

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
January 9, 2023

ROLL CALL

Charles Tomlinson, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska. The agenda and a revised agenda were 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:

Charles Tomlinson, R.P., Chair
Sabrina Beck, R.P., Vice-Chair
Todd Larimer, R.P., Secretary
Kenneth Kester, R.P.
Darrell Klein, J.D. (via WebEx)

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Jeanne Burke, Assistant Attorney General; Jennifer Miralles, Department Attorney (via WebEx); Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, RN, BSN, Compliance Monitor (via WebEx); and Jeff Newman, Investigator.

Tomlinson 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

Larimer 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. Motion carried.

Additions, Modification, Reordering

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

Jose Glomb – Pharmacy Technician Application
Courtney Goodrum – Pharmacist Application
Kurt Howe – Pharmacist Application
Custom Rx – Mail Service Application
Kohlls Rx – Pharmaceutical Care Agreement
AveraCare – Pharmaceutical Care Agreement
SFMA – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Kester moved, seconded by Larimer, to approve the consent agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

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

Beck moved, seconded by Larimer, to go into closed session at 9:05 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. Motion carried.

The Board return to open the session at 10:45 a.m.

APPROVAL OF MINUTES

November 7, 2022

Page 1: In the paragraph starting with "Also present were", line 4, replace "???" with "BSN".

Page 2: No changes.

Page 3: Under CLARIFICATION OF WHO CAN SDISPENSE UNDER A DISPENSING PRACTITIONER LICENSE, paragraph 1, line 2, after the word "lately" delete the word "noticed".

Page 4: No changes.

Larimer moved, seconded by Kester, to approve the November 7, 2022, minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (5)

Larimer moved, seconded by Klein, to recommend issuing a pharmacy technician registration to Jose Glomb. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacist Application(s) (3)

Beck moved, seconded by Klein, to postpone the review of the pharmacist license application of Courtney Goodrum for additional information. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Klein moved, seconded by Beck, to recommend issuing a pharmacist license to Kurt Howe on probation for 2 years with standard probationary terms and conditions including random body fluids screens, comply with the Georgia Order dated February 1, 2022, and that he cannot be the Pharmacist-in-Charge of any pharmacy located in Nebraska. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Mail Service Pharmacy Application(s) (1)

Larimer moved, seconded by Kester, to postpone the review of the mail service pharmacy application of Custom Rx Pharmacy and Wellness Concepts for additional information. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacist Reinstatement After Discipline Application(s)

Nothing to discuss at this time.

Ratification of E-Mail Ballots Since the Last Meeting

No e-mail ballots to read into the record at this time.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15)

The Board noted that following:

- Avera did not include signatures.
- Kohll's Pharmacy did not include the agreement.
- SFMA need to request a copy of their agreement.

LEGISLATION UPDATE

Name: Raj Selvaraj, NPA Executive Fellow
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516
Business: Nebraska Pharmacists Association (NPA)

Mr. Selvaraj read the legislative bills that the NPA are following. Some of the legislation bills mentioned were pharmacy benefit managers, pharmacy technician providing vaccinations, emergency dispensing, and changing the passing grade of the Nebraska Multi-State Jurisprudence Examination (MPJE). Larimer mentioned that the X# issued by the DEA for buprenorphine providers with a SMSHA designation will no longer be needed.

REGULATIONS UPDATE

Mr. Cushman explained that another public hearing is scheduled for 172 NAC 131 and 172 NAC 134 for 1/10/2023 at 10 a.m. The hearing summary will be discussed at the next meeting. The regulations on 175 NAC 8 and 172 NAC 128 are still in process. 172 NAC 128 might be available to review at the next meeting.

RE-ESTABLISHING THE FORMULARY ADVISORY COMMITTEE

Mr. Cushman explained that there has been discussion regarding a current formulary for the Delegated Dispensing permits is not a list of drugs that can be dispensed. The current formulary list uses the Center of Disease Control (CDC) guidelines. The Department did get naloxone added to the formulary.

Name: Allison Dering-Anderson, R.P., PharmD
Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120
Business: UNMC, College of Pharmacy

Dr. Dering-Anderson explained that it is her opinion that the CDC guidelines is a formulary. Mr. Cushman will reach out the past members of the Formulary Advisory committee. Board members requested to see the formularies and guidelines for both delegated dispensing permits. Klein mentioned to reach out to the Board of Medicine.

LETTER OF SUPPORT TO REQUEST DHHS TO COVER IMMUNIZATIONS FOR INDIVIDUALS 18 YEARS OLD OR YOUNGER AT THE COMMUNITY PHARMACY LEVEL

Larimer provide background regarding a request to DHHS to provide coverage for vaccinations for children. Larimer explained that the local clinic was out of the vaccines and a family came to the pharmacy, but the pharmacy was only able to provide vaccinations to the parents because coverage for the children is not available for the pharmacy. There are 34 states that allow pharmacies to cover vaccinations for children. Mr. Trojanowski mentioned that when it was put in place other circumstances were the concern of the children receiving a wellness check and it has become a burden. Larimer explained that it would be nice if they could vaccinate the full family not just the parents. Mr. Cushman questioned if it was a reimbursement issue. Mr. Trojanowski mentioned that COVID really brought pharmacies to the forefront of vaccinating. Larimer requested if the Board members are willing the support a letter requesting DHHS to change their position and allow pharmacies to vaccinate children. Ms. Miller explained that it does not have to be all or nothing other states have different guidelines regarding CDC recommended vaccinations and other types of vaccinations so there is a lot of liberty to draft guidelines the way pharmacies would like. Larimer will draft the letter of support and forward it to the Department. Klein mentioned that he would like to see the position of DHHS and not allowing pharmacist to vaccinate. Klein explained that when examining the other states during developing emergency preparedness. Klein would like to see want the actual obstacles are. Hampton mentioned checking with the Immunization Program and Medicaid.

Name: Bradley Trojanowski, RP
Address: PO Box 901, Deerfield, Illinois 60015
Business: Walgreens

Name: Teri Miller, RP
Address: Omaha, NE
Business: Oneself

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

The Board members discussed having a District V meeting planning committee. Larimer moved, seconded by Tomlinson, to nominate Beck as planning committee Chair. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY GIVES PUBLIC NOTICE OF ITS MEETINGS

Apking explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Larimer moved, seconded by Klein, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Next meeting discussion topic LB 1002 – Protecting Healthcare Providers. Klein mentioned that the definition of healthcare provider does not include pharmacist.

ELECTION OF OFFICERS

Kester moved, Klein seconded to keep the officer slate the same as 2022, which is Tomlinson as Chair, Beck as Vice-Chair, and Larimer as Secretary. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

The next Board of Pharmacy meeting is scheduled for March 6, 2023.

ADJOURNMENT

The Board adjourned the meeting at 11:38 a.m.

Respectfully submitted,

(signature on file with the Department)

Todd Larimer, R.P., Secretary
Board of Pharmacy