

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
March 19, 2018

ROLL CALL

Kenneth Saunders, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:02 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27th Street, 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:

Kenneth Saunders, R.P., Chair
Sabrina Beck, R.P., Vice-Chair
Patricia Gollner, R.P.
Charlene Dunbar, Secretary

A quorum was present and the meeting convened.

Also present were: Jennie King, R.P., Pharmacy Inspector; Dean Willson, R.P., Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Teresa Hampton, Department Attorney; Sharon Fitts, Investigator; Larry Wiehn, Investigator; Jeff Newman, Investigator; Dennis Scott, Program Manager for Investigations; and Anna Harrison, RN, BSN, Compliance Monitor.

Saunders 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

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

Additions, Modification, Reordering

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

Benjamin Foltz – Pharmacy Technician application
Shannon Thomas – Pharmacy Technician application
Lori Schultz – Pharmacy Technician application
Nebraska Medicine Alternate Site – Pharmaceutical Care Agreement (PCA)

Adoption of Consent Agenda

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

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

Beck moved, seconded by Gollner, to go into closed session at 9:07 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, and Saunders. Voting nay: none. Motion carried.

Beck recused herself at 9:09 a.m.
Beck returned to the meeting at 9:19 a.m.

Hampton joined the meeting at 9:59 a.m.

Gollner moved, seconded by Beck, to open the session at 12:16 p.m. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: none. Motion carried.

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APPROVAL OF MINUTES

November 20, 2017

Page 1: Middle of the page with the paragraph starting with "Kucera announced", change the word "here" to "her".

Page 2: Under Pharmacist Application(s) (1), 1st paragraph, 2nd line, change the "license" to "license".

Page 3: No changes.

Gollner moved, seconded by Beck, to approve the November 20, 2017 minutes as corrected. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (4) - CONSENT

The pharmacy technician application of Shanelle Farmer was approved through the consent agenda.

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

Beck moved, seconded by Gollner, to recommend issuing the pharmacy technician registration of Shannon Thomas. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: None. Motion carried.

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

Pharmacy Technician Reinstatement Application(s) (1)

Gollner moved, seconded by Beck, to recommend reinstating the pharmacy technician registration of Cara Lee on probation for five (5) years with the following probationary terms and conditions: 1) Abstain from alcohol, 2) Abstain from controlled substances unless prescribed by a treatment provider, 3) Submit to random body fluid screens, 4) Comply with all treatment recommendations, 5) Cause current employer to submit quarterly reports to the Department, and 6) Standard probationary terms and conditions for individuals with substance use disorders. The basis for this recommendation is past disciplinary action against Ms. Lee's pharmacy technician registration. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: None. Motion carried.

Pharmacist Application(s) (2) - CONSENT

The pharmacist applications of Scott Huft, RP and Kenneth Pettengill, RP were approved through the consent agenda.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION, CONTINUED

E-Mail Ballot(s) Since the Last Meeting

Since the last meeting, the Board voted via e-mail ballot to issue a pharmacy technician registration to Jenna Gouger on January 4, 2018.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (21) – CONSENT

The Board reviewed the Nebraska Medicine Alternate Site Pharmacy's pharmaceutical care agreement. Beck commented that Nebraska Medicine Alternate Site Pharmacy submitted their procedures but not their protocols. Staff will request a copy of their protocols for the review at the Board of Pharmacy's next meeting.

2018 LEGISLATION

The Board requested that Joni Cover, Nebraska Pharmacists Association (NPA) give a brief update on the 2018 Legislation.

LB 731 – Provide for licensure of remote dispensing pharmacies

This bill has been designated as the Health and Human Services priority bill.

LB 788 – Require continuing education for health care professional regarding opiate prescriptions

This bill could be amended into another bill.

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LB 834 – Provide waiver of certain occupational and licensing fees as prescribed

The NPA is not tracking this bill.

LB862 - Adopt the Prescription Drug Cost Transparency Act

The NPA is not tracking this bill.

LB 906 – Change provisions relating to Schedule I controlled substances

This bill was placed on general file and has been designated as a speaker priority bill. The bill should be on the legislative agenda for debate next week.

LB 923 – Provide immunity for certain law enforcement employees administering naloxone and change provisions relating to immunity for persons reporting or experiencing alcohol overdoses

This bill is also a speaker priority bill.

LB 931 – Provide requirements for opiate prescriptions

LB 933 and LB 934 have been amended into this bill.

LB 933 - Require identification prior to receipt of dispensed opiates

This bill has been amended into LB 931.

LB 934 - Require identification prior to receipt of dispensed opiates

This bill has been amended into LB 931.

Staff provided the Board members with updates on LB 1057 and LB 1127.

REPORTS ON TECH-CHECK-TECH STUDIES

Report from Bryan Medical Center Pharmacy Services

Tiffany Goeller, PharmD, RP, Pharmacy Manager provided a written report on Bryan Medical Center's Tech-Check-Tech study to the Board. Ms. Goeller pointed on some positives and requested that the Board extend the study for another year. The Board thanked Ms. Goeller for the report. Gollner moved, seconded by Beck, to extend approval of Bryan medical Center's Tech-Check-Tech study for another year and to continue to receive reports on the study. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: none. Motion carried.

PRACTICE QUESTION – ELECTRONIC SIGNATURES ON PRESCRIPTIONS

The Board reviewed the response from the Board of Medicine and Surgery regarding electronic signatures on prescriptions. Excerpt from the Board of Medicine and Surgery's December 1, 2018, meeting minutes:

The Board of Pharmacy had reviewed this same practice question regarding digital signatures and statements on the prescription that it was "electronically signed by prescriber name and credential". As a result of discussion, the Pharmacy Board asked for input from the Board of Medicine, and whether these electronically generated typewritten "signatures" are acceptable from their perspective in lieu of a traditional signature from the prescriber on prescriptions of legend drugs. Massey moved, seconded by Stull, that these types of signatures are generally viewed by practitioners as their authorization of prescriptions of legend drugs. Voting aye: Bittles, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth and Goodman. Motion carried.

Lueke provided an update regarding input on the practice question previously shared with the Board of Pharmacy. As a public attendee at the meeting, Joni Cover was present at the Board of Medicine Meeting on December 1, 2017, and offered two examples to board members asking, from their perspective, as a practitioner, whether they would consider the examples as prescriptions. Based on the examples provided to the Board of Medicine and Surgery members the Board of Pharmacy determined there was no correction to the minutes of November 20, 2017. The board's discussion confirmed that their view was applicable for prescriptions on non-controlled medications and that the pharmacist should use his or her professional judgment on whether to call and verify with the prescriber that the prescription is valid

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NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP)

NABP's 114th Annual Meeting - May 5-8, 2018 in Denver, CO

Gollner and Beck mentioned that they were interested in attending NABP's Annual Meeting. Staff will submit requests for out of state travel authorization.

NABP Travel Grant Information

Staff will submit the required information to NABP regarding the Travel Grant for the NABP's 114th Annual Meeting.

NABP Delegate Nomination and Certificate Information

Gollner moved, seconded by Saunders, to nominate Beck as the Nebraska Board of Pharmacy's voting delegate for NABP's 114th Annual Meeting. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: none. Motion carried.

APhA Institute on Alcoholism and Drug Dependencies – May 30 – June 3, 2018 in Salt Lake City, UT

Board members will let staff know if anyone would like to attend this meeting.

Dunbar mentioned that she was interested in attending the NABP 2018 Program Review and Training Session in Chicago, IL on June 26-27, 2018. Staff will submit a request for out of state travel authorization.

ELECTION OF OFFICERS

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

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

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

Board members questioned where the regulations were in the approval process. Staff mentioned that the draft regulations were under review by the Governor's Policy and Research Office.

ADJOURNMENT

Gollner moved, seconded by Dunbar, to adjourn the meeting at 1:20 p.m. Voting aye: Beck, Dunbar, Gollner, and Saunders. Voting nay: none. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Charlene Dunbar, Vice-Chair
Board of Pharmacy