

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
May 11, 2015

ROLL CALL

Jennifer King, R.P., Chair, called the meeting of the Board of Pharmacy to order at 8:30 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:

Jennifer King, R.P., Chair
Patricia Gollner, R.P., Vice-Chair
Michael Losee, Secretary
Kenneth Saunders, R.P.
Robert Marshall, R.P.

A quorum was present and the meeting convened.

Also present were: Julie Agena, Assistant Attorney General; Mike Rueb, R.P., Pharmacy Inspector; Gary Cheloha, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Kevin Griess, Department Legal; Jeff Newman, Investigator; Kathleen Krueger, Investigator; Mendy Mahar-Clark; Investigator; Jessica Bowman, Investigator; and Peggy Persell, Program Manager, Investigations Unit.

King 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

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

Additions, Modification, Reordering

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

Alexe Anderson – Pharmacy Technician application
Amanda Forsman – Pharmacy Technician application
Ariel Payne – Pharmacy Technician application
Daniel Terry – Pharmacy Technician application
Margaret Araujo – Pharmacy Technician application
Katherine McCurdy – Pharmacy Technician application
Heather Binns – Pharmacy Technician reinstatement application
Heather Falcone – Pharmacy Technician reinstatement application
Agropec Trading, Inc. dba Allivet – Mail Service Pharmacy renewal application

Adoption of Consent Agenda

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

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

Losee moved, seconded by Gollner, to close the session at 8:34 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

Griess left the meeting at 9:09 a.m.

King recused herself from the meeting at 9:14 a.m.
King returned to the meeting at 9:18 a.m.

Saunders recused himself from the meeting at 9:18 a.m.
Saunders and Griess rejoined the meeting at 9:30 a.m.

Griess left the meeting at 9:57 a.m.
Griess rejoined the meeting at 10:13 a.m.

Marshall moved, seconded by Losee, to open the session at 10:47 a.m. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

March 9, 2015

Page 1: Identify King as calling roll call in the first paragraph.

Page 2: No changes.

Page 3: No changes.

Page 4: Under LB471 – Change provisions relating to prescription drug monitoring, add language reflecting that Marshall provided testimony as an individual pharmacist in support of this bill.

Page 5: Under the first paragraph, line 2, add the word “marijuana” after the word “treat”; Under REQUEST FOR CLARIFICATION REGARDING THE BOARD’S POSITION ON LB567, last sentence change the word “does” to ‘do’ and insert the words “non-controlled substances” before the word “prescriptions”.

Page 6: Under Opinion of the Board Regarding Pharmaceutical Care Agreements and Adjusting Medication versus Prescribing New Medication – Board Response, last paragraph, line 3, capitalize the word “management”; and in line 4, add the letter “s” to the word “order”.

Page 7: No changes.

Page 8: Under 2016 District V Meeting Planning, second paragraph, change to word “Board” to the word “Department”.

Marshall moved, seconded by Losee, to approve the March 9, 2015 minutes as corrected. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s)

Gollner moved, seconded by Saunders, to recommend a five year probationary registration to Alexe Anderson. The basis for probationary registration is prior alcohol and substance abuse issues. The probationary terms and conditions should include but not limited to body fluid screens, follow treatment recommendations, and standard terms and conditions used when there is evidence of alcohol and substance abuse issues. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Saunders, to recommend issuing a pharmacy technician registration to Amanda Forsman. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Losee, to recommend issuing a pharmacy technician registration to Ariel Payne. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Gollner, to recommend issuing a pharmacy technician registration to Katherine McCurdy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Losee moved, seconded by Gollner, to recommend issuing a pharmacy technician registration to Daniel Terry. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Gollner moved, seconded by Losee, to deny the pharmacy technician registration application of Margaret Araujo. The basis for this denial is misrepresentation of material facts in procuring a credential. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Pharmacy Technician Reinstatement Application(s)

No additional action needed on the reinstatement applications of Heather Binns and Heather Falcone.

Pharmacist Application(s) - CONSENT

Mail Service Pharmacy Application(s) - CONSENT

Mail Service Pharmacy Renewal Application(s) - CONSENT

Saunders moved, seconded by Losee, to recommend approval of the mail service pharmacy renewal application of Agropec Trading Inc. dba Allivet. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

PHARMACY TECHNICIAN MANUAL(S) – CONSENT

REVIEW OF PHARMACEUTICAL CARE AGREEMENTS – CONSENT

UPDATE ON 2015 LEGISLATION

LB37 - Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions

This bill was approved by the Governor on March 18, 2015 and will become effective 90 days from the last day of the legislative session.

LB115 - Prohibit certain actions related to social security numbers

No discussion on this bill.

LB189 - Change provisions and penalties relating to marijuana and alphabetize definitions

No discussion on this bill.

LB264 - Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training, or experience

No discussion on this bill.

LB332 - Appropriate funds for the statewide prescription drug disposal project

This bill was amended into the budget

LB342 - Permit insurers to contract for pharmacist professional services

No discussion on this bill.

LB369 - Change provisions relating to impaired credential holders under the Uniform Credentialing Act

No discussion on this bill.

LB390 - Provide for the medical use of cannabidiol as prescribed and create the Medical Cannabidiol Pilot Study

No discussion on this bill.

LB452 - Change provisions relating to advertisement by credential holders

No other discussion on this bill.

LB471 - Change provisions relating to prescription drug monitoring

Marshall commented that after the Board meeting in March, Senator Howard met with prescription drug monitoring interested parties. Dr. Joseph Acierno, Director of the Division of Public Health, Nebraska Department of Health and Human Services and Becky Wisell, Administrator, Licensure Unit were in attendance. Senator Howard could not support a prescription drug monitoring program developed by the Nebraska Health Information Initiative (NEHii). Dr. Acierno held a separate meeting to discuss applying for a grant that would enhance an existing prescription drug monitoring program such as NEHii, in which the Board nor Senator Howard was invited to attend. However, Senator Howard's Legal Aide did attend that meeting.

Marshall moved, seconded by Saunders, to send letters to Courtney Phillips, CEO of the Nebraska Department of Health and Human Services, and to Governor Ricketts explaining that the Board of Pharmacy supports having a prescription drug monitoring program that is similar to other states. The Board was disappointed with the Department for not including them in the discussion at the meeting held by Dr. Acierno. The Board requested sending a copy of the letters to the following entities: All Nebraska professional boards of prescribers, the Nebraska Pharmacists Association (NPA), the Nebraska Medical Association (NMA), and to the National Association of Boards of Pharmacy (NABP). Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

LB546 - Authorize administration of naloxone as prescribed

No discussion on this bill.

LB567 - Permit transfer of prescription information between pharmacies as prescribed

No discussion on this bill.

LB643 - Adopt the Cannabis Compassion and Care Act

There are several marijuana bills. Governor Ricketts commented that he would veto any bills on marijuana.

CLARIFICATION REGARDING LB37

Anticipatory Compounding

The following questions was received regarding anticipatory compounding:

With the passing of LB37, I have a question I was hoping to get the position from the Board on. Section 45 describes the limits of compounding and states that compounding must be as a result of a medical order. This would prevent an institution from performing any anticipatory compounding such as procedural irrigations. This would also prevent the reusing of an IV that was originally made for a different patient, but returned to the pharmacy. I would like the Boards opinion on anticipatory compounding as this change will add significant costs to institutions.

The Board discussed that this type of compounding is allowable under the Food and Drug Administration (FDA) 503A guidelines. King will help write a response letter. The Board will approve the response at the next meeting.

Board Certification of Pharmacy Technicians

Marshall commented that there should not be different levels of pharmacy technicians.

RULES AND REGULATIONS SUBCOMMITTEE

Lueke explained that the Board should appoint a subcommittee to address the rewriting of regulations and also implementing changes from LB37 legislation. The following people are interested in being on the subcommittee: Charlie Krobot, RP Ron Hospodka, RP, Sam Augustine, RP, Kevin Borchert, RP, Joni Cover, Marcia Mueting, RP, Mike Rueb, RP, and Dean Willson, RP. The Subcommittee will try to meet at least twice before the July Board of Pharmacy meeting. Marshall moved, seconded by Gollner, to have King and Lueke determine who will be subcommittee members. The purpose of the subcommittee will be to review current pharmacy regulations and make updates as needed. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

FEDERAL TRADE COMMISSION VS. NORTH CAROLINA DENTAL BOARD SUPREMEM COURT OPINION – HOW DOES THIS OPINION AFFECT NEBRASKA BOARDS?

Department Legal and the Attorney General's office have developed a response and will provide it to the Boards once the Director of Public Health has approved the response.

FDA INTERGOVERNMENTAL MEETING ON COMPOUNDING REPORT (LUEKE AND WILLSON)

Willson provided a report regarding the meeting. Topics of interest were Compounding Issues, Outsourcing Facilities Registration, and Memorandums of Understanding. There was information sharing amongst attendees and there was some discussion regarding animal drug compounding. The slides from this meeting will be available on the FDA's website. The FDA is requesting comments regarding biologics. Comment period closes June 19, 2015.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

Domain Names in .pharmacy gLTD for Member Boards of Pharmacy

Marshall moved, seconded by Saunders, to submit an application to NABP regarding a domain name for the Nebraska Board of Pharmacy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall will help Department staff with the application.

Annual Meeting – May 16-19, 2015 – New Orleans, LA – Voting Delegate and Travel Grant Information

Department approval was received for the five Board members and for two staff to attend the annual meeting. King was designated as the voting delegate and Saunders as the alternate voting delegate back at the January 2015 meeting.

2016 District V Meeting Planning

Marshall mentioned that he has been working with the Courtyard Marriott to finalize the meeting space.

Gollner, Saunders, and Losee are interested in attending the District V meeting scheduled for August 6-8, 2015, in Fargo, ND. Staff will submit requests for travel authorization.

ADJOURNMENT

Marshall moved, seconded by Losee, to adjourn the meeting at 12:53 pm. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Michael Losee, Secretary
Board of Pharmacy