

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
November 7, 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 were 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 (via WebEx)
Todd Larimer, R.P., Secretary
Kenneth Kester, R.P.
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Lindsay Braddock, Unit Administrator; Mindy Lester, Assistant Attorney General; Jennifer Miralles, Department Attorney (via WebEx); Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, RN, ???, Compliance Monitor (via WebEx); 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

Klein moved, seconded by Kester, 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.

Tomlinson suggested moving agenda item #11 so discussion will take place after agenda item #3.

Additions, Modification, Reordering

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

Celida Candles-Rivas – Pharmacy Technician Application
Jamie Johnston – Pharmacy Technician Application
Michelle Morgan – Pharmacy Technician Application
Mekko Smith – Pharmacy Technician Application
Frontier Pharmacy – Pharmaceutical Care Agreement
HIV PrEP Kohlls Rx – Pharmaceutical Care Agreement
Kohlls Rx – Pharmaceutical Care Agreement
OneWorld Community Health Center – Pharmaceutical Care Agreement
Walmart (Grand Island) – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Larimer moved, seconded by Beck, 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

Larimer moved, seconded by Klein, to go into closed session at 9:05 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 10:51 a.m.

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APPROVAL OF MINUTES

September 12, 2022

Page 1: No changes.

Page 2: Under **REGULATIONS UPDATE, 172 NAC 134**, line 2, change the word “statues” to “statutes”.

Page 3: Under **NALOXONE DISPENSING**, paragraph 1, line 2, after the word “but” delete “a prescription is still needed to dispense it” and replace with “it remains a legend drug under federal law”.

Page 4: No changes.

Larimer moved, seconded by Klein, to approve the September 12, 2022, minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (4)

Klein moved, seconded by Beck, to recommend postponing for additional information the pharmacy technician registration application of Celida Candles-Rivas. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Larimer, to recommend issuing a pharmacy technician registration to Mekko Smith. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Klein moved, seconded by Kester, to recommend issuing a pharmacy technician registration to Michelle Morgan. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Klein, to recommend issuing a pharmacy technician registration to Jamie Johnston. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacist Application(s) (1) – Consent

Mail Service Pharmacy Application(s) (2) – Consent

Pharmacist Reinstatement After Discipline Application(s) (1)

Kester moved, seconded by Beck, to recommend reinstating the pharmacist license of Michael Reeder (#16622) on probation for 24 months with the following probationary terms and conditions:

- Comply with all other disciplinary actions;
- Follow treatment and aftercare recommendations;
- Submit random body fluid screens;
- Inform all healthcare providers of your past treatment history and any prescribed controlled substances;
- Follow all other probationary terms and conditions sanctioned pertaining to someone with controlled substance use disorder; and
- Any inactive practice periods will not reduce the probationary terms and conditions or the timeframe.

Voting aye: Beck, Kester, Larimer, and Tomlinson. Voting nay: Klein. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballot since the last meeting on September 12, 2022, into the record as follows:

- Dr. Anthonie, Chief Medical Officer approved adding Naloxone to the Approved Formulary for Delegated Dispensing permits on October 4, 2022.
- A pharmacist intern registration was issued to Mercedes Furr on 10/6/2022. Her registration number is 10347.
- A pharmacy technician registration was issued to Chad Dempsey on 10/6/2022. His registration number is 13449.
- A pharmacist license was issued to Edward Olszewski, Jr. on 10/7/2022. His license number is 17689.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15)

The Board noted that following:

- Frontier pharmacy did not include their protocols.

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- Kohlls Pharmacy all their agreements did not contain signatures of pharmacists;
- OneWorld Community Health Center did not provide signatures; and
- Walmart (Grand Island) did copy of protocols (only submitted signatures)
-

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

Dr. Mueting asked about what needs to be provided to the Board for the pharmaceutical care agreements under the Neb. Rev. Stat. §38-2867.03 and how the NPA can help make it clearer for their membership. Mr. Cushman will review the statutes.

Name: Allison Dering-Anderson, R.P., PharmD
Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120
Business: UNMC, College of Pharmacy

Dr. Dering-Anderson mentioned that some entities do not provide their protocols because they could be proprietary. Mr. Cushman and Dr. Mueting will work together on what needs to be in the pharmaceutical care agreements given to the Board.

LEGISLATION UPDATE

Tomlinson asked Marcia Mueting, R.P., PharmD, Nebraska Pharmacists Association (NPA) if there was any discussion on legislative issues for the next legislative session.

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

Dr. Mueting explained that the NPA Legislative Committee has not formally approved legislation. Some to the legislation topics discussed prohibiting white bagging, pharmacists to achieve provider status, increasing dispensing fees under Medicaid. Dr. Mueting also mentioned that a 407 Credentialing Review to add language regarding USPS 795, 797, and 800 will be coming.

REGULATIONS UPDATE

Mr. Cushman explained that another public hearing will be scheduled for 172 NAC 131 and 172 NAC 134. The regulations on 175 NAC 8 and 172 NAC 128 are still in process.

NALOXONE DISPENSING FROM A DELEGATED DISPENSING PERMIT

Cushman explained that the Chief Medical Officer approved adding Naloxone to the Public Health Clinic's formulary and there was a question about dispensing under a standing order. Dr. Mueting mentioned that in August of 2022 the signature was updated.

CLARIFICATION OF WHO CAN DISPENSE UNDER A DISPENSING PRACTITIONER LICENSE

Tomlinson mentioned that he has noticed lately noticed that Nurse Practitioners have been dispensing under a Doctor's dispensing permits. Cushman explained that he is working with the pharmacy inspectors regarding educating when visiting pharmacies for inspections. Hampton, Depart Legal, also recommended adding guidance documents to the Department's website. Dr. Dering-Anderson explained that sampling and dispensing is defined in the statutes so there is a need to keep them as separate issues.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – DISTRICT V MEETING (AUGUST 2024) - PLANNING

The next NABP Annual Meeting is scheduled for May 10-12 in Nashville, Tennessee.

NABP – DISTRICT V MEETING (AUGUST 2022) - REPORT

District V meeting discussions included discussing needed changes to the states MPJE. Beck explained that Accreditation Council of Pharmacy Education (ACPE) suggested that all state's stop requiring the MPJE for licensure. Other discussion included offering the state MPJE after the third year of education.

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POSSIBLE BOARD OF PHAMRCY MEETING DATES FOR 2023 AND JANUARY 2024

The reviewed future meeting dates and agreed on the following dates:

- March 6, 2023
- May 15, 2023
- July 10, 2023
- September 18, 2023
- November 6, 2023
- January 8, 2024

Discussion for future meetings are reimbursement for vaccinations on children, regulation template language from LB 390.

The next Board of Pharmacy meeting is scheduled for January 9, 2023.

ADJOURNMENT

The Board adjourned the meeting at 11:57 a.m.

Respectfully submitted,

(signature on file with the Department)

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