

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
May 15, 2023

ROLL CALL

Charles Tomlinson, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:01 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., J.D.
Darrell Klein, J.D. (via WebEx)

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector (via WebEx); Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; T.J. O'Neill, Assistant Attorney General; Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, RN, BSN, Compliance Monitor; Larry Wiehn, Investigator; Mark Meyerson, Investigator; 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 Klein, 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:

Jamie Weinrich – Pharmacy Technician Application
Kayla DeWitt – Pharmacy Technician Application
Quashanta Washington – Pharmacy Technician Application
Teresa Starkey – Pharmacy Technician Application
Trisha Flores – Pharmacy Technician Application
Custom RX Pharmacy and Wellness Concepts – Mail Service Pharmacy Application

Adoption of Consent Agenda

Larimer moved, seconded by Kester, 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 11:28 a.m.

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APPROVAL OF MINUTES

March 6, 2023

Page 1: Under LEGISLATIVE UPDATE; change "Executive Director" to "CEO" after Marcia Mueting, PharmD, NPA.

Page 2: Under USING "EMERGENCY USE" AS PATIENT'S NAME ON PRESCRIPTIONS, first paragraph, line 1, change the word "claim" to "came".

Page 3: Under Pharmacy Technician Application(s) (5), second paragraph, delete the "s" from the word "materials". the apostrophe in the word "IT'S".

Page 4: Under DISCUSSION ON THE MULTISTATE JURISPRUDENCE EXAMINATION QUESTIONS, line 3 change the word "explain" to "examination"; line 9, change the word "hat" to "that the"; and under DISCUSSION ON DELEGATED DISPENSING FORMULARIES, paragraph 1, line 3, change the word "very" to "every".

Page 5: Under CLARIFICATION REGARDING TELEMEDICINE PRESCRIPTIONS AND APPROPRIATE LICENSURE, line 3, change statutory citation from "38-2867" to "38-2025(7)".

Larimer moved, seconded by Beck, to approve the March 6, 2023, 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) (8)

Larimer moved, seconded by Beck, to recommend denying the pharmacy technician registration of Jamie Weinrich. The basis of this denial is past criminal convictions. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Klein, to recommend denying the pharmacy technician registration of Quashanta Wasington. The basis of this denial is past criminal convictions. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Klein moved, seconded by Beck, to postpone a recommendation on the pharmacy technician registration of Kayla DeWitt for additional information. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Klein, to recommend denying the pharmacy technician registration of Trisha Flores. The basis of this denial is not providing additional info regarding her criminal convictions when requested by the Department. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

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

Mail Service Pharmacy Application(s) (1)

Larimer moved, seconded by Beck, to postpone a recommendation for additional information.

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballot since the last meeting on March 6, 2023, into the record as follows:

- A pharmacy technician registration was issued to Mercedes Alford on 4/10/2023. His registration number is 13940.
- A pharmacy technician registration was issued to Branae' Allen on 4/18/2023. Her registration number is 13970.
- A pharmacy technician registration was issued to Chelsea Costa on 4/24/2023. Her registration number is 13995.
- A pharmacy technician registration was issued to Kasaira Consbruck on 2/9/2023. Her registration number is 13998.
- A pharmacy technician registration was issued to Melissa Wentworth on 5/2/2023. Her license number is 14008.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15)

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LEGISLATION UPDATE

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 provided the Board with a legislative update regarding the legislative bills that the NPA were tracking. LB 279 was amended into a priority bill and other legislative bills were amended into the Christmas tree bill.

REGULATIONS UPDATE

Mr. Cushman explained that 171 NAC 131 and 172 NAC 134 were move forward in the process to the Attorney General's Office on April 4, 2023. Nothing needs to be discussed or adopted at this time.

The Board reviewed the draft regulations for 172 NAC 128 which contain new reciprocity language and additional language in the unprofessional conduct section. Kester moved, seconded by Klein, to approve the draft regulations for 172 NAC 128 and have them be set for hearing. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

MULTISTATE JURISPRUDENCE EXAMINATION (MPJE) COMMITTEE

Kester provided information to the Board regarding the discussion of the MPJE Committee which meet on April 5, 2023. The Committee discussion the following options:

- Do nothing
- Transparency
- Gather input
- Take ownership
- Eliminate the examination
- Make it open book

Larimer explained that he had reached out to Bill Cover (NABP) during the NABP Annual meeting and Mr. Cover was going to have discussions with the NABP Steering Committee might be looking at developing a national jurisprudence examination. Kester des not plan to have another meeting until after the American Association of Colleges of Pharmacy (AACCP) meeting.

COMPOUNDING ANIMAL DRUGS FROM BULK DRUG SUBSTANCES – MARCIA MUETING, PHARM D

Dr. Mueting provided background on this issue. Tomlinson explained that the prescription from the veterinarian needs to indicate that they have exhausted all other efforts to find the drug before requesting it to be compounded. They should contact the Food & Drug Administration with any additional questions

VETERINARY PRESCRIPTIONS QUESTIONS – ALLISON DERING ANDERSON, PHARM D

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

Dr. Dering Anderson provided the Board with background on this issue. It is the Board's opinion that the label needs to identify the point of contact or handler, and at least the species, animal class, or a unique identifier, and indicate that it is for treating an animal. It is also the Board's opinion that a pharmacy can break-up packages.

REQUEST TO ADD OTHER HEALTHCARE PROVIDERS TO THE DEFINITION THAT RELATES TO NEB. REV. STAT. §28-929.01

The Board discussed and determined that adding pharmacist to Neb. Rev. Stat. §28-929.01 would require a legislative change.

DISTRICT V MEETING – AUGUST 9-11, 2023 – MEDORA, ND

Beck and Kester indicated that they are interested in attending.

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

Beck informed the Board they the meeting date will be moving to the end of July

The next Board of Pharmacy meeting is scheduled for July 10, 2023.

ADJOURNMENT

The Board adjourned the meeting at 12:31 p.m.

Respectfully submitted,

(signature on file with the Department)

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