

These minutes have not been reviewed or approved by the Board of Pharmacy.

**NEBRASKA BOARD OF PHARMACY**  
**MEETING MINUTES**  
**May 9, 2022**

**ROLL CALL**

Charles Tomlinson, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska. The agenda and a revised agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Charles Tomlinson, R.P., Chair  
Sabrina Beck, R.P., Vice-Chair  
Kenneth Kester, R.P., Secretary  
Todd Larimer, R.P.  
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; and Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, B.S.N., Compliance Monitor; Larry Wiehn, Investigator; and Jeff Newman, Investigator.

Tomlinson announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

**REVIEW OF AGENDA**

Adoption of Agenda

Beck moved, seconded by Larimer, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Joshua Schomerus – Pharmacist Intern Application  
Joshua Buser – Pharmacy Technician Application  
Christine Copeland – Pharmacy Technician Application

Adoption of Consent Agenda

Larimer moved, seconded by Kester, to approve the consent agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

**INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION**

Beck moved, seconded by Klein, to go into closed session at 9:04 a.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

The Board return to open the session at 11:50 a.m.

**APPROVAL OF MINUTES**

March 7, 2022

Page 1: No changes.

These minutes have not been reviewed or approved by the Board of Pharmacy.

Page 2: No changes.

Page 3: Under LEGISLATIVE UPDATE, denote that Marcia Mueeting has a PharmD every place mentioned and address her as "Dr." not "Ms."

Page 4: No changes.

Larimer moved, seconded by Klein, to approve the March 7, 2022 minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

## **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

### **Pharmacist Application(s) (1) – CONSENT**

#### **Pharmacist Intern Application(s) (4)**

Beck moved, seconded by Klein, to recommend issuing a pharmacist intern registration to Justin Schomerus. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

#### **Pharmacy Technician Application(s) (4)**

Larimer moved, seconded by Beck, to recommend denying a pharmacy technician registration to Christine Copeland. The basis for this denial is not meeting the requirements of Neb. Rev. Stat. §38-2890. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Larimer, to postpone the review of the pharmacy technician registration application of Joshua Buser for additional information. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

#### **Reinstatement After Discipline**

Klein moved, seconded by Beck, to deny the reinstatement after discipline application of Benjamin Grote. The basis for this denial is that the applicant did not provide sufficient evidence to justify reinstating his pharmacist license and the applicant's conviction history. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

#### **Ratification of E-Mail Ballots Since the Last Meeting**

Staff read the e-mail ballots since the last meeting on March 7, 2022 into the record as follows:

- Issued a pharmacist license to Antoinette Wallace. License #17444 was issued on 3/18/2022.
- Issued a pharmacist license to Erin Doxtater. License #17446 was issued on 3/21/2022.
- Issued a pharmacy technician registration to Ana Montes. Registration #12885 was issued on 3/23/2022.
- Issued a pharmacy technician registration to Tamara Bridges. Registration #12886 was issued on 3/23/2022.
- Issued a pharmacy technician registration to Amanda Browitt. Registration #12887 was issued on 3/23/2022.
- Issued a pharmacy technician registration to Adler Serp. Registration #12888 was issued on 3/23/2022.

## **REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (3) – CONSENT**

### **LEGISLATION UPDATE**

Tomlinson asked Marcia Mueeting, R.P., PharmD, Nebraska Pharmacists Association (NPA) to update the Board members on legislative bills that the NPA was keeping an eye on.

Name: Marcia Mueeting, R.P., PharmD  
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516  
Business: Nebraska Pharmacists Association (NPA)

Dr. Mueeting provided information and status of the following legislative bills:

- LB 767 – Pharmacy Benefit Managers – signed on March 16, 2022. The bills effective date will be sometime in September of 2022 and registration will be required 1/1/2023 through the Department of Insurance.
- LB 808 – controlled substances clean-up bill – passed.
- LB 812 – ability for pharmacy technicians to administer immunizations – NPA has submitted a 407 Credentialing Review application.
- LB 943 – white bagging – held in committee.

These minutes have not been reviewed or approved by the Board of Pharmacy.

Judy Neville, UNMC College of Pharmacy, asked if the Board supported pharmacy technicians providing immunizations/vaccines. The Board of Pharmacy members agreed to send a letter of support to the 407 Technical Review Committee stating their support.

Name: Judy Neville  
Address: 41<sup>st</sup> and Emile Streets, Omaha, NE 68198  
Business: University of Nebraska Medical Center (UNMC) College of Pharmacy

### **REGULATIONS UPDATE**

Jesse Cushman, Program Manager, explained he is still working on the changes in 175 NAC 8 and will bring them back to the Board. Dr. Mueeting requested to define compounding in a clearer manner. Mr. Cushman will look at National Association of Boards of Pharmacy's model language regarding compounding and survey surrounding states.

Dr. Mueeting requested the Board's approval to use the email list purchased through the Department to mail the workforce survey to Nebraska pharmacists. Kester moved, seconded by Klein, the supports the use of public information on the email list purchased through the Department by the NPA to mail the workforce survey to Nebraska pharmacists. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

### **COMPOUNDING ANIMAL DRUGS FROM BULK DRUG SUBSTANCES – GUIDANCE FOR INDUSTRY**

There is an approved bulk list that animal compounding can use. They still need to follow FDA guidelines. When animal compounding uses human drugs the Nebraska Wholesale Drug Distributor Act for 503B entities would apply. The Board commented that the FDAs guidance contains more than just a list of bulk items not allowed for animal compounding such as criteria that needs to be met so FDA does not bring enforcement action against the entity. Mr. Cushman requested any questions that the Board would like the Board of Veterinary Medicine and Surgery to answer. Mr. Cushman will add the questions to the Board of Veterinary Medicine and Surgery agenda.

### **LETTER OF RECOMMENDATION FOR THE NEBRASKA PHARMACISTS ASSOCIATION'S REQUEST FOR A 407 CREDENTIALING REVIEW REGARDING ALLOWING PHARMACY TECHNICIANS TO PROVIDE IMMUNIZATIONS**

This agenda item was discussed above under Legislative update.

### **PRACTICE QUESTION – IS TRANSFERRING PRESCRIPTIONS VIA FAX CONSIDERED DIRECT COMMUNICATION PURSUANT TO NEB. REV. STAT. §38-2871(B)?**

Larimer explained why he requested this question be added to the agenda. He would like clarification on what is considered direct communication. Mr. Willson explained a previous DEA correspondence regarding transferring prescriptions of controlled substances. Faxing is a component of direct communication but there still needs to be a conversation between pharmacists or pharmacist interns. Larimer moved, seconded by Kester, the Board's opinion is that a fax is a component of direct communication but there still needs to be a conversation between pharmacists or pharmacist interns. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

The next meeting of the Board of Pharmacy is scheduled for July 11, 2022.

Beck and Kester expressed interest in attending National Association of Boards of Pharmacy (NABP) District V meeting scheduled for August 2022 in South Dakota.

### **ADJOURNMENT**

The Board adjourned the meeting at 11:53 a.m.

Respectfully submitted,

(signature on file with the Department)

Todd Larimer, R.P., Secretary  
Board of Pharmacy