

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
January 14, 2019

ROLL CALL

Sabrina Beck, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:03 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:

Sabrina Beck, R.P., Chair
Charlene Dunbar, Vice-Chair
Patricia Gollner, R.P., Secretary
Kenneth Saunders, R.P.
Angela Svoboda, 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; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Teresa Hampton, Department Attorney; Trevor Klaassen, Investigator; and Jeff Newman, Investigator.

Beck 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

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

Additions, Modification, Reordering

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

Tania Jui – Pharmacy Technician application

Adoption of Consent Agenda

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

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

Beck moved, seconded by Svoboda, to go into closed session at 9:06 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, Gollner, Saunders, and Svoboda. Voting nay: none. Motion carried.

Hampton left the meeting at 9:09 a.m.
Hampton rejoined the meeting at 10:06 a.m.

Willson left the meeting at 10:08 a.m.
Willson returned to the meeting at 10:50 a.m.

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

APPROVAL OF MINUTES

November 5, 2018

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

Dunbar moved, seconded by Saunders, to approve the November 5, 2018 minutes as presented. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) (1) – CONSENT

Pharmacy Technician Application(s) (3) - CONSENT

Gollner moved, seconded by Beck, to recommend issuing a pharmacy technician registration to Tania Jui. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

Pharmacist Intern Application (1)

Gollner moved, seconded by Beck, to recommend denying the pharmacist intern application of Kathryn Gourdon. The basis for the denial are the following: 1) misrepresentation of material facts in procuring a credential; 2) conviction history; and 3) lack of good character. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

Wholesale Drug Distributor Application(s) (1)

Gollner moved, seconded by Beck, to recommend denying the wholesale drug distributor application of FluVaccine.org Inc. The basis for the denial are the following: 1) disciplinary action taken in California and Utah; and 2) failure to reply to investigations. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

Mail Service Pharmacy Reinstatement Application(s) (1)

Nothing discussed at this time.

E-Mail Ballot(s) Since the Last Meeting

Since their last meeting, the Board voted via e-mail ballot to issue the following pharmacy technician registrations:

- Stacie Romberger on December 7, 2018;
- Tracy Putnam on January 2, 2019;
- Alicia Coy on January 2, 2019; and
- Maria Buenrostro on January 2, 2019.

APPROVAL OF ACCREDITATION COUNCIL OF PHARMACY EDUCATION (ACPE) ACCREDITED PHARMACY PROGRAMS (2019) – CONSENT

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (16) – CONSENT

BOARD CRITERIA WHEN REVIEWING APPLICATIONS

The Board members will review and send comments to Apking to compile for the next Board meeting.

NEBRASKA METHODIST COLLEGE PHARMACY TECHNICIAN PROGRAM PROPOSES TO OFFER NEBRASKA PHARMACY TECHNICIAN CERTIFICATION AFTER COMPLETION OF THE PROGRAM

Rachel Montagne, Program Manager, Nebraska Methodist College Pharmacy Technician Program, presented a request to offer program attendees a state pharmacy technician certification upon completion of their pharmacy technician program. Gollner moved, seconded by Svoboda, to approve recognizing program attendee as having a state pharmacy technician certification upon successful completion of the Methodist College Pharmacy Technician Program. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: none. Motion carried.

REQUIREMENTS FOR MAIL SERVICE PHARMACIES

Reporting to the Nebraska Prescription Drug Monitoring Program (PDMP)

The Nebraska PDMP is working on registering all active Nebraska licensed mail service pharmacies so they are able to report to the Nebraska PDMP.

Patient Counseling

There is nothing in the Nebraska Mail Service Pharmacy Act that would require them to counsel patients before dispensing. They are still required to follow their own state's pharmacy law requirements.

Allowing Agents of the Patient to Pick-up Dispensed Medications

There is nothing in the Nebraska Mail Service Pharmacy Act that would prohibit agents of the patient to pick-up dispensed medications. They are still required to follow their own state's pharmacy law requirements and any federal law requirements.

PRACTICE QUESTION(S)

Repackaging medications for Long-Term Care Facility

Neb. Rev. Stat. §38-28,107 prohibits the return of dispensed medication from a long-term care facility unless the pharmacy was the dispensing pharmacy. The Board suggested working with the Nursing Home Association to come up with a solution. The Board suggested DHHS provide a response to this question to everyone affected.

ALLOWING LAW ENFORCEMENT, PHARMACY INSPECTORS, AND DHHS INVESTIGATORS ACCESS TO THE PDMP

This would require a legislative change.

DISCUSSION REQUIRING PERPETUAL INVENTORY

The Board discussed adding this to the current draft regulations. However, there is not enough support to make perpetual inventory a requirement.

CANNABIDIOL (CBD OIL)

Current opinion is that this is a controlled substance and the Federal Food and Drug Administration has not approved it as a drug, except in Epidiolex.

LARGE CONGLOMERATE/NOT-FOR-PROFIT HOSPITAL'S PLAN TO MANUFACTURE SHORTAGE DRUGS

This is a manufacturer located and licensed in Utah.

REVIEW OF THE FOOD AND DRUG ACT MEMORANDUM OF UNDERSTANDING

This is an ongoing issue.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) BOARD MEMBER COMMENTS ON THE INTERACTIVE MEMBER FORUM HELD IN NOVEMBER 2018 – ANGELA SVOBODA, RP

Svoboda provided several topics of interest taken from NABP's Interactive Member forum. Some of those topics are as follows:

- Hot topics were opioids and prescription drug monitoring programs;
- New York requires prescribers to access and review the prescription drug monitoring program before prescribing opioids;

- Texas Board of Pharmacy have a 5 pharmacies - 5 prescribers - 5 drugs rule and their prescription drug monitoring program will notify all involved;
- Idaho, Illinois, and North Dakota have remote pharmacy licenses and have removed the mileage between pharmacies from their requirements;
- Louisiana, Idaho and Wyoming are using Red Box as a dispensing kiosk;
- Idaho allows pharmacists to prescribe certain drugs in certain situations; and
- Wyoming and Idaho are looking at allowing owners in charge to be designated as the PIC.

The Board thanked Svoboda for her report.

ELECTION OG OFFICERS

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

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

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

ADJOURNMENT

Beck moved, seconded by Svoboda, to adjourn the meeting at 2:07 p.m. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: none. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Patricia Gollner, R.P., Secretary
Board of Pharmacy