

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
May 23, 2016

ROLL CALL

Patricia Gollner, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 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:

Patricia Gollner, R.P., Chair
Kenneth Saunders, R.P., Vice-Chair
Robert Marshall, R.P., Secretary

A quorum was present and the meeting convened.

Also present were: Mike Rueb, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Jennifer King, RP, Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Teresa Hampton, Department Legal; Jeff Newman, Investigator; Kathleen Kruger, Investigator; Sherri Lovelace, Investigator; Susan Aerni, Investigator; and Larry Wiehn, Investigator.

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

Marshall explained that Jennifer King, RP has accepted a Pharmacy Inspector position with the Department. Her first day was April 25, 2016. The Board thanked Ms. King for her service to the Board and wished her luck in her new position with the Department.

Additions, Modification, Reordering

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

Alan Kruger – Pharmacist application
Curtis Waldvogel – Pharmacist application
Scot Surber – Pharmacist application
Total Pharmacy Supply – Wholesale Drug Distributor Application

Adoption of Consent Agenda

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

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

Marshall moved, seconded by Saunders, to close the session at 9:07 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Gollner, Marshall, and Saunders. Voting nay: none. Motion carried.

Courtney Phillips joined the meeting at 9:20 a.m.

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Lisa Anderson joined the meeting at 9:30 a.m.

Phillips and Anderson left the meeting at 9:46 a.m.

Hampton left the meeting at 10:40 a.m.

Anderson returned to the meeting at 10:40 a.m.

Anderson left the meeting at 11:33 a.m.

Marshall moved, seconded by Saunders, to open the session at 11:58 a.m. Voting aye: Gollner, Marshall, and Saunders. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

March 21, 2016

Page 1: No changes.

Page 2: No changes.

Page 3: Under DRUG QUALITY AND SECURITY ACT (DQSA) – LETTER REGARDING COMPOUNDED AND REPACKAGED MEDICATIONS FOR OFFICE-USE, delete the second sentence.

Page 4: No changes.

Marshall moved, seconded by Saunders, to approve the March 21, 2016 minutes as corrected. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall volunteered to write a letter of appreciation to Jennifer King, RP.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) 4)

Marshall moved seconded by Gollner, to recommend issuing a pharmacist license to Alan Kruger upon meeting all requirements for licensure. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Saunders moved, seconded by Gollner, to postpone action on Curtis Waldvogel's pharmacist license application for a pre-licensure investigation. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved seconded by Saunders, to recommend issuing a pharmacist license to Scot Surber upon meeting all requirements for licensure. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Pharmacist Reinstatement Application(s) – (1) - CONSENT

Pharmacy Technician Application(s) – (2) – CONSENT

Reinstatement After Discipline – Pharmacist Intern (1)

Marshall moved, seconded by Saunders, to recommend reinstating the pharmacist intern registration of Dan Truong without probationary terms and conditions. Voting aye: Gollner, Marshall, and Saunders. Voting nay: Marshall. Motion carried.

Reinstatement After Discipline – Pharmacist (2)

Saunders moved, seconded by Marshall, to recommend reinstating Richard Upton's pharmacist license on probation for five (5) years. Probationary terms and conditions should include abstaining from drugs and alcohol, submit to body fluid screens, follow all treatment recommendations including support groups meetings, cannot be pharmacist-in-charge, and any standard terms and conditions required for individuals having a diagnosis. Voting aye: Gollner, Marshall, and Saunders. Voting nay: Marshall. Motion carried.

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Marshall moved, seconded by Saunders, to recommend removing all of the probationary terms and conditions currently imposed on the pharmacist license of Patrick Galuski, RP. Voting aye: Gollner, Marshall, and Saunders. Voting nay: Marshall. Motion carried.

Wholesale Drug Distributor Application(s) – (1)

Marshall moved, seconded by Saunders, to postpone action on the wholesale drug distributor application of Total Pharmacy Supply, Inc. for additional information. Voting aye: Gollner, Marshall, and Saunders. Voting nay: Marshall. Motion carried.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (1) – CONSENT

REGULATIONS UPDATE

Lueke provided the Board members with an update on the regulations explaining that both chapters of regulations have been submitted to Department Legal for review. Once they are acceptable then they will be forwarded onto the Governor's Policy Research office for their review. Lueke will keep the Board members informed of where the regulations are in the process.

LEGISLATION UPDATE

Hospital Pharmacy Quality Assurance Report

Lueke reported that the Facilities area sent out a survey to 104 hospitals and have received all but 11 of them back. Facility surveyors will receive training from Centers for Medicare and Medicaid Services in order to inspect the Pharmacy Departments in a hospital.

2016 Legislation Passed Since Last Meeting

LB 680 - Change requirements for pharmacy technicians

Approved by the Governor on April 6, 2016 – Effective immediately due to an emergency clause

LB 804 - Adopt the Investigational Drug Use Act

Indefinitely postponed on April 20, 2016

LB 471 - Change provisions relating to prescription drug monitoring provisions and create the Veterinary Prescription Monitoring Program Task Force

Approved by the Governor on February 24, 2016

Marshall volunteered to write a letter to Deb Bass, Executive Director of Nebraska Health Information Initiative for getting stakeholders together to begin implanting

LB 901 – Change in dental assistant and licensed dental hygienist provisions

Indefinitely postponed on April 20, 2016

LB 979 – Provide for Selection of Interchangeable Biological Products by Pharmacists

Indefinitely postponed on April 20, 2016

LB 980 - Change Penalty Provisions for Certain Violations Relating to or Committed by Persons Experiencing or Witnessing a Drug Overdose

Indefinitely postponed on April 20, 2016

LB 1009 - Prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade Practices Act

Approved by the Governor on March 30, 2016 – Effective immediately due to an emergency clause

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LB 1060 - Adopt the Pharmacy Benefit Fairness and Transparency Act and provide duties for the Director of Insurance

Indefinitely postponed April 20, 2016

LB 859 - Change cease and desist orders under the Uniform Credentialing Act

Approved by the Governor on March 9, 2016 – Effective immediately due to an emergency clause

LB 567 - Permit transfer of prescription information between pharmacies as prescribed

Approved by the Governor on April 6, 2016

Pharmacy Technician Certification – LB 680

Pharmacy Technicians registered prior to 1/1/2016 will need to be certified before 1/1/2017 and pharmacy technicians registered after 1/1/2016 need to be certified within one year of issuance. The Board has approved the Pharmacy Technician certification program offered by the University of Nebraska Medical Center, the Nuclear Pharmacy Technician training program on Cardinal Health, the Pharmacy Technician Certification Board (PTCB) examination, and the Examination for the Certification of Pharmacy Technician (ExCPT) given by the National Healthcareer Association.

PHARMACY TECHNICIAN CERTIFICATION

Certification Requirements for Surrounding States

The Board reviewed pharmacy technician certification requirements for surrounding states. Each state has different requirements. Gollner explained that pharmacy technician certification was a topic of discussion at the National Association of Boards of Pharmacy (NABP) annual meeting.

Draft Criteria for State or National Pharmacy Technician Certification

Lueke described the draft criteria document to the Board. This was start a starting place so that the Board could use the criteria when reviewing pharmacy technician certification programs before approving them. Judy Neville, UNMC, provided the Board with some statistics of the UNMC pharmacy technician certification program and a copy of the actual certificate. Marcia Mueting, RP, Nebraska Pharmacists Association (NPA) explained that PTCB will beginning requiring education to take their examination in 2020.

REQUEST TO APPROVE THE NUCLEAR PHARMACY TECHNICIAN TRAINING FOR STATE CERTIFICATION BY SOUTHEAST COMMUNITY COLLEGE

Elina Pierce, MSP, CPhT, Southeast Community College – Pharmacy Technician Program, presented Southeast Community College’s Pharmacy Technician training program to the Board and requested approval of the first three quarters of their program as proof of state certification as required by LB 37. Gollner moved, seconded by Marshall, to approve the first three quarters of Southeast Community College’s Pharmacy Technician Program as an option for Pharmacy Technician Certification. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall would like to discuss the draft criteria document at the July meeting.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

NABP Annual Meeting Report – May 14-17, 2016 in San Diego, CA

Gollner discussed some the topics of discussion from the NABP Annual Meeting. Topics of discussion included pharmacist having prescriptive authority, United State Pharmacopeia (USP) 800, labels for dietary supplements, webinars for USP 795 and 797 which will be discounted for Board members, and NABP Verified Internet Pharmacy Practice Sites (VIPPS) program. Gollner commented that the presentation by the criminologist explained how criminals pick pharmacy locations that they rob. Marshall mentioned that

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there are 40 states participating in NABP's Prescription Monitoring Program InterConnect. Some state require pharmacists to check daily and/or weekly.

2016 District V Meeting Planning

Marshall explained meeting is being finalized and he provided the Board with a tentative meeting schedule.

UPDATE ON BOARD MEMBER APPOINTMENTS BY THE BOARD OF HEALTH

Apking explained that the Board of Health staff has received 4 applicants from hospital pharmacists and mailed out 2 others. However, they have not received any applications for consumer member.

ADJOURNMENT

Saunders moved, seconded by Marshall, to adjourn the meeting at 1:49 p.m. Voting aye: Gollner, Marshall, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Kenneth Saunders, Vice-Chair
Board of Pharmacy