

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

**NEBRASKA BOARD OF PHARMACY
CONFERENCE CALL MEETING MINUTES
August 10, 2020**

ROLL CALL

Kenneth Saunders, Chair, called the meeting of the Board of Pharmacy to order at 9:04 a.m. in the Licensure Unit Conference Room 1 of the State Office Building, located at 301 Centennial Mall South, 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
Absent: Todd Larimer, R.P., Vice-Chair – via telephone
Charlene Dunbar, Secretary
Angie Svoboda, R.P. – via telephone
Sabrina Beck, R.P. – via telephone

A quorum was present and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector (via telephone); and Dean Willson, R.P., Pharmacy Inspector (via telephone); Melissa Pollard, R.P., Pharmacy Inspector (via telephone); Jesse Cushman, Program Manager (via telephone); Vonda Apking, Health Licensing Coordinator; Teresa Hampton, Department Legal (via telephone); Anna Harrison, RN, BSN, Compliance Monitor (via telephone); and Kevin Borcher, R.P., Board of Health.

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

Dunbar 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, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

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

Larimer moved, seconded by Svoboda, to go into closed session at 9:06 a.m. for the purpose of review and discussion licensure application, 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.

Dunbar moved, seconded by Svoboda, to open the session at 9:31 a.m. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Mail Service Pharmacy Renewal Application(s) (2)

Svoboda moved, seconded by Beck, to recommend renewing the mail service pharmacy license #673 of Belmar Pharmacy. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Svoboda moved, seconded by Beck, to table the renewal application of the mail service pharmacy license #486 of Injured Workers Pharmacy, LLC. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

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REGULATIONS UPDATE

Cushman reviewed the 172 NAC 130 public hearing summary with the Board members. There were no changes made to 172 NAC 130 based on the public hearing. The Board members questioned whether they could impose disciplinary action based on an entity not reporting to the Nebraska Prescription Drug Monitoring Program (PDMP). In order to impose discipline for not reporting to the PDMP, there needs to be a statutory change. Other questions asked pertained to the requirement of providing the most recent inspection, can the inspection be a self-inspection or physical inspection. Cushman explained that greater oversight would require a statutory change. Larimer moved, seconded by Saunders, to adopt 172 NAC 130 regulations as revised. Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Cushman reviewed the 172 NAC 128 public hearing summary comments with the Board members. Cushman discussed the changes the Department made based on the comments submitted after the public hearing. The Board commented on the mention of the American Pharmacist Association (APhA) Code of Ethics in the regulations and whether the Board the authority to share the Code of Ethics. Cushman will verify the Department has the authority to share the APhA Code of Ethics that will be promulgated in the regulations. The Board suggested developing a guidance document to clarify "unprofessional conduct" item (I) and get input from the Board before publishing the guidance document. Dunbar moved, seconded by Beck to adopt 172 NAC 128 with the changes made and with the recommendation to develop guidance document to clarify section 008 (I). Voting aye: Beck, Dunbar, Larimer, Saunders, and Svoboda. Voting nay: none. Motion carried.

Cushman reviewed the 175 NAC 8 public hearing summary comments with the Board members. Cushman discussed the changes the Department made based on the comments submitted after the public hearing. The Board mentioned that the Pharmacy Quality Assurance Report (PQAR) needs updated and will become a guidance document. The Board will have input on this guidance document. The Board suggested changing section 005.06 title to read "Death of a Licensee"; under 006.01A add the word "safely"; and to make changes to clarify 006.02.

Saunders left the meeting at 12:22 p.m.

Larimer moved, seconded by Svoboda, to adopt 175 NAC 8 as revised and the recommendation to develop guidance documents for section 6 and for the inspection requirements. Voting aye: Beck, Dunbar, Larimer, and Svoboda. Voting nay: none. Absent: Saunders. Motion carried.

Final Hearing Summaries were sent to the Board members and interested parties in a separate communication and a copy of the hearing summaries is available upon request.

PRACTICE QUESTION

Joe Acierno, MD, JD, VP, Compliance; Privacy and HIPAA Officer for Amber Pharmacy presented a questions to the Board regarding whether a Hy-Vee central fill pharmacy located in Iowa would need a mail service pharmacy license to deliver prescription medications directly to consumers in Nebraska. Several individuals gave an overview and background of the central fill pharmacy processes the prescriptions. Hy-Vee Pharmacy is hoping that the central fill pharmacy would be able to deliver the prescription medication directly to the Nebraska consumers. Currently the prescription medications are mailed back to the original pharmacy to be delivered to the Nebraska consumer. The Board questioned which pharmacy reports to the Nebraska Prescription Drug Monitoring Program (PDMP). It was explained that the original pharmacy does the reporting to the PDMP. Larimer moved, seconded by Svoboda, to recommend no action at this time because there is no statutory authority to allow a central fill pharmacy to mail prescription medication directly to Nebraska consumers without having a Nebraska Mail Service Pharmacy permit. Voting aye: Beck, Dunbar, Larimer, and Svoboda. Voting nay: none. Absent: Saunders. Motion carried.

ADJOURNMENT

Svoboda moved, seconded by Beck, to adjourn the meeting at 1:15 p.m. Voting aye: Beck, Dunbar, Larimer, and Svoboda. Voting nay: none. Absent: Saunders. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Charlene Dunbar, Secretary
Board of Pharmacy