

NEBRASKA BOARD OF PHARMACY  
**MEETING MINUTES**  
**March 18, 2019**

**ROLL CALL**

Charlene Dunbar, 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:

Charlene Dunbar, Chair  
Angela Svoboda, R.P., Vice-Chair  
Kenneth Saunders, R.P., Secretary  
Patricia Gollner, 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; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Becky Wisell, Section Administrator; Mark Meyerson, 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.

**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:

Nicholas Revers – Pharmacist application  
Katisha Harrison – Pharmacy Technician application  
Lynnette Markel – Pharmacy Technician application  
Rachel Suhr – Pharmacy Technician application  
Suleima Gonzalez Francisco – Pharmacy Technician application  
Angel Jones – Pharmacy Technician application  
Wells Pharmacy Network – Mail Service renewal application  
Diamond Pharmacy Services – Mail Service Pharmacy renewal application  
AA Pharmacy, LLC – Mail Service Pharmacy initial application  
Sidney Regional Medical Center – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Gollner moved, seconded by Saunders, to approve the consent agenda as amended. 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**

Gollner moved, seconded by Saunders, 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.

Willson left the meeting at 9:56 a.m.

Willson returned to the meeting at 10:10 a.m.

Gollner moved, seconded by Svoboda, to open the session at 11:48 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: Under REVIEW OF THE FOOD AND DRUG ACT MEMORANDUM OF UNDERSTANDING, delete the last three sentences.

Page 4: No changes.

Dunbar moved, seconded by Saunders, to approve the January 14, 2019 minutes as corrected. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

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

### Pharmacist Application(s) (2)

Svoboda moved, seconded by Dunbar, to approve the request submitted by Nicholas Revers to take the North American Pharmacist Licensure Examination (NAPLEX) for a fifth time. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

### Pharmacy Technician Application(s) (3) - CONSENT

Gollner moved, seconded by Beck, to recommend a two year probationary pharmacy technician registration to Katisha Harrison. The basis for the probationary registration is past misdemeanor conviction history. The probationary term and condition should be that Katisha Harrison shall not have any additional criminal convictions. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

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

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

Gollner moved, seconded by Saunders, to recommend a two year probationary pharmacy technician registration to Angel Jones. The basis for the probationary registration is past misdemeanor conviction history. The probationary term and condition should be that Angel Jones shall not have any additional criminal convictions. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

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

### Mail Service Pharmacy Renewal Application(s) (2)

Svoboda moved, seconded by Beck, to refuse renewal of Wells Pharmacy Network, LLC, mail service pharmacy license #283 located in Ocala, FL. The basis for this refusal to renew is several disciplinary actions taken by other states. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

Svoboda moved, seconded by Beck, to table the mail service pharmacy renewal application of Diamond Pharmacy Services, mail service pharmacy license #244 located in Indiana, PA for additional information. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

### Mail Service Pharmacy Application(s) (1)

Svoboda moved, seconded by Gollner, to deny AA Pharmacy, LLC located in Dallas, TX a Nebraska mail service pharmacy license. The basis for this denial is disciplinary action taken by the Kansas Board of Pharmacy and for the conduct in Texas which in this state presents a threat to the public health and safety or a danger of death or physical harm. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

### Mail Service Pharmacy Reinstatement Application(s) (1)

Gollner moved, seconded by Saunders, to recommend reinstating the mail service pharmacy license #811 for BioScrip Infusion Services, LLC located in Morris Plains, NJ. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

### 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:

- Breshanna Weathers on March 6, 2019; and
- Serena Morrill on March 6, 2019.

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

Beck requested viewing the protocols of the pharmaceutical care agreement submitted by Sidney Regional Medical Center.

### REQUEST TO ADD A DRUG TO THE APPROVED FORMULARY FOR DELEGATED DISPENSING PERMIT FOR DIALYSIS DRUG OR DEVICE DISTRIBUTOR

Gollner moved, seconded by Svoboda, to recommend approval of the request to add Methoxy Polyethylene Glycol-Epoetin Beta (Mircera) a different erythropoiesis-stimulating agent (ESA) to the approved formulary for delegated dispensing permit for dialysis drug or device distributors. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

### PRACTICE QUESTION(S)

A question was submitted regarding splitting insulin pens (5 paks) labeled “For Single Patient Use Only”, or test strips into a smaller quantity, or lancets into a smaller quantity. The Board commented that the individual should contact their own legal counsel.

Wisell provided an update to the Board regarding repackaging medications for long-term care facilities. There was a meeting amongst several stakeholders in February. The outcome was to have another meeting after internal discussions within the Department. It was determined that the Department views Neb. Rev. Stat. §38-28,107 as the law allows pharmacists to repackage medication for individuals and for long-term care facilities but doesn't require them to. The Nebraska Pharmacists Association (NPA) is getting a workgroup together on this issue.

### BOARD CRITERIA WHEN REVIEWING APPLICATIONS

The Board members did not change the criteria previously established for applications that need board review.

### REGULATIONS UPDATE AND APPROVAL

#### 172 NAC 128 (Pharmacy Personnel)

The Board discussed several changes. Beck moved, seconded by Svoboda, to approve 181 NAC 7 draft regulations with discussed changes. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

#### 175 NAC 8 (Pharmacies)

The Board recommended removing 007.04(A) and 007.04(B). Beck moved, seconded by Gollner, to approve 175 NAC 8 draft regulations as corrected. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

#### 172 NAC 131 (Wholesale Drug Distributors)

Gollner moved, seconded by Saunders, to approve 172 NAC 131 draft regulations as presented. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

#### 181 NAC 6 (Cancer Drug Repository Program)

Gollner moved, seconded by Svoboda, to approve 181 NAC 6 draft regulations as presented. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

181 NAC 7 (Immunosuppressant Drug Repository Program)

Beck moved, seconded by Svoboda, to approve 181 NAC 7 draft regulations as presented. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: None. Motion carried.

**2019 NATIONAL ASSOCIATIONS OF BOARDS OF PHARMACY (NABP) PROGRAM REVIEW AND TRAINING SESSION – JUNE 18-19, 2019 IN MOUNT PROSPECT, IL**

Cushman or Apking will try attending this training.

**NABP ANNUAL MEETING – MAY 16-18, 2019 IN MINNEAPOLIS, MN**

Beck, Gollner, Svoboda and Saunders are interested in attending the NABP Annual meeting in May. Svoboda will let staff know if she is able to attend.

The next Board of Pharmacy meeting is scheduled for May 13, 2019.

**ADJOURNMENT**

Gollner moved, seconded by Beck, to adjourn the meeting at 2:05 p.m. Voting aye: Beck, Dunbar, Gollner, Saunders, and Svoboda. Voting nay: none. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Kenneth Saunders, R.P., Secretary  
Board of Pharmacy