

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
January 13, 2020

ROLL CALL

Charlene Dunbar, Chair, called the meeting of the Board of Pharmacy to order at 9:02 a.m. in the Staybridge Room of the Staybridge Suites, located at 2701 Fletcher Avenue, Lincoln, Nebraska. The 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:

Charlene Dunbar, Chair
Angela Svoboda, R.P., Vice-Chair
Kenneth Saunders, R.P., Secretary
Todd Larimer, R.P.
Sabrina Beck, R.P.

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; Anna Harrison, R.N., B.S.N, Compliance Monitor; Trevor Klaassen, Investigator; and Jeff Newman, Investigator.

Dunbar 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.

Board members and Department staff introduced themselves.

REVIEW OF AGENDA

Adoption of Agenda

Beck moved, seconded by Saunders, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Additions, Modification, Reordering

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

Accuserv – Mail Service Pharmacy Initial Application
Drug Depot – Mail Service Pharmacy #1003 Renewal Application
Wells Pharmacy Network – Mail Service Pharmacy #727 Renewal Application
Fresenius USA Manufacturing, Inc. dba Fresenius Medical Care North America – Wholesale Drug Distributor Application
Bryan Health (Melissa Tompkins) – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Saunders moved, seconded by Beck, to approve the consent agenda as amended. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Apking explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Svoboda moved, seconded by Beck, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

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

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

Svoboda moved, seconded by Beck, to go into closed session at 9:12 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, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Saunders moved, seconded by Beck, to open the session at 11:52 a.m. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

November 4, 2019

Page 1: No changes.
Page 2: No changes.
Page 3: No changes.

Dunbar moved, seconded by Saunders, to approve the November 4, 2019 minutes as presented. Voting aye: Beck, Dunbar, Saunders, and Svoboda. Voting nay: None. Abstain: Larimer. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) (1) – CONSENT

Pharmacy Technician Application(s) (3) - CONSENT

Mail Service Pharmacy Application(s) (1)

Svoboda moved, seconded by Saunders, recommended tabling the mail service pharmacy initial application of Accuserv for additional information. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Mail Service Pharmacy Renewal Application(s) (2)

Svoboda moved, seconded by Larimer, to recommend refusing to renew the mail service pharmacy license #1003 of Drug Depot. The basis of refusing to renewal is because of Drug Depot having disciplinary actions in other states. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Svoboda moved, seconded by Beck, to recommend renewing the mail service pharmacy license #727 of Wells Pharmacy Network on probation for 3 years under the standard probationary terms and conditions including but not limited to following all state and federal statutes and regulations; no dispensing of compounded medication into Nebraska without submitting proof of at least two satisfactory onsite inspections; reporting to the Nebraska Prescription Drug Monitoring Program (PDMP) and providing proof that there is no new disciplinary action by submitting a NPDB report by the end of each calendar year while on probation. The basis for recommending probation is past disciplinary action. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Mail Service Pharmacy Reinstatement Application(s) (1)

Larimer moved, seconded by Beck, to recommend reinstating the mail service license #1070 of Complete Medical and Medical Solutions, LLC on probation for 3 years under the standard probationary terms and conditions including but not limited to complying with all state and federal statutes and regulations; submit quarterly reports of the medications dispensed and shipped into Nebraska; reporting to the Nebraska Prescription Drug Monitoring Program (PDMP); and providing proof that there is no new disciplinary action by submitting a NPDB report by the end of each calendar year while on probation. The Board mentioned that if they are providing bulk medication not specific to a patient a Nebraska Wholesale Drug Distributor license is required. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Wholesale Drug Distributor Application(s) (1)

Svoboda moved, seconded by Beck, to recommend tabling the wholesale drug distributor application of Fresenius USA Manufacturing, Inc. dba Fresenius Medical Care North America for additional information. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

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

Since their last meeting, the Board voted via e-mail ballot to issue a pharmacy technician registration (#10724) to Violet Smiley on November 13, 2019.

APPROVAL OF ACCREDITATION COUNCIL OF PHARMACY EDUCATION (ACPE) ACCREDITED PHARMACY PROGRAMS (2020) – CONSENT

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15) – CONSENT

The pharmaceutical care agreement submitted Bryan Health (Melissa Tompkins) needs to be resubmitted under Ms. Tompkins' supervising physician. Physician Assistants are not able to enter into a pharmaceutical care agreement because they don't have independent prescribing authority.

SOUTHEAST COMMUNITY COLLEGE PHARMACY TECHNICIAN PROGRAM – PHARMACY TECHNICIAN CERTIFICATION AFTER COMPLETION OF THE PROGRAM – NEED CLARIFICATION

Apking explained that it had come to the attention of the department that Southeast Community College had issued a state certification that is not being required to obtain continuing education. The Board requested to gather additional information from each Board accepted certification program and bring back to the next scheduled board meeting.

DISCUSSION ON NEBRASKA MEDICINE'S SCRIPT CENTER

Nebraska Medicine was unable to attend therefore discussion on this agenda item will take place at either the March or May meeting.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP)

Svoboda and Saunders are interested in attending the Annual NABP, meeting in Baltimore, MD in May 2020. Larimer would be interested in attending a new board member forum when offered by NABP.

DISCUSSION REGARDING PER DIEMS AND TIME FRAME FOR PREPARATION OF AGENDA ITEM DOCUMENTS

Cushman explained the process of paying per diems for certain activities of the Board and the time frame of preparing agenda items for the Board to review.

Svoboda moved, seconded by Beck, to have the Department continuing paying per diems as currently effective which is \$50 per diem for meeting days, one day of meeting preparation, and any travel days. Also included are days spent at non-board meetings where the individual is representing the Nebraska Board of Pharmacy, as well as any travel days associated with those meetings. Voting aye: Beck, Dunbar, Larimer, Saunders, Svoboda. Voting nay: None. Motion carried.

ELECTION OF OFFICERS

Svoboda moved, seconded by Larimer, to nominate Saunders as Chair. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Svoboda moved, seconded by Beck, to nominate Larimer as Vice-Chair. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Svoboda moved, seconded by Larimer, to nominate Dunbar as Secretary. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: None. Motion carried.

Svoboda volunteered to be the Board's consultant for Investigations.

The next scheduled Board meeting is March 16, 2020. Svoboda requested that the following topics be discussed at the next meeting: Legislation Update, Pharmacy Technician Certification, Open Topics, and Nebraska Pharmacists Association (NPA) Hot Topics.

ADJOURNMENT

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

Larimer moved, seconded by Saunders, to adjourn the meeting at 12:47 p.m. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Charlene Dunbar, Secretary
Board of Pharmacy