike Larkin and Barb Woods in an effort to discuss the issues pertaining to the law book to that the book is acceptable to all.

There was discussion as to whether the length of the term of the Board members should be lengthened. It would help with having a National presence.

Frank advised the Board that Walgreens was going and visiting Boards to determine the feasibility of bundling prescriptions by Scan date.

ADJOURN. The Board adjourned their meeting at 5:00 p.m.