

WYOMING STATE BOARD OF PHARMACY

Board Meeting April 29 and 30, 2009 Cheyenne, Wyoming

MINUTES

WEDNESDAY, APRIL 29, 2009

Present/Absent	Board Member	Title
<i>present</i>	Randolph A. Harrop, R.Ph.	Board President
<i>present</i>	Alison Kay McManus, R.Ph.	Board Vice President
<i>present</i>	Terry L. Carr, R.Ph.	Board Secretary/Treasurer
<i>present</i>	Robert J. (Rick) Davis, M.D.	Board Member
<i>present</i>	John R. McPherson, D.D.S.	Board Member
<i>present</i>	Jennifer S. Nevins, R.Ph.	Board Member
<i>present</i>	Gary W. Norwood, D.V.M.	Board Member
<i>present</i>	Charles W. Smith	Board Member
<i>absent</i>	Louann Weber, R.P.T.	Board Member, <i>ex-officio</i>

Guests/Observers:

Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Brent A. Blue, MD	President, OxygenToGo – Jackson, Wyoming
H. Richard Burton, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Sonny Knotts	Plant Manager, GasesPlus Norco, LLC – Casper, Wyoming
J. Bruce McGirr, R.Ph.	Emissary Pharmacy & Infusion Services – Casper, Wyoming
Ken F. Nelson, J.D.	Senior Assistant Attorney General
Royce J. Philpott	Intern and PharmD Candidate, University of Wyoming
Perri P. Schneider, R.Ph.	Walgreen Company – Denver, Colorado
Jacqueline L. Seebaum	Executive Assistant, Wyoming State Board of Pharmacy
Timothy S. Seeley, R.Ph.	Powell Valley Healthcare/Chair, USP 797 Work Group
Gerard Strugala, R.Ph., BCNP	Vice President, Operations, PharmaLogic WY Inc. – Casper, Wyoming
Mike Suhr	GasesPlus Norco, LLC – Casper, Wyoming
Carolyn Telkamp	GasesPlus Norco, LLC – Gillette, Wyoming
George A. Vandel, NCAC II, CAP	Executive Director, Wyoming Professional Assistance Program
Toni Van Valkenburg, PharmD, R.Ph.	Owner, Wind River Pharmacy Solutions – Rock Springs, Wyoming
Mary K. Walker, R.Ph.	Executive Director, Wyoming State Board of Pharmacy
Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy

Call to Order. Mr. Harrop called the Board meeting to order at 1:00 p.m.

Review and Approval of the February 4-5, 2009 Board Meeting Minutes. Dr. Davis moved to approve the minutes as drafted. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Wyoming Professional Assistance Program (WPAP) Quarterly Report. George Vandel reviewed his April 2, 2009 written report to the Board. Mr. Vandel reviewed the WPAP assessment screening tools, specifically, the Substance Abuse Subtle Screening Inventory (SASSI) and the Behavioral Substance Abuse Profile (BSAP).

Information Regarding DEA Enforcement Actions Against Long-Term Care Pharmacies. Mr. McGirr, Emissary Pharmacy Long-Term Care Manager, summarized this *ASCP Policy and Advocacy News* article and the DEA's interpretation of law regarding long-term care pharmacy practice. Mr. McGirr disseminated and reviewed Emissary Pharmacy's *Controlled Substance C-*

2 Prescription Form for Long Term Care Facilities, describing Emissary Pharmacy's current practice.

Later during the meeting, Mr. Harrop opened discussion of the issue among the Board membership. After discussion, Dr. Norwood moved that correspondence be sent to Emissary Pharmacy that, for non-emergent Schedule II Controlled Substance orders in the long-term care setting, the Board strongly recommends that Emissary Pharmacy's *Controlled Substance C-2 Prescription Form for Long-Term Care Facilities* be received back signed by the physician before the medication order is filled. Dr. McPherson seconded the motion. The motion carried by a vote of 7/0.

Wyoming Pharmacy Act, Rules and Regulations, Chapter 8. Ms. Walker invited oxygen suppliers to voice their concerns to the Board regarding their inclusion in the Rules and Regulations Chapter 8, as revised in 2008.

Dr. Blue, President of OxygenToGo, described the services provided by OxygenToGo, which provides oxygen for patients who travel. The company is approved through the Federal Aviation Administration (FAA) and each airline. OxygenToGo is the only organization in the country that is physician supervised; it is also licensed as a pharmacy. The company does not manufacture a product. Dr. Blue suggested that the Board adopt a retail oxygen license.

Mr. Suhr, of GasesPlus Norco, LLC, said that, by Food and Drug Administration (FDA) definition, GasesPlus is a repackager; it only wholesales to providers. Mr. Suhr said that the criminal background history requirement means, for GasesPlus, naming a designated representative for twelve locations; those employees already undergo a background check through the Wyoming Department of Transportation and the Transportation Security Administration.

Ms. Telkamp, also of GasesPlus Norco, LLC, requested clarification regarding surety bonds for facilities. Dr. Blue also noted that, since OxygenToGo is not a durable medical equipment provider, insurance companies are questioning what they have to bond.

There was discussion among the oxygen suppliers and Board membership regarding their issues. Mr. York asked regarding the parameters for oxygen for welding and oxygen for human use. Mr. Knotts, of GasesPlus Norco, LLC, said that, by law, oxygen suppliers are allowed to produce oxygen for human and for non-human use identically until the end. The FDA has deemed oxygen a prescription item and requires a guarantee that oxygen for human use is 99.5% pure; the FDA does not require identification of the properties of the .5%.

Mr. Harrop asked how oxygen suppliers could be regulated in Wyoming outside of Rules and Regulations Chapter 8. Mr. Nelson said that the Board Inspectors/Compliance Officers are commissioned as FDA inspectors and, consequently, have the right to inspect oxygen suppliers for adherence to FDA regulations. Mr. Suhr said that his company is not asking to be exempt from registration or Board inspection, only to be exempt from some of the duplicative state and federal requirements.

Mr. Harrop asked that oxygen suppliers represented at the meeting, and others in the industry, send their concerns in writing to the Board, and said he would entertain a motion that the Board will review their concerns. Ms. Nevins moved that the Board will review issues presented to it in writing by oxygen suppliers who are licensed in Wyoming. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Legislative Report. Ms. Walker reviewed Senate File 0106, regarding the drug donation program, and House Bill 0294, regarding the Prescription Drug Monitoring Program (PDMP). House Bill 0294 directly affects the Board. It states that pharmacies will report every seven days; this was implemented by the Board prior to the Bill. The Bill also requires online access to the PDMP, which will require conversion of the PDMP database Access to ASAP 2007 and extensive user education. The Bill approved General Fund appropriation in the amount of \$80,000.

Mr. Harrop asked if the \$80,000 appropriation will be adequate. Ms. Walker said that it should cover the database conversion. When the pilot online access component of the PDMP program term ends on June 30, 2012, the Board will then be responsible for all costs related to the online access component of the PDMP. Ms. Walker said that she envisions year one will address infrastructure; year two will address piloting; year three will address future funding. Ms. Walker said that communication with the Bill sponsors and the Joint Labor, Health, and Social Services Interim Committee will be critical.

Budget. Ms. Walker said that the B-11 was approved. Ms. Walker disseminated and reviewed the budget report. Ms. Walker reviewed the Budget Information Request memorandum from Governor Freudenthal, dated February 12, 2009, and the Governor's Executive Order 2009-3, *Hiring, Spending Restrictions*. The Budget Information Request memorandum requests that agency directors provide to the Budget Division of the Department of Administration and Information specific strategies encompassing reductions of 5% and 10% to the Fiscal Year 2010 general fund authorized budget levels that would also be appropriate in terms of the 2011-2012 Biennium and beyond. Ms. Walker reviewed suggestions drafted by Agency staff, as well as potential long-term effects of budget reductions. Ms. Walker asked the Board to consider other possible reductions for discussion during the Thursday session of the Board meeting.

Licensing Update. Ms. Walker reviewed the revised *Application for Wyoming Registration as a Wholesale Distributor of Prescription Drugs for Human Use or of Medical Oxygen* and the new *Application to Serve as the Designated Representative for a Wholesale Distributor of Prescription Drugs for Human Use or of Medical Oxygen*. The Agency has mailed 703 of the revised applications to current registrants to complete for their 2010 license renewals. A new database is being created to accommodate the new information required for licensure. The Agency has received over 300 telephone calls regarding the new requirements. Ms. Walker said that there have been a number of questions from "virtual" manufacturers, a term that was not discussed during Rule-making. Virtual manufacturers own a product but don't manufacture, store, or distribute the product; consequently, they do not need to be licensed, according to our Rules.

Ms. Seebaum reported that renewal applications for resident retail and resident institutional pharmacies, non-resident retail pharmacies, and emergency drug permits have been mailed. Renewal applications for controlled substance registrations will be mailed in May. Ms. Seebaum is working with the State's Professional License Renewal System to design an online renewal system for controlled substance registrants, with the goal of providing the option of online renewal to registrants for their 2010 registration renewal.

Board of Medicine Meeting, February, 2009. Mr. Carr said that the meeting went very well and the Board of Medicine wants to continue meeting with representatives of the Board of Pharmacy on a regular basis. It was suggested that representatives from the Board of Pharmacy meet with the Board of Medicine annually at its January meeting. Dr. Davis said that the Board of Medicine is very interested in and appreciative of the Prescription Drug Monitoring Program. The Board is also interested in a joint committee regarding e-prescribing. Ms. Walker said that administration of immunizations by pharmacists was discussed. Dr. Davis said that the Board of Medicine is very supportive of the concept of pharmacist administration of immunizations.

Prescription Drug Monitoring Report (PDMP). Ms. Walker summarized the 2009 First Quarter Statistics by Requester. Ms. Walker said that the unsolicited profiles are now being generated in a more systematic manner in response to practitioners who have indicated that they appreciate receiving unsolicited profiles on a quarterly basis.

Dr. Davis asked if there is data on how many practitioners utilize the PDMP, not just the number of occurrences. Mr. Burton asked if the number of pharmacies who request profiles is tracked. Ms. Walker said that both are tracked and will ask David Wills to include the data on each Board report. Ms. Walker said that the PDMP Program now has e-fax capability.

Dr. Davis suggested that questionnaire item two, *Did the information provided result in a change in managing the care of this patient?*, be rewritten to ask, *Did you use the information provided in managing the care of this patient?*

Inspectors' Report. Mr. Burton reported that there are twelve investigations to date in 2009. Mr. Burton and Mr. York summarized issues confronted during their 2008 inspections. Ms. McManus asked regarding the time period for correction of violations. Mr. Burton said that it is thirty days and that the pharmacy must state in writing that the violation has been corrected. Mr. Burton asked for guidance from the Board regarding how to address recurring violations. The Board affirmed that disciplinary action is appropriate for recurring violations. Mr. Harrop suggested communicating recurring violations to the district or corporate headquarters of pharmacies that are part of a corporation. Mr. Burton said that the role of the Pharmacist-in-Charge (PIC) is critical and that strong, effective PICs are key to mitigating violations. Expanding hours of operation and shift hours are also contributing to violations and errors. Mr. Harrop suggested inviting representatives from all independent pharmacies and all corporate entities to a meeting and reviewing Board expectations of pharmacies, PICs, and other pharmacy employees. At that meeting, inform them that they will be given a period of time to make changes and then pursue disciplinary action for those entities that do not implement changes.

Dr. Davis said that the Rules contain very loose statements, e.g., "getting functions of the pharmacy done". He suggested that the Rules be reviewed and made more specific, especially regarding the duties of the PIC. Dr. Davis said that education of the public is also an important component. The public doesn't know how a pharmacy should operate and what they should expect of their pharmacy. Mr. Smith asked if it would be appropriate to post the inspectors' reports in the local newspapers, accompanied by an explanatory news release. Ms. McManus said periodic topical news releases could also increase public awareness. Mr. Harrop recommended that some investigation and inspection situations should be shared with pharmacists. Ms. Walker said that the Wyoming Pharmacy Association is planning a 90-minute skit and role-play session addressing those situations. Ms. Nevins said that there is pre-printed topical news release information for consumers provided during National Pharmacy Week each October that may be easily provided to local newspapers.

Ms. Walker asked Mr. Burton and Mr. York to draft an article for the next newsletter regarding their 2008 inspection findings.

Supreme Court Opinion 200 WY 42, dated March 25, 2009, re: Stuart H. Green, D.C. v. Wyoming Board of Chiropractic Examiners. Mr. Nelson summarized this case and discussed how the issues of this case speak to all licensing boards. The lessons of this case include: 1) a licensing board has a more exacting level of proof necessary to revoke a license; 2) during an investigation, a licensing board must conduct its own independent audit of data pertinent to the investigation; 3) a licensing board must provide proper notice to a licensee regarding an investigation and action as a result of an investigation; 4) prosecutorial and advisory functions must be separated in contested cases before licensing boards; 5) agencies must follow their own rules.

Pharmacists Celebrating their Golden Anniversary of Wyoming Licensure. Ms. Walker presented the fifteen Golden Anniversary certificates for Board officers' signature. Ms. Nevins and Mr. Carr volunteered to present the certificates to recipients who attend the 92nd Annual Convention of the Wyoming Pharmacy Association on June 27, 2009.

Resolutions for Presentation at the NABP[®] Annual Meeting, May 2009. Ms. Nevins serves on the Resolutions Committee. Ms. Nevins noted the resolutions and constitutional amendments disseminated in the Board's meeting packet, and asked the Board to communicate any comments or concerns to her.

Collaborative Practice Committee. Ms. Nevins said that the Committee recommends acceptance of two applications submitted by Megan M. Lerwick, PharmD, R.Ph. and Diane P. Nelson, R.Ph., both of Cheyenne Regional Medical Center. Ms. McManus moved to accept the report of the Collaborative Practice Committee. Dr. Davis seconded the motion. The motion carried by a vote of 7/0.

Application Committee. Ms. Walker said that Mr. Nelson suggested the formation of a committee to review questionable applications. Mr. Harrop appointed Mr. Norwood and Ms. McManus as members of this new Committee, which has recommendations to be discussed in

Executive Session. Ms. McManus asked to whom questions should be referred. Mr. Nelson said that Eric A. Easton, Senior Assistant Attorney General, should field questions that arise during this Committee's deliberations.

E-Prescribing Work Group Report. Ms. Walker said that the current Board of Medicine representatives on the Work Group are James K. Robinett, DO, from Cheyenne, Diane Noton, MD, from Saratoga, and Jeffrey D. Storey, MD, from Cheyenne, who will serve as a substitute for Drs. Robinett and Noton. Mollie A. Jay, PharmD, R.Ph. and Gene E. Darnell, R.Ph. have volunteered to serve on the Work Group. Ms. Walker asked that any Board members inform her of their interest in participating in the Work Group.

Request Regarding Telepharmacy Pharmacist-in-Charge. Ms. Walker summarized correspondence received from James K. Massengill, R.Ph., President and Pharmacist-in-Charge of Hoy's Drug in Cheyenne. Hoy's Drug has the only telepharmacy in the state, in Pine Bluffs, Wyoming. Mr. Massengill asked for clarification if a separate Pharmacist-in-Charge is necessary at the telepharmacy site. The Board directed Ms. Walker to inform Mr. Massengill that a separate Pharmacist-in-Charge does not need to be named for the telepharmacy.

Dr. Davis noted that Douglas S. Parks, MD, of the University of Wyoming Family Medicine Program, will be presenting on this telepharmacy at the Wyoming Medical Society Spring Meeting.

Board Meeting Schedule for 2009. Ms. Walker thanked Kara Beech for making the room arrangements for the June meeting of the Board, which is being held in Casper, Wyoming prior to the 92nd Annual Convention of the Wyoming Pharmacy Association. Ms. Walker asked for suggestions for the September meeting. This meeting will include a public hearing on the Rules' revisions and may include a disciplinary hearing. Mr. Harrop asked the Board to consider location and dates for discussion at the June Board meeting.

Continuing Education Audit. Ms. Walker said that she asked the Board's Intern, Royce Philpott, to study continuing education requirements in states surrounding Wyoming. Mr. Philpott disseminated and reviewed the results of his inquiry.

Mr. Harrop recessed the meeting at 5:00 p.m. and announced that the meeting will reconvene at 8:00 a.m. on Thursday, April 30, 2009.

THURSDAY, APRIL 30, 2009

Present/Absent	Board Member	Title
<i>present</i>	Randolph A. Harrop, R.Ph.	Board President
<i>present</i>	Alison Kay McManus, R.Ph.	Board Vice President
<i>present</i>	Terry L. Carr, R.Ph.	Board Secretary/Treasurer
<i>present</i>	Robert J. (Rick) Davis, M.D.	Board Member
<i>present</i>	John R. McPherson, D.D.S.	Board Member
<i>present</i>	Jennifer S. Nevins, R.Ph.	Board Member
<i>present</i>	Gary W. Norwood, D.V.M.	Board Member
<i>present</i>	Charles W. Smith	Board Member
<i>present</i>	Louann Weber, R.P.T.	Board Member, <i>ex-officio</i>

Guests/Observers:

Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
H. Richard Burton, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Mellissa K. Fawson, Tech-in-Training	Palace Pharmacy – Lander, Wyoming
Mitch T. Franks, RPT	Palace Pharmacy – Lander, Wyoming
Roger E. Maertens, R.Ph.	Palace Pharmacy – Lander, Wyoming
Ken F. Nelson, J.D.	Senior Assistant Attorney General
Jolene A. Osback, PharmD, R.Ph.	Palace Pharmacy – Lander, Wyoming
Megan M. Peterson, PharmD, R.Ph.	Pamida Pharmacy – Lander, Wyoming
Royce J. Philpott	Intern and PharmD Candidate, University of Wyoming
Perri P. Schneider, R.Ph.	Walgreen Company – Denver, Colorado
Jacqueline L. Seebaum	Executive Assistant, Wyoming State Board of Pharmacy
Timothy S. Seeley, R.Ph.	Powell Valley Healthcare/Chair, USP 797 Work Group
Cody M. Sorenson, Tech-in-Training	Palace Pharmacy – Lander, Wyoming
Gerard Strugala, R.Ph., BCNP	Vice President, Operations, PharmaLogic WY Inc. – Casper, Wyoming
Toni Van Valkenburg, PharmD, R.Ph.	Owner, Wind River Pharmacy Solutions, Inc. – Rock Springs
Mary K. Walker, R.Ph.	Executive Director, Wyoming State Board of Pharmacy
Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy

Mr. Harrop reconvened the meeting at 8:03 a.m.

Rules and Regulations Chapter 2: General Practice of Pharmacy Regulations. The Board conducted an initial review of the proposed revisions to Chapter 2.

Section 1, Authority. There was no change to this Section.

Section 2, Purpose; Section 3, Scope of Chapter; Section 4, Definitions. Jennifer Nevins moved to accept Sections 1, 2, 3, and 4 as revised, with the deletion of the second definition of pharmacy, Section 4, Paragraph (aa). Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 5, Pharmacist Licensure by Examination. Ms. McManus moved to accept Section 5 as revised, with the addition of criminal background history verbiage discussed by the Board and noted in green on the draft document. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 6, *Pharmacist Licensure by Reciprocal License Transfer.* Dr. Norwood moved to accept Section 6 as revised, with the addition of criminal background history verbiage discussed by the Board and noted in green on the draft document. Dr. McPherson seconded the motion. The motion carried by a vote of 7/0.

Section 7, *Minimum Structural and Equipment Requirements to Operate a Retail Pharmacy.* A vote regarding Section 7 was tabled. At the request of the Board, Ms. Walker will research standard definitions of storage temperatures and the Board will review them. At the request of the Board, Mr. Burton will investigate other states' rules regarding pharmacy size, specifically other states that delineate square foot per employee.

Section 8, *Licensing of Facilities.* Prior to review of this Section, Toni Van Valkenburg, PharmD, R.Ph. presented an overview of the business she has opened with Veronica Donaldson, PharmD, R.Ph., Wind River Pharmacy Solutions, Inc., which offers remote order entry for hospitals. Dr. Van Valkenburg asked for guidance from the Board regarding their registration status with the Board and to ask that future Rules' reviews address services such as Wind River.

Ms. McManus moved to accept Section 8 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 9, *Pharmacist-in-Charge.* A vote regarding Section 9 was tabled. At the request of the Board, Ms. Walker will investigate other states' rules regarding delineation of time the Pharmacist-in-Charge must be physically present in the pharmacy.

Section 10, *Transfer of Prescription Orders Between Prescription Drug Outlets.* Ms. McManus moved to accept Section 10 as revised. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 11, *Labeling Prescription Drug Containers*; Section 12, *Child-Resistant Packaging*; Section 13, *Record of Refills*; Section 14, *Doctor-Patient Relationship as Affecting Prescriptions*; Section 15, *Return or Exchange of Prescription Drugs*; Section 16, *Scope of Practice.* Ms. McManus moved to accept Sections 11, 12, 13, 14, 15, and 16 as revised. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 17, *Identification of a Patient.* Ms. McManus moved to accept Section 17 as revised. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 18, *Reinstatement of Registered Pharmacist License After Failure to Renew, Returning from Inactive Status, Issuance of Duplicate License.* Mr. Carr moved to accept Section 18 as revised. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 19, *Prescriptions in General.* Ms. McManus moved to accept Section 19 as revised. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 20, *Transmission of Prescriptions by Facsimile Machines.* Dr. Norwood moved to accept Section 20 as revised, with the understanding that the new E-Prescribing Task Force will be charged with substantive review of this Section. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 21, *Prescription Refill Information*; Section 22, *Facsimile Machines in General*; Section 23, *Therapeutic Equivalents.* Mr. Carr moved to accept Sections 21, 22, and 23 as revised. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 24, *Specific Requirements for Licensure of Non-Resident Pharmacies to Ship Prescription Drugs into the State.* Ms. McManus moved to accept Section 24 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 25, *Fees (including examination, re-examination, license, license renewal, registration, registration renewal, mailing list, and late fees).* Dr. Norwood moved to accept Section 25 as revised, with the addition of revisions to Paragraphs (a)(xiii) and (a)(xiv) noted in green on the draft document. Dr. McPherson seconded the motion. The motion carried by a vote of 7/0.

Section 26, *Emergency Drug Supply for Nursing Homes, Hospices, Extended Care Facilities, or Intermediate Care Facilities.* Ms. McManus moved to accept Section 26 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 27, *Reinstatement of a Revoked or Suspended Pharmacist, Pharmacy Technician License.* Mr. Carr moved to accept Section 27 as revised. Ms. McManus seconded the motion. The motion carried by a vote of 7/0.

Section 28, *Collaborative Pharmaceutical Care.* Mr. Carr moved to accept Section 28 as revised, with the addition of revisions to Paragraph (b)(ii)(C) noted in green on the draft document. Mr. Smith seconded the motion. The motion carried by a vote of 7/0.

Section 29. *Electronic Prescription Transmission.* Ms. McManus moved to accept Section 29 as revised, with the understanding that the new E-Prescribing Task Force will be charged with substantive review of this Section. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 30, *Resident Retail Pharmacy Closure or Change of Ownership.* A vote regarding this Section was tabled. At the request of the Board, Ms. Walker will research how other states address procedures when there is a sudden death of a sole practicing pharmacist. Other suggested revisions are noted in green on the draft document.

Section 31, *Institutional Pharmacy Closure.* Dr. Norwood moved to accept Section 31 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 32, *Drug Samples.* There were no revisions to this Section.

Section 33, *Centralized Prescription Processing.* Dr. Davis moved to accept Section 33 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 34, *Automated Storage and Distribution Systems.* Dr. Norwood moved to accept Section 34 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Rules and Regulations Chapter 12: Institutional Pharmacy Practice Regulations. The Board conducted an initial review of the proposed revisions to Chapter 12.

Section 1, *Authority.* There was no change to this Section.

Section 2, *Purpose*; Section 3, *Scope of Chapter.* Dr. Davis moved to accept Sections 2 and 3 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 4, *Definitions.* Ms. McManus moved to accept Section 4 as revised. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 5, *Licensing.* Dr. McPherson moved to accept Section 5 as revised. Ms. McManus seconded the motion. The motion carried by a vote of 7/0.

Section 6, *Change of Ownership.* Dr. Norwood moved to accept Section 6 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 7, *Personnel.* Ms. McManus moved to accept Section 7 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 8, *Environment.* A vote regarding Section 8 was tabled. At the request of the Board, Ms. Walker, Mr. Burton, Mr. Seeley, and Mr. York will draft a definition of adequate space. At the request of the Board, Ms. Walker will research standard definitions of storage temperatures and the Board will review them.

Section 9, *References.* Mr. Carr moved to accept Section 9 as revised, with the addition of revisions to Paragraphs (d) and (e) noted in green on the draft document. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 10, *Equipment.* Dr. Norwood moved to accept Section 10 as revised, with the addition of a revision to Paragraph (b) noted in green on the draft document. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 11, *Security.* Dr. Norwood moved to accept Section 11 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 12, *Absence of Pharmacist.* A vote regarding Section 12 was tabled. The Board would like to review the Section again before a vote is taken. Also, remote order entry needs to be defined in Paragraph (d)(v).

Section 13, *Emergency Outpatient Medication.* Dr. Norwood moved to accept Section 13 as revised. Ms. McManus seconded the motion. The motion carried by a vote of 7/0.

Section 14, *Emergency Drug Carts (crash carts).* Dr. McPherson moved to accept Section 14 as revised. Dr. Norwood seconded the motion. The motion carried by a vote of 7/0.

Section 15, *Automated Dispensing Devices.* Mr. Carr moved to accept Section 15 as revised. Ms. McManus seconded the motion. The motion carried by a vote of 7/0.

Section 16, *Parenteral Medications.* Ms. Nevins moved to accept Section 16 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 17, *Practitioner's Orders.* Dr. Norwood moved to accept Section 17 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 18, *Dispensing.* There was no change to this Section.

Section 19, *Investigational Drugs and Protocols.* Dr. Norwood moved to accept Section 19 as revised. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Section 20, *Inspections.* Dr. Davis moved to accept Section 20 as revised. Mr. Carr seconded the motion. The motion carried by a vote of 7/0.

Section 21, *Medications brought into the institution by patients.* A vote regarding Section 21 was tabled. At the request of the Board, Ms. Seebaum will add a definition of immediate family based on Wyoming Statute.

Section 22, *Controlled Drugs.* Mr. Carr moved to accept Section 22 as revised. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Proposed Rules and Regulations Chapter 17: Sterile Compounding. Mr. Seeley disseminated a copy of the April, 2009 edition of *Pharmacy Purchasing & Products*, which contains an article on the state of pharmacy compounding that includes data about USP 797 compliance and projected compliance.

Mr. Seeley reviewed additions and changes made since the Board's initial review of this new Chapter at its February meeting.

Mr. Strugala, of PharmaLogic WY Inc., suggested several additions to Chapter 17, which are noted in green on the draft document.

Section 2, *Definitions.* Paragraph (cc), Single-Dose Container. At the request of the Board, Ms. Walker will confirm whether it should be six (6) hours after initial needle puncture or twelve (12) hours after initial needle puncture. Paragraph (dd), Temperature. At the request of the Board, Ms. Walker will research standard definitions of storage temperatures and the Board will review them.

Section 3, *Physical Layout and Environment.* At the request of the Board, Ms. Walker will research definitions of "sufficient size" and the Board will review them.

The Board will review the new Chapter 17 again at its June meeting.

Budget. Mr. Harrop asked the Board to comment on the requested 5% and 10% budget cuts presented by Ms. Walker the previous day. Dr. Norwood said that the Governor indicated that budget cuts would not involve those guarding the public safety. Dr. Norwood said that he doesn't see a way to reduce the Agency's budget without a deleterious effect on public safety. Mr. Smith said that the only avenue he sees for budget cuts is travel. Ms. McManus said that the Board cannot cut inspection travel. Ms. Walker thanked the Board for their review and comments, and said that they will be helpful as she drafts the Agency response to the Governor's request.

Adjournment to Executive Session. Dr. McPherson moved to adjourn to Executive Session. Dr. Davis seconded the motion. The motion carried by a vote of 7/0.

Return to Public Session.

Re: Settlement Agreement, Stipulation, and Order, Docket No. 08-27,
Gary B. Radford, R.Ph., Pharmacist License Number 3241tl.

Dr. Norwood moved to accept the referenced Agreement. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Re: Settlement Agreement, Stipulation, and Order, Docket No. 08-26,
Jeri C. Buckley, R.Ph., Pharmacist License Number 2229.

Dr. Davis moved to approve the referenced Agreement. Mr. Carr seconded the motion. The motion carried by a vote of 6/0. One Board member was recused from deliberation of the referenced Agreement.

Re: Settlement Agreement, Stipulation, and Order, Docket No. 08-29,
Richard W. Blank, R.Ph., Pharmacist License Number 2824.

Dr. Norwood moved to approve the referenced Agreement. Ms. Nevins seconded the motion. The motion carried by a vote of 7/0.

Election of Board Officers.

President. Ms. Nevins placed the name of Kay McManus in nomination for Board President for a two-year term. Mr. Carr seconded the nomination. There being no other names placed in nomination for Board President, a vote was taken and the nomination carried by a vote of 7/0.

Vice President. Ms. McManus placed the name of Terry Carr in nomination for Board Vice President. Ms. Nevins seconded the nomination. There being no other names placed in nomination for Board Vice President, a vote was taken and the nomination carried by a vote of 7/0.

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Secretary/Treasurer. Mr. Carr placed the name of Jennifer Nevins in nomination for Board Secretary/Treasurer. Dr. McPherson seconded the nomination. There being no other names placed in nomination for Board Secretary/Treasurer, a vote was taken and the nomination carried by a vote of 7/0.

Adjournment. There being no further business brought before the Board, Mr. Harrop adjourned the meeting at 12:50 p.m.

Respectfully submitted,

signature on file

Jacqueline L. Seebaum
Executive Assistant

Minutes reviewed:

signature on file

Mary K. Walker, R.Ph.
Executive Director

Minutes approved and entered into the record:

signature on file

Randolph A. Harrop, R.Ph.
Board President