June 2004

Kansas State Board of Pharmacy

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Topeka, KS 66612
www.accesskansas.org/pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

New Board Appointments

The Kansas State Board of Pharmacy had two Board appointments in April 2004. Max Heidrick, RPh, has been selected to replace Michael Hurst, RPh. Max is the owner/pharmacist of S & S Drugstore in Beloit, KS. He previously served as a Board member from May 2000 to July 2003. Reappointed to his position on the Board was Merlin McFarland, RPh. Merlin is the owner/pharmacist of Kingman Pharmacies, Inc. Both members were appointed for a three-year term ending in 2007.

The other Board members currently serving are Frank Whitchurch, RPh, Kansas City; Jeff Thompson, RPh, Chanute; JoAnne Gilstrap, RPh, Kansas City; and Howard Paul, public member, Topeka.

Board Meeting Dates

The next Kansas State Board of Pharmacy meeting has been scheduled for June 8-9, 2004, at the AmeriSuites in Topeka, KS. Other meeting dates are scheduled for September 21-22, 2004, at the Kansas University School of Pharmacy in Lawrence, KS. A final 2004 Board meeting will be held in Topeka, KS, on November 30 through December 1.

The public is welcome to come and observe the Board at work and pharmacists may receive continuing education (CE) credit for attendance (See K.A.R. 68-1-1b(d)). The upcoming agenda and minutes of past meetings are under "News From The Board" on our Web site located at www.accesskansas.org/pharmacy.

State Pharmacy Board Orders/ Disciplinary Matters

The Board noted that pharmacists need to provide adequate feedback to patients to avoid consumer complaints. The Board is consistently told that if only the pharmacist had shown concern or communicated, the patient would not have filed the complaint.

Michael McDaniel, RPh; Topeka – was disciplined by the Board for violation of K.S.A. 65-1637 for filling a "dispense as written" prescription for Amnesteem with Claravis. Mr McDaniel also failed to file an incident report pursuant to K.A.R. 68-7-12b (b). Mr McDaniel was assessed a fine of $500 and placed on a one-year probationary period.

Mary K. Jancich, RPh; Troy – was disciplined by the Board for violation of K.S.A. 65-1637 for dispensing Zyrtec® syrup in prescription labeled Zantac® syrup. Ms Jancich also failed to file an incident report pursuant to K.A.R. 68-7-12b(b). Ms Jancich was assessed a fine of $500, required to attend CE regarding error prevention, and required to submit information to the Board regarding how to prevent these types of errors in future.

Nancy Prohaska, RPh; Atchison – was disciplined by the Board for failure to file an incident report in violation of K.A.R. 58-7-12b(b). Ms Prohaska was assessed a fine of $500 and required to provide a pharmacy policy on checking National Drug Codes.

Staci Snider, RPh; Pratt – was disciplined by the Board for violation of K.S.A. 65-1637 for filling a prescription of Synthroid® with Levothroid®. Ms Snider was assessed a fine of $250 and placed on a one-year probationary period.

Robert Nyquist, RPh; Lindsborg – was disciplined by the Board for a violation of K.A.R. 68-20-19(a)(1) for lack of documentation on emergency C-II prescriptions. Mr Nyquist was assessed a fine in the amount of $500. He was required to take the Pharmacist In Charge exam and to provide education to pharmacists in his pharmacy on Kansas law relating to controlled substance prescriptions.

Michael Linder, RPh; Hutchinson – was denied reinstatement of his license to practice pharmacy in Kansas based on his failure to meet the burden on the issues of rehabilitation and his present fitness and competence to practice as a pharmacist.

Pamela Stoddard, RPh; Kansas City – was disciplined by the Board for misappropriating controlled substances from employer for personal use, impaired pharmacist, and disciplined in another state in violation of K.S.A. 65-1627(a)(4) & (12). Ms Stoddard was placed on additional probationary status of 48 months requiring continued compliance with the Impaired Provider Program.

Corey Penner, RPh; Newton – the Board modified the Final Agency Action of December 19, 2002, to permit Mr Penner to work alone on two Saturdays and holidays (four-hour shifts) a month at Prairie View Hospital so long as no outpatient dispensing, contact, or care occurs.

Generic Substitution and the FDA 'Orange Book'

K.S.A. 65-1637 (a) states, "All prescriptions shall be filled in strict conformity with any directions of the prescriber, except that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless: (4) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescibed brand name

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prescription medication." Generic equivalent or generically equivalent does not include a drug that is listed by the federal Food and Drug Administration (FDA) as having unresolved bioequivalence concerns according to the administration's most recent publication of approved drug products with therapeutic equivalence evaluations (otherwise) known as the "Orange Book." The Orange Book or another reference that reproduces the information contained in the Orange Book is required by administrative rule to be present in every pharmacy's reference library by rule K.A.R. 68-2-12a(4). Generic substitution with unapproved products by pharmacists is a violation of the Kansas Pharmacy Act and may result in discipline.

No Diagnosis Required on Prescription

Board of Healing Arts statutes and regulations do not require prescriptions for Ritalin®, Cylert®, and Concerta® to contain a diagnosis on the prescription. Their laws only apply to amphetamines and sympathomimetic amines.

Frequently Asked Questions of DEA and Its Board-agreed-upon Responses

Question: What date should be placed on a written prescription when multiple prescriptions are written for the same drug for the same patient at one time?

Answer: The date that should be placed on a written prescription is the date that the prescribing practitioner actually writes and signs the prescription. A practitioner can write multiple prescriptions for a controlled substance on the same day if permitted by state law. These prescriptions must be signed and dated on the day they are written. The prescriber should then indicate on each prescription the directions for dispensing (ie, "do not dispense before mm/dd/yy").

Question: Is it permissible to dispense a prescription for a quantity less than the face amount prescribed resulting in the actual number of dispensings being greater than the number of refills indicated on the prescription?

Answer: Yes. Partial refills of C-III, IV, and V controlled substance prescriptions are permissible under federal regulations provided that each partial filling is dispensed and recorded in the same manner as a refilling (ie, date refilled, amount dispensed, initials of dispensing pharmacist, etc), the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed, and no dispensing occurs after six months past the date of issue.

Question: What changes may a pharmacist make to a prescription written for a controlled substance?

Answer: The pharmacist may add the patient's address or change the patient's address upon verification. The pharmacist may change or add the dosage form, drug strength, drug quantity, directions for use, or issue date only after consultation with and agreement of the prescribing practitioner. Such consultations and corresponding changes should be noted on the prescription as well as the patient's medical record. Pharmacists and practitioners must comply with any state/local laws, regulations, or policies prohibiting any of these changes to controlled substance prescriptions.

The majority of changes can be made only after the pharmacist contacts the prescribing practitioner.

After consultation with the prescribing practitioner, the pharmacist is permitted to add or change the dosage form, drug strength, drug quantity, directions for use, and issue date. The pharmacist is permitted to make information additions that are provided by the patient or bearer, such as the patient's address, and such additions should be verified.

The pharmacist is never permitted to make changes to the patient's name, controlled substance prescribed (except for generic substitution permitted by state law), or the prescriber's signature.

The *Kansas State Board of Pharmacy News* is published by the Kansas State Board of Pharmacy and the National Association of Boards of Pharmacy Foundation, Inc, to promote voluntary compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of the Foundation or the Board unless expressly so stated.

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