

KANSAS STATE BOARD OF PHARMACY

MINUTES OF THE MEETING

December 18-20, 2002

AmeriSuites

6021 SW 6th Ave. * Topeka, Kansas

MEMBERS PRESENT: Max Heidrick, RPh., President; Mike Hurst, RPh. Vice President; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Tom Frazier, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Inspector; Randy Forbes, Board Attorney; Karen Hollon, Administrative Officer.

OTHERS PRESENT: See attached listing.

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30 a.m.

ACCEPTANCE OF THE MINUTES: A motion was made and seconded to accept the minutes of the October 2002 Board Meeting as amended (Hurst/Thompson). Motion carried 5-0.

Ms. Linn discussed with the Board the KSHP Spring Meeting April 10-12, 2003 and that the Board and Inspectors are a discussion item on the agenda. Ms. Linn discussed a concern by an intern that wants the look of the wall certificate changed and plans to publicize a meeting to receive input. Ms. Linn stated she had received a letter from Kyle Smith with the KBI's Law Enforcement regarding a prescription monitoring system to prevent patients from pharmacy shopping. Ms Linn will meet with Larry Buening from the Healing Arts Board and Mr. Smith and will report back to the Board. Ms. Linn reported that she had met with Pat Maben with Health & Environment regarding the labeling of indigent drugs in nursing homes. Ms. Linn will inform the Board of future meetings.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 9:05 a.m. in order to begin the Public Hearing.

PUBLIC HEARING

RECONVENE: Mr. Heidrick called the meeting back to regular session at 11:30.

ADMINISTRATIVE ACTIONS:

K.A.R. 68-2-9. Change of ownership; duty of registrant to notify board. A motion was made to adopt the regulation (Hurst/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-2-10. Cessation of operations. A motion was made to adopt the regulation (McFarland/Hurst). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-2-11. Security. A motion was made to adopt the regulation (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-2-12a. Minimum requirements for library, equipment, and supplies A motion was made to adopt the regulation (McFarland/Hurst). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-2-20. Pharmacist's function in filling a prescription. A motion was made to adopt the regulation (McFarland/Thompson). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-7-12. Responsibility of pharmacist-in-charge in other than a medical care facility pharmacy. A motion was made to change the word “is” to “shall be” (McFarland/Thompson). Motion carried. A motion was made to adopt the regulation as ammended (McFarland/Hurst). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-7-12a. Nonresident pharmacies. A motion was made to remove the words “of the pharmacy” (McFarland/Hurst). Motion carried. A motion was made to adopt the regulation as ammended (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-7-12b. Incident reports. A motion was made to adopt the regulation (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-9-2. Automated drug delivery systems. A motion was made to replace “direct supervision” with “direction” (McFarland/Thompson). Motion carried. A motion was made to adopt the regulation as ammended (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-11-1. Fees for examination and licensure as a pharmacist. A motion was made to adopt the regulation (Hurst/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-11-2. Fees for premises registrations and permits. A motion was made to adopt the regulation (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-12-2. Resale of dispensed prescription drugs. A motion was made to adopt the regulation (Thompson/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

K.A.R. 68-13-1. Preparation, compounding and idspensing of parenteral products for other immediate use. A motion was made to adopt the regulation (Hurst/McFarland). Mr. Heidrick - Yes, Mr. Hurst - Yes, Mr. McFarland - Yes, Mr. Thompson - Yes, Mr. Whitchurch - Yes and Dr. Upson - Yes.

SETTLEMENT AGREEMENT - Kevin L. Kriley, #1-11052: A motion was made and seconded to accept the Stipulation and Final Agency Order (Hurst/Thompson). Motion carried (5-0).

Mr. Heidrick recessed the meeting for lunch from 11:50 a.m. until 1:30 p.m.

CENTRAL FILL TASK FORCE REPORT - Mr. Whitchurch reported that he had November and December meetings and discussed Shared Order Filling. Mr. Whitchurch gave handouts that included definitions and asked for input of any changes from Randy Forbes. The revised regulations will be brought back to the next Board meeting.

Mr. Heidrick recessed the meeting from 2:35 p.m. until 2:40 p.m.

TECHNICIAN TASK FORCE REPORT - Mr. McFarland had a general discussion with the Board and reported that a meeting was held since the last board meeting. Mr. McFarland plans to schedule another meeting at the first of the year. Bob Alderson will get with Bob Williams from KPhA and work on a draft for the next meeting.

REVIEW OF PROPOSED STATUTORY CHANGES: The Board had a general discussion on amending statutes.

Mr. Heidrick recessed the meeting from 4:25 p.m. until 4:32 p.m.

REVIEW REQUEST FROM FOREIGN PHARMACIST APPLICANT: Claudette Feliz Fortuno Lim made a request to reduce the number of intern house required of her in order to take the NAPLEX and MPJE immediately. Ms. Lim's request could not be granted because intern hours are set by statute.

DUR COMMITTEE DISCUSSION: The Board had a general discussion as to how to select individuals. Mr. Heidrick directed the Board Members to think of individuals and contact them to find volunteers by Friday morning.

SETTLEMENT AGREEMENT - Robert D. Schroeder, #1-11579. A motion was made and seconded to accept the Stipulation and Final Agency Order (Hurst/Thompson). Motion carried (5-0).

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 5:00 p.m.

Thursday, December 19, 2002

MEMBERS PRESENT: Max Heidrick, RPh., President; Mike Hurst, RPh. Vice President; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Tom Frazier, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Inspector; Randy Forbes, Board Attorney; Karen Hollon, Administrative Officer.

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30 a.m.

Ms. Linn had a general discussion with the Board regarding legislation.

Mr. Heidrick recessed the meeting from 8:50 a.m. until 9:00 a.m.

ADMINISTRATIVE PROCEEDING - Corey V. Penner, #1-12658: Mr. Penner appeared with Steve Schwarm and James Gilham. See Official Transcript. Board went into closed session with Mr. Penner, Ms. Linn, Mr. Phillips, Mr. Forbes and Mr. Gerry Epp, LSCSW until 10:30. The Board came back into open session at 10:30. A motion was made and seconded to go into executive session for deliberation (Upson/Thompson). The Board came back at 12:10. A motion was made and seconded to accept the Final Agency Order. (Upson/Hurst). Motion carried (5-0).

SETTLEMENT AGREEMENT - Miriam Bezbradich, #1-08677: A motion was made and seconded to accept the Stipulation and Final Agency Order (Thompson/McFarland). Motion carried (5-0).

SETTLEMENT AGREEMENT - Monte E. Linton, #1-09516: A motion was made and seconded to accept the Stipulation and Final Agency Order (Thompson/McFarland). Motion carried (5-0).

Mr. Heidrick recessed the meeting for lunch from 12:30 p.m. until 2:00 p.m.

INVESTIGATIVE REPORT - Mike Hurst: Mr. Hurst gave a general explanation of his decisions on complaints.

APPROVAL OF NEW LICENSES AND REGISTRATIONS: A motion was made and seconded to approve the licenses and registrations issued by the Board Office since the October Meeting (Hurst/Thompson). Motion carried (6-0).

CIPP REPORT - Jennith Hoover & Nancy Corkins: Ms. Hoover and Ms. Corkins discussed the Heartland Recovery Network on October 11th & 12th in Overland Park. The Board was asked to approve expenditures for educational outreach to help sponsor this event. The Board asked about having Dr. Mary Carder attend the next Board Meeting to discuss working with impaired pharmacists with behavioral problems.

Mr. Heidrick recessed the meeting from 3:10 p.m. until 3:20 p.m.

COMPOUNDING REPORT - Mr. Thompson provided the Board with a draft and asked for feedback. Mr. Thompson plans on having a meeting in January and will have another draft at the next Board Meeting in March.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 4:30 p.m.

Friday, December 20, 2002

MEMBERS PRESENT: Max Heidrick, RPh., President; Mike Hurst, RPh. Vice President; Merlin McFarland, RPh.; Jeff Thompson, RPh.; Frank Whitchurch, RPh.; Dan Upson, DVM, Public Member

STAFF PRESENT: Susan Linn, Executive Secretary; Jim Kinderknecht, RPh., Pharmacy Inspector; LaTonyua Rice, RPh., Pharmacy Inspector; Tom Frazier, RPh., Pharmacy Inspector; Reyne Kenton, Compliance Inspector; Randy Forbes, Board Attorney; Karen Hollon, Administrative Officer.

OTHERS PRESENT: See attached listing.

MEETING CALLED TO ORDER: Mr. Heidrick called the meeting to order at 8:30 a.m.

MAX HEIDRICK'S REPORT: Mr. Heidrick reported to the Board that he had attended the District VI Meeting, talked about HIPAA and drugs imported from Canada.

FRANK WHITCHURCH'S REPORT: Mr. Whitchurch discussed with the Board about requiring scan verification for prescriptions. The Board was concerned this may be put a burden on some pharmacies without appropriate computer equipment.

MERLIN MCFARLAND'S REPORT: Mr. McFarland reported that he is working on the technician credentialing.

DR. DAN UPSON'S REPORT: Dr. Upson had no report.

MIKE HURST'S REPORTS: Mr. Hurst commented that he really enjoyed Jim's hospitality and suggested each meeting having a 1 1/2 hour tour during board meetings. Mr. Heidrick directed Mr. Hurst to make a list of ideas.

JEFF THOMPSON'S REPORT: Mr. Thompson discussed regulating PBM's. He stated that it should be taken care of in the next legislative session.

RANDY FORBES' REPORT: Mr. Forbes discussed with the Board HIPAA and how it will impact pharmacy law. Mr. Forbes stated that there can't be any enforcement by the Board of Pharmacy and no changes will be needed to the laws and regulations.

JIM KINDERKNECHT'S REPORT: Mr. Kinderknecht discussed with the Board that Osco did a good job for a busy pharmacy on reporting the numbers and it would be nice if all the pharmacies did the same thing. Mr. Kinderknecht passed out a Quality Assurance Report. Mr. Kinderknecht stated that King Pharmacy is doing a good job with compounding and a good job with the 1997 Modernization Act. Mr. Kinderknecht suggested King would be good to consult with when discussing compounding issues. Mr. Kinderknecht reported that he and Ms. Rice went to a HIPAA meeting.

TOM FRAZIER'S REPORT: Mr. Frazier had no report.

LaTONYUA RICE'S REPORT: Ms. Rice reported that she went with Ms. Kenton to CLEAR in Lincoln, Nebraska and learned a lot of approaches to investigation. The HIPAA Meeting was very informative, but is concerned about the paperwork and how pharmacies will handle that. Ms. Rice reported she noted three pharmacies without PIC's within the thirty-day period.

REYNE KENTON'S REPORT: Ms. Kenton reported that she had attended the CLEAR training and the NABP Fall Conference. Ms. Kenton stated that other states are having problems with getting technicians certified. Discussed counterfeit drugs. Mr. Heidrick recommended she write an article for the newsletter.

SUSAN LINN'S REPORT: Ms. Linn discussed PTCB item writing. She handed out the website usage report. Mr. Heidrick stated that the weekly reports received were good from Ms. Linn because it keeps the Board informed. Ms. Linn informed the Board of her plan to change the renewals by adding a list of the technicians on the back of the renewals. Ms. Linn reported to the Board that the office is set to move in April.

A motion was made and seconded to change the March Board Meeting to Manhattan instead of Topeka (Hurst/Thompson). Motion carried (6-0). The minutes should reflect the Board meeting will be held in Manhattan because of the Board's appreciation for Dan Upson's unselfish contribution to the professions of veterinary medicine and pharmacy.

Mr. Heidrick recessed the meeting from 9:50 a.m. until 10:00 a.m.

The Board continued discussing compounding regulations and decided to visit the issue again at the March meeting.

ADJOURNMENT: Mr. Heidrick adjourned the meeting at 11:05 pm.