

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
November 9, 2015

ROLL CALL

Jennifer King, R.P., Chair, called the meeting of the Board of Pharmacy to order at 8:32 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; Dean Willson, Jr., R.P., Pharmacy Inspector; Gary Cheloha, RP, Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Kevin Griess, Department Legal; and Jeff Newman, Investigator.

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 agenda items 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:

Kelli Meyer – Pharmacy Technician application

Adoption of Consent Agenda

Losee moved, seconded by Marshall, 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

Marshall moved, seconded by Losee, to close the session at 9:05 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 9:05 a.m.
Griess rejoined the meeting at 9:26 a.m.

Marshall moved, seconded by Losee, to open the session at 10:03 a.m. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

September 28, 2015

Page 1: No changes.

Page 2: No changes.

Page 3: No changes.

Page 4: Under CONSIDERATIONS FOR IMPLEMENTING LB 37; line 1, change the word “Memo’s” to “memos” and the “licensee’s” to “licensees”; under PRACTICE QUESTION(S); line 1, change the word “the” to “a”, delete the words “retained such” and add the word “dispensed”; line 2, delete the words “until they could be replaced”; line 3, change the word “Chart” to “chart”.

Page 5: Correct the spelling of “Certification” in the second title; and under Report from District V Meeting – August 6-8, 2015 – Fargo, ND, line 1, change the word “were” to “including”.

Page 6: No changes.

Marshall moved, seconded by Saunders, to approve the September 28, 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) – (4)

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

REVIEW OF PHARMACEUTICAL CARE AGREEMENTS – CONSENT

REGULATIONS DEVELOPMENT

175 NAC 8 – Pharmacy Licensure

Ron Hospodka, RP, Creighton University, suggested several changes. The Board requested that changes be completed and the regulations brought back for approval at the next meeting.

172 NAC 128 – Pharmacy Personnel Licensure

Lueke mentioned that there were some template changes to 172 NAC 128.

PROPOSED PHARMACY TECHNICIAN CERTIFICATION PROGRAM (UNMC)

Judith Neville, Director, Pharmacy Technician Program, UNMC, provided the Board with an outline of UNMC’s Pharmacy Technician Certification Program. Ms. Neville explained that the program will allow flexibility to the pharmacy technicians, allowing a technician to be certified exclusively in their area of practice, e.g., community pharmacy or hospital pharmacy. Marshall moved, seconded by Saunders, to approve the UNMC Pharmacy Technician Certification Program as an option for Pharmacy Technician Certification. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

PHARMACY TECHNICIAN STUDY WAIVER REQUEST – NEBRASKA MEDICINE

The Board reviewed the Pharmacy Technician Study Waiver request. Gollner moved, seconded by Losee, to approve the request to waive the pharmacy technician ratio for a pharmacy technician study submitted by Nebraska Medicine. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

NEBRASKA COMMUNITY PHARMACY DEMOGRAPHIC 2015 REPORT

The Board reviewed the information provided and requested that Dr. Galt provide a presentation at the January meeting.

NEBRASKA PHARMACIST ASSOCIATION (NPA) DRUG DISPOSAL PROJECT UPDATE – KRISTEN ANDERSON, PROJECT COORDINATOR

Marcia Mueeting, RP, provided the Board with an update on NPA's Drug Disposal Project. There are 175 participants outside Lancaster County. Envelopes are being provided for controlled substances returns. The Board requested another update in 2016.

PRACTICE QUESTION(S)

Can a Pharmacist Provide Medication Therapy Management Outside the Pharmacy Setting?

The Board discussed this question and it is the opinion of the Board that medication therapy management is the practice of pharmacy, but that it does not need to be practiced within a licensed pharmacy. Saunders will draft a Board response and bring back to the January meeting. Staff will contact National Association of Boards of Pharmacies (NABP) regarding a correction to the Survey of Pharmacy Law.

PRACTICE QUESTION(S) – BOARD RESPONSES

The Board discussed the proposed response presented by Saunders regarding Dr. Wohleb question "Can a pharmacist provide collaborative practice of care (transition of care) from a Chart order to the retail location (either within the organization or outside the organization)?". Marshall moved, seconded by Losee, to approve the response submitted by Saunders. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

The Board's response is attached to the minutes.

The Board discussed the proposed response presented by King regarding Dr. Mitchell's question "Medical Staff are reluctant to send back or destroy outdated, distributed or administered medications if the pharmacy could not replace it and there wasn't really a suitable therapeutic alternative available. Is there a recommended practice without being in violation if the pharmacy retained such meds until they could be replace? Manufacturers sometimes have data collected on their drugs which show stability long after the FDA required maximum storage is exceeded.". The Board suggested adding some clarification. Gollner moved, seconded by Saunders, to approve the response submitted by King with the Board's suggested changes. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

The Board's response is attached to the minutes.

ADVERSE EVENT REPORTING FOR OUTSOURCING FACILITIES UNDER SECTION 503B OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (FDA)

Viewed as informational with no discussion at this time.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES

Compliance Officer and Legal Counsel Forum Meeting

Rueb and Griess will be attending.

MPJE Program Updates 2016

Viewed as informational with no discussion at this time.

Marshall provided an update on the planning of the August 2016 District V Meeting in Lincoln.

Sam Augustine mentioned to the Board that this will be Ron Hospodka's last Board of Pharmacy meeting as his is going to retire just before Thanksgiving. Marshall moved, seconded by Gollner, acknowledging profound gratitude to Mr. Hospodka's contribution and overall knowledge within the pharmacy regulatory arena. Mr. Hospodka's dedication to the profession and his students, and his expert guidance to the Board, will be greatly missed. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

ADJOURNMENT

Saunders moved, seconded by Losee, to adjourn the meeting at 12:31 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