

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
May 20, 2024

ROLL CALL

Charles Tomlinson, R.P., Chairperson, called the meeting of the Board of Pharmacy to order at 9:02 a.m. in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska. The meeting was conducted In-Person and by WebEx. The following Board members answered the roll call:

Todd Larimer, R.P., Chairperson
Sabrina Beck, R.P., Vice-Chairperson
Charles Tomlinson, R.P., Secretary
Kenneth Kester, R.P., J.D.
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; John Hayes, R.P, Vonda Apking, Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Heather Ord, Health Licensing Coordinator, Mindy Lester, Assistant Attorney General; Vincent Schiffrano, Law Clerk; Teresa Hampton, Department Attorney; Anna Harrison, RN, BSN, Compliance Monitor; Jeff Newman, Investigator.

Larimer 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted on the Bulletin Board at the main entrance of the NSOB (Nebraska State Office Building) 14th & M Streets on February 22, 2024 and revision posted February 29, 2024.

REVIEW OF AGENDA

Adoption of Agenda

Tomlinson 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, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Additions, Modification, Reordering

Adoption of Consent Agenda(s)

The Board requested that the following applications be removed from the Consent Agenda:

Chavez, Alicia – Pharmacy Technician Application
Hughes, Amber – Pharmacy Technician Application
Moten, Stephanie – Pharmacy Technician Application
Maddox, Tanner - Pharmacist Intern Application
Hammerschmidt, Shannon – Pharmacist Reinstatement Application

Klein moved, seconded by Kester, to approve the adoption of the Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board requested that the following applications be removed from the Pharmaceutical Care Agreements Consent Agenda:

CHI Health – NE Signatures 4-8-2024 to 4-11-2024
CHI Health NE Signatures 4-12-2024
Diabetes Pharmacy Service Protocol – CHI Health
Second Addendum to CPA (add Provider – C. Weeks) - ACEP

Klein moved, seconded by Kester, to approve the Pharmaceutical Care Agreement Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

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

Tomlinson moved, seconded by Kester, to go into closed session at 9:09 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, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Board Break 10:29 a.m.
Board Returned 10:40 a.m.

Board Break 11:54 a.m.
Board Returned 12:06 p.m.

The Board returned to open the session at 12:08 p.m.

APPROVAL OF MINUTES – OPEN SESSION

Kester moved, seconded by Klein, to approve the March 4, 2024, minutes with adding “testing” on page 3. To now state “LB1325 – Allow pharmacists and local public health departments to distribute fentanyl **testing** strips as prescribed...”. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Registration Application(s) (4)

CHAVEZ, ALICIA - Application to practice as a Pharmacy Technician - Tomlinson moved, seconded by Beck to recommend approval of the application of the Pharmacy Technician Registration. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

RIEK, NYANYAK - Application to practice as a Pharmacy Technician - Klein moved, seconded by Kester to recommend the denial of the application of the Pharmacy Technician Registration on the basis of her criminal history. Assault in the 3rd degree which is a class 1 misdemeanor on or about August 30, 2014; Driving under suspension/before reinstated state violation which is a class 3 misdemeanor on or about May 23, 2017; Driving under the influence (DUI) with cause of serious bodily injury to another person which is a class 3A felony on or about August 13, 2017; Driving under suspension/before reinstated violation which is a class 3 misdemeanor on or about June 27, 2021; Driving under suspension/before reinstated state violation which is a class 3 misdemeanor on or about July 22, 2023. Voting aye: Beck, Kester, Klein, Larimer. Voting nay: None. Absent: None. Abstain: Tomlinson. Motion carried.

HUGHES, AMBER -Application to practice as a Pharmacy Technician – Larimer moved, seconded by Kester to table the application of the Pharmacy Technician Registration for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

MOTEN, STEPHANIE - Application to practice as a Pharmacy Technician – Beck moved, seconded by Klein to recommend approval of the application of the Pharmacy Technician Registration. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Pharmacy Intern Application(s) (1)

MADDOX, TANNER - Application to practice as a Pharmacy Intern – Beck moved, seconded by Klein to recommend approval of the application of the Pharmacy Intern application. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Pharmacist Reinstatement Application(s) (1)

HAMMERSCHMIDT, SHANNON – Reinstatement Application to practice as a Pharmacist – Beck moved, seconded by Klein to recommend approval of the application for pharmacist reinstatement application on probation for 2 years with standard probationary terms and conditions including random body fluids screens, and she cannot be the Pharmacist-in-Charge of any pharmacy located in Nebraska. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (3)

- CHI Health – NE Signatures 4-8-2024 to 4-11-2024 – Only provided protocols with no signatures.
- CHI Health – NE Signatures 4-12-2024 – Only provided protocols with no signatures.
- Diabetes Pharmacy Service Protocol – CHI Health – Only provided protocols with no signatures.
- Second Addendum to CPA (add provider – C. Weeks)-ACEP – PA does not have prescribing authority.

LEGISLATION UPDATE

LB1035 - Adopt the Prescription Drug Donation Program Act

Approved by the Governor on April 15, 2024

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB1035.pdf>

NOTE: Klein is going to collaborate with the Department on **LB1035**.

LB1215 – Adopt the Dietitian Licensure Compact and the Physician Assistant (PA) Licensure Compact, change provisions relating to prescriptions, death certificates, credentialing of barbers, nurses, pharmacies, pharmacy professionals, and certain health care facilities and services, treatment of individuals with communicable tuberculosis, and telehealth consultations, and provide for abstracts of death and coverage under the medical assistance program for certain breast pumps and lactation visits

PLEASE NOTE: LB1138, LB1171, and LB1181 were all amended into LB1215.

Approved by Governor on April 2, 2024

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB1215.pdf>

PRACTICE QUESTION: DOES THERE NEED TO BE A CHANGE IN PIC IF SOMEONE IS ON MATERNITY LEAVE OR VACATION?

Name: Marcia Mueting, PharmD, Nebraska Pharmacists Association (NPA), CEO

Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516

Business: Nebraska Pharmacists Association (NPA)

Dr. Mueting, PharmD, from the Nebraska Pharmacist Association in Lincoln, Nebraska, was present to discuss if there needs to be a change in Pharmacy-in-Charge if someone is on maternity leave or vacation. The board discussed that there is nothing in the regulations or statutes that pertains to a PIC change when someone goes on maternity leave or vacation. This would be an opinion of the board and will be discussed with Pharmacy facilities.

DRAFT-PHARMACY QUALITY ASSURANCE REPORT (PQAR):

The board reviewed the PQAR document.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – ANNUAL MEETING (MAY 2024)

Larimer, Beck, and Hayes attended the NABP meeting May 14-17, 2024, in Fort Worth, TX. Larimer discussed how there was a lot of talk about mental health at the NABP meeting and was encouraged to really think about their questions and the way things are done to avoid biases when it comes to mental health. Compounding was also discussed and what is considered as a prescription drug, what isn't, and being able to order prescriptions off the internet. Larimer discussed new MPJE Plus model video for the class of 2026. . Pharmacist in charge training that will go over responsibility per state. Beck discussed P4 rotations with inspectors and see what they see. Hayes discussed burn out and how part of the reason they leave the profession is due to harassment burn out which has doubled since 2018. There are declining numbers that are entering into the pharmacy school and the profession.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – DISTRICT V MEETING (AUGUST 2024) - PLANNING

Beck stated that the planning is wrapping up and they are solidifying the speakers for the meeting.

PUBLIC COMMENTS

Name: Allison Dering-Anderson, R.P., PharmD

Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120

Business: UNMC, College of Pharmacy

Dr. Dering Anderson from UNMC, College of Pharmacy in Omaha, Nebraska, was present to discuss DHHS and the Board of Pharmacy transparency, the change in law, and how does it get reported to NABP for testing procedures and the MPJE.

FUTURE MEETING DATES

The next Board of Pharmacy meeting is scheduled for July 15, 2024. To view the projected schedule for 2024, go to:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

The Board adjourned the meeting at 1:26 p.m.

Respectfully submitted,

(signature on file with the Department)

Charles Tomlinson, R.P., Secretary
Board of Pharmacy