

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
November 6, 2023

ROLL CALL

Charles Tomlinson, R.P., Chairperson, called the meeting of the Board of Pharmacy to order at 9:02 a.m. in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska. The meeting was conducted In-Person and by WebEx. The following Board members answered the roll call:

Charles Tomlinson, R.P., Chairperson
Sabrina Beck, R.P., Vice-Chairperson
Todd Larimer, R.P., Secretary
Kenneth Kester, R.P., J.D. – via WebEx
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Vonda Apking, Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Teresa Hampton, Department Attorney (via WebEx); Juliann Lanphier-Willson, Department Attorney; Anna Harrison, RN, BSN, 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted on the Bulletin Board at the main entrance of the NSOB (Nebraska State Office Building) 14th & M Streets on October 24, 2023.

REVIEW OF AGENDA

Adoption of Agenda

Larimer moved, seconded by Klein, 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. Absent: None. Abstain: None. Motion carried.

Additions, Modification, Reordering

Adoption of Consent Agenda(s)

The Board requested that the following applications be removed from the Consent Agenda:

Bell, Shantel – Pharmacy Technician Application
Ramirez, Jose – Pharmacy Technician Application
Wynne, Kimberly – Pharmacy Technician Application
Maddox, Tanner – Pharmacy Intern Application
Whitman, Amanda – Pharmacist Application

Larimer moved, seconded by Klein, to approve the adoption of the Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board requested that the following applications be removed from the Pharmaceutical Care Agreements Consent Agenda:

CVS Health – Pharmaceutical Care Agreement
NE Medicine – Heart & Lung Transplant– Pharmaceutical Care Agreement
NE Medicine – Heart Vascular Center – Pharmaceutical Care Agreement
NE Medicine – Kidney Transplant – Pharmaceutical Care Agreement
NE Medicine – Prescription Changes and Refills - Pharmaceutical Care Agreement

Larimer moved, seconded by Klein, to approve the Pharmaceutical Care Agreement Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

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

Larimer moved, seconded by Klein, to go into closed session at 9:08 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. Absent: None. Abstain: None. Motion carried.

Board Break: 10:43 a.m.
Board Returned: 10:53 a.m.

The Board returned to open the session at 10:57 a.m.

APPROVAL OF MINUTES – OPEN SESSION

Larimer moved, seconded by Klein, to approve the September 18, 2023, minutes as presented. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Registration Application(s) (3)

BELL, SHANTEL – Application to practice as a Pharmacy Technician - Beck moved, seconded by Larimer to postpone the recommendation for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

RAMIREZ, JOSE - Application to practice as a Pharmacy Technician - Klein moved, seconded by Beck to postpone the recommendation for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

WYNNE, KIMBERLY - Application to practice as a Pharmacy Technician - Larimer moved, seconded by Beck to postpone the recommendation for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Pharmacist Intern Application(s) (1)

MADDOX, TANNER – Application to practice as a Pharmacist Intern - Larimer moved, seconded by Beck to postpone the recommendation for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Pharmacist Application(s) (1)

WHITMAN, AMANDA – Application to practice as a Pharmacist – Klein moved, seconded by Beck to approve the issuance of the license with a Censure and a Civil Penalty of \$500.00. Basis for the Censure and Civil Penalty is action in other states. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Nothing to report currently.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (18)

- The NE Medicine pharmaceutical care agreements cannot contain physician assistants.
- The CVS pharmaceutical care agreement mentions that pharmacist prescribe, and a pharmacist cannot prescribe.

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CLARIFICATION OF TRANSFERRING A PRESCRIPTION (STATE VS FEDERAL)

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

Marcia Mueting, PharmD, NE Pharmacist Association (NPA) will consult with Teresa Hampton, DHHS Department Attorney to clarify the State law 38-2871 (2) vs the Federal law 1306.08 and report back to the Board.

PHARMACIST'S FUNDAMENTAL RESPONSIBILITIES AND RIGHTS

Marcia Mueting, PharmD, NE Pharmacist Association (NPA) was present to discuss with the Board.

"The Pharmacist's Fundamental Responsibilities and Rights" has been approved by the Boards of the American Pharmacists Association (APhA) and the National Alliance of State Pharmacy Associations (NASPA). The Nebraska Board of Pharmacy has not presently given their support of "The Pharmacist's Fundamental Responsibilities and Rights".

The Board determined that they would like to review the document before giving further comments. The document will be addressed in greater detail at the next meeting in January 2024.

"The Pharmacist's Fundamental Responsibilities and Rights" and a list of organizations in support can be found at:
<https://www.pharmacist.com/pharmacistsresponsibilities>

MPJE (MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION) COMMITTEE

Board Member, Kenneth Kester and Jasmina Bjegovic, Director of Competency Assessment for NABP (National Association of Boards of Pharmacy) reported on the progress of the Steering Committee.

The NABP has established the need for a national standardized pharmacy jurisprudence examination to be developed. In states that adopt the new exam, referred to as the UPJE (Uniform Pharmacy Jurisprudence Examination) it would replace the requirement for licensee candidates to pass the state-jurisdiction-specific MPJE. The goal of the UPJE in those states that adopt it is for a pharmacist to take one pharmacy jurisprudence exam to demonstrate their competency.

There is a tremendous amount of assessment and planning for future steps in the project. Realistically it would be three years before an exam could be administered.

In summary the steering committee recommended the following:

1. UPJE-participating states will not be allowed to require a separate test of regulatory competency as a condition of licensure.
2. NABP will encourage, but not require, UPJE-participating states to develop and implement a supplementary "plus module" to teach state-specific laws and regulations for new licensees.
3. NABP will provide development resources and support to those UPJE-participating states that wish to implement a plus module to teach state-specific laws and regulations for candidates or new licensees.
4. NABP's competency assessment experts will use the guidance provided by the steering committee to develop a UPJE blueprint.

To review the entire UPJE Steering Committee Report go to:

<https://nabp.pharmacy/wp-content/uploads/2023/09/Report-of-the-UPJE-Steering-Committee-September-2023-.pdf>

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

Beck informed the Board that the planning committee is still in the process of securing venues and menus.

FUTURE MEETING DATES

The next Board of Pharmacy meeting is scheduled for January 8, 2024. To view the projected schedule for 2024, go to:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

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ADJOURNMENT

The Board adjourned the meeting at 11:40 a.m.

Respectfully submitted,

(signature on file with the Department)

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