

**WYOMING STATE BOARD OF PHARMACY**

Board Meeting April 14-15, 2010  
Settle Inn, 1400 South Garner Lake Road  
Gillette, WY  
Minutes

**Wednesday April 14, 2010**

<b>Present/Absent</b>	<b>Board Member</b>	<b>Title</b>
<i>Present</i>	Alison Kay McManus, R.Ph.	Board President
<i>Present</i>	Terry L. Carr, R.Ph.	Board Vice President
<i>Present</i>	Jennifer S. Nevins, 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>	Randolph A. (Randy) Harrop, 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>	Stephanie McAntee, R.P.T.	Board Member, <i>ex-officio</i>

**Guests/Observers:**

Ken F. Nelson, J.D.	Senior Assistant Attorney General
Mary K. Walker, R.Ph.	Executive Director, Wyoming State Board of Pharmacy
Phyllis A. Chapman	Senior Office Support Specialist, Wyoming State Board of Pharmacy
H. Richard Burton, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
George A. Vandel, NCAC II, CAP	Executive Director, Wyoming Professional Assistance Program
Perri P. Schnieder, R.Ph.	Walgreens Company-Denver, Colorado
Brenda Upton, PharmD, R.Ph.	Wal-Mart #10-1485, Gillette, Wyoming

**Call to Order:** President McManus called the meeting to order at 1:00 p.m.

**Review of the January 28-29 Board meeting minutes:** President McManus noted the day of day one of the meeting needed to be corrected from Thursday to Wednesday. While being corrected it was noted that the correction was actually needed on day two to change Thursday to Friday.

**Ms. Nevins moved to accept the minutes with the appropriate change. Dr. Davis seconded the motion. The minutes were approved with the correction with a 7-0 vote.**

**Wyoming Professional Assistance Program quarterly report:** George A. Vandel, NCAC II, CAP, Executive Director, gave his quarterly report for the first quarter of 2010. WPAP is currently monitoring 80 Wyoming professionals. These include 5 pharmacists, 2 pharmacy technicians, 1 pharmacy student, 1 former pharmacist, 2 dentists, 15 physicians, 3 physician assistants, 35 nurses, 2 APRN's 1 licensed clinical social worker, 2 veterinarians, 9 attorneys and 1 law student. 1 pharmacy technician is not in compliance and has been reported to the Board office. The monitoring agreement was revised. They are now able to use hair samples for testing.

However, drugs do not stick to white or blonde hair samples. Once or twice a year they will use the panel four test which tests for a high volume of drugs. They are now receiving a quarterly PDMP report of all participants. There was no further discussion for Mr. Vandel.

**Discussion/Action Issues.**

**PDMP Report:** Mary Walker stated that in March of this year we doubled the amount of profiles from 2008 with 2920. The Board of Medicine and Board of Nursing are now both using the program. 56 requests came from out of state. South Dakota has a bill in the legislature right now to implement the program. President McManus inquired as to what percentage of the pharmacies are reporting. Mary advised that everyone is reporting. A conversation ensued as to when the on-line program will be in place. Mary indicated that July 1, 2012 was the target date by statute for the pilot program. However, this is being worked on now to get the program up and running before then.

**License Renewal updates:** Phyllis Chapman reported that 4116 renewals went out on April 1<sup>st</sup>. Included in the renewals were 585 resident and non-resident pharmacies, 579 Wholesale Distributors, 2926 Controlled Substances, 25 Emergency Drug Permits and 1 Telepharmacy. On April 1<sup>st</sup> 41 Pharmacy Technicians were sent letters indicating their licensed had lapsed and to cease working. It was questioned as to how many technicians we have as compared to the 41 lapsed and the answer was approximately 550. Verification once back in the office indicates the number of licensed technicians is 551.

**Board of Medicine Meeting January 29, 2010:** Mary Walker indicated the minutes of the Board of Medicine (BOM) meeting were at the end of the January Board minutes. Those that attended the meeting asked the BOM if they had an opinion regarding Tramadol being a controlled substance. They agreed that it should be. (There was a conversation regarding the rise in young women requesting Plan B. Perhaps there needs to be more counseling on this subject).

Another conversation went into great lengths regarding physicians dispensing from their offices. They were giving free samples but now are charging. Does this now make them a retail pharmacy and should they be licensed by the Pharmacy Board? Mr. Nelson read the Act of what a pharmacy is. There was a continued conversation on the authority of the Board in this matter. It was decided that it would probably be a good idea for our inspectors to go in and inspect the two offices that we already know about. Physician offices will need to follow the Wyoming Pharmacy Act.

**CVs/Caremark dispensing error:** President McManus asked if the letter was just to notify the Board of the error. Mary indicated the letter was a follow up to a call to the Board office. A conversation went on as to what we would do if a Wyoming pharmacy did something like this. It was decided they would get fined. The CVC would be a class action suit in anything. Mary will contact NAPB and find out what they intend to do and will bring the information to the June meeting.

**Scholarship, NABP Annual Meeting:** Jennifer Nevins will be attending this meeting, and she received a \$1500 NABP scholarship.

### **Inspectors Report:**

Prior to the inspectors report Hank and Richard were presented with new inspector badges.

Richard reported he is finding some of the same problems as last year. For example licenses which are expired or not being hung on the wall. Hank and Richard have completed a checklist for the hospitals to use to ensure USP 797 compliance in 2012. The hospitals can give the checklist to engineers to use for full compliance. Richard stated he is seeing a lot of job jumping with pharmacists and technicians. He is also noticing a lot of technicians-in-training dropping out of the program. (A check at the office indicates they are becoming technicians-in-training while waiting to get into UW, and then they are becoming interns.) Richard also notices a lot of pharmacist-in-charge changes.

Hank explained he is seeing a lot of technicians getting in trouble with their employers and the police over controlled substances. Chemo therapy seems to be on the rise and there is a great need for more education on this subject. One of the oldest independent pharmacies in Wyoming, Bi-Rite in Casper closed.

Richard stated he is seeing an increase in rudeness and he inquires as to the workload. Kay stated she liked that he was checking on underlying issues for the rudeness or shortness. Randy inquired if the pharmacies the inspectors were visiting were neat and tidy. Both indicated they were seeing neat and tidy pharmacies. A conversation ensued on the critical need for everyone in the pharmacy to wear name tags so they can be identified by the public because complainants just assume who they speak to is the pharmacist.

### **Old Business:**

#### **Hearing June 22-23, 2010, Outreach Building, 951 North Poplar:**

John McPherson and Rick Davis will not be at the June hearing or meeting. When questioned, Ken Nelson indicated there must be 5 members present at the hearing. However, if this is not possible, transcripts can be reviewed by an absent member for decision making. Kay suggested that everyone attending the hearing should review Chapter 1 about hearings before June.

### **Tripartite Changes:**

Kara Beech announced that the university is no longer participating in ACPE continuing education or tripartite CE verification. The WPHA is willing to take on these processes. ACPE education will still be provided through CCMH or Idaho State University. Kara is trying to obtain a form for the providers that have the three logos on it to use.

(Note: tripartite education forms are now on the website at [www.wpha.net](http://www.wpha.net))

### **State practices involving breaks for Pharmacists:**

A conversation ensued regarding pharmacist's breaks and lunch breaks and patient safety. Randy stated we could not mandate the large companies to allow for lunches and breaks. Kay questioned as to whether it could be put into the rules and Ken asked how it would be enforced. The conversation went into what different

pharmacies do. Kay ended the conversation with a request for the inspectors to ask questions regarding fatigue and errors while they are on their inspections.

**Emergency Preparedness:**

A conversation ensued regarding if the university students could help dispense during an emergency. Dr. Davis indicated this was discussed several years ago. (A review of the old minutes indicates this was discussed in July and November of 2006. Dr. Tracy Murphy from the Department of Health discussed the need for the Governor to implement language in the Executive Order to suspend the Pharmacy Act and the Rules and Regulations in the event of a pandemic.) Ms. Nevins suggested sending a letter regarding this, indicating that interns were licensed with the Board and should be utilized in the event of an emergency. Mr. Harrop suggested including the verbiage that any and all students licensed with the Board should be able to help.

***Ms. Nevins motioned to accept Mr. Harrop's suggestion. Mr. Harrop seconded the motion. This passed with a 7-0 vote.***

**Possible Rule Making 2010:**

Mary Walker included a prioritized list from the staff of the proposed rule changes in the agenda. President McManus suggested each member study the list that night and come back tomorrow with their opinions and suggestions as to which rules they felt were a priority right now. (See day two of these minutes for more discussion).

**MPJE Item-Writing Workshop, April 8-9, 2010, Chicago:**

Kay McManus and Mary Walker both attended this workshop. Kay explained the process of writing the questions for the exam and how participants from other states are involved. Exam candidates have two hours to sit for the exam. The exam centers are changing from fingerprints to palm scanners for security purposes.

**Fifty year Pharmacist certificated at WPHA, June 25, 2010:**

There were four pharmacists that hit fifty years for 2010. Their certificates will be presented to them at the WPHA convention in June. Jennifer Nevins, Randy Harrop and Terry Carr will be there to present the certificates. Next year there will be some sixty year pharmacists that will need recognition by the Board.

**National Practitioner Data Bank-Section 1921:**

Mary Walker reported that we were up to date with our information to the national data base. She explained how we send our information to NABP and they forward the discipline to the national data base. This information can then be accessed by anyone. There was some national media regarding being behind on sending in their information. The law changed March 1, 2010, to allow hospitals to access data.

**Wyoming Compensation Policy/Job Re-Classification:**

Mary Walker and Phyllis Chapman explained the two year process which took place with the state. Job descriptions were compiled with other businesses in the state and other regional states to re-classify positions. Some titles changed and some individuals received increases to bring them up to the minimum pay scale of their new classification. David Wills was the only one of our staff to receive a wage adjustment.

**Boston Reed College Pharmacy Technician Course:**

Mary walker explained that Boston Reed College wants their technicians to be technicians-in-training in Wyoming through a program at Northwest Community College in Powell. Kara Beech stated she would not support the Board in licensing these students. She indicated she was not sure how this came about because the college never contacted her organization regarding this. It was determined we should not license student technicians-in-training from Boston Reed College since they are not an accredited program. Casper College pharmacy technology program remains the only accredited program in Wyoming.

**Continuing Education Audit:**

Mary Walker indicated the audit was complete and we had 100% compliance. She also discussed the types of CE the pharmacists and technicians were taking. Handouts were enclosed in the agenda of compiled CE courses taken.

**Informational Items:**

Articles were distributed to board members and are part of the complete minutes.

**Upcoming meetings:**

**Drug Diversion and Pharmacy Safety CE (2 hours):**

Gillette, May 3, 2010 from 7pm-9pm

Cody, May 5, 2010 7pm -9pm

Mary Walker explained this continuing education is put on by a police officer. When anyone calls the office and thinks there may be diversion going on in their pharmacy, Mary tells them to call their local police. The handout with the education information on it will be faxed to all the pharmacies in the area as time gets closer. They can register online too. Terry Carr will attend in Gillette and hand out CE forms. Kara Beech will attend in Cody.

**NABP® 106<sup>th</sup> Annual Meeting, May 22-25, Anaheim, CA:**

Jennifer Nevins to attend.

**New Board Member Training, August 5, 2010, Cheyenne, LCCC:**

Charlie Smith and Stephanie McAntee to attend.

**District 6, 7, 8 Meeting, Albuquerque, NM:**

Will discuss attendees at the June meeting.

**Board of Pharmacy Meetings 2010:**

June 23-24, Casper, Ramada Riverside (WPHA Convention, June 25-27)

September 8-9, Laramie, Hilton Garden Inn  
Reservations have been made.

**Alliance Western Regional Meeting, Portland, OR. May:**

David Wills to attend.

**Wyoming Medical Society, Jackson, WY, June 11<sup>th</sup>:**

Mary Walker and David Wills to attend.

**NABP training, Chicago, IL. July 2010:**

Phyllis Chapman to attend.

**Meeting was recessed at 4:43 pm. Public meeting to resume at 8:30 am. on April 15<sup>th</sup>.**

**WYOMING STATE BOARD OF PHARMACY**

Board Meeting April 14-15, 2010  
Settle Inn, 1400 South Garner Lake Road  
Gillette, WY  
Minutes

**Thursday April 15, 2010**

<b>Present/Absent</b>	<b>Board Member</b>	<b>Title</b>
<i>Present</i>	Alison Kay McManus, R.Ph.	Board President
<i>Present</i>	Terry L. Carr, R.Ph.	Board Vice President
<i>Present</i>	Jennifer S. Nevins, 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>	Randolph A. (Randy) Harrop, 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>	Stephanie McAntee, R.P.T.	Board Member, <i>ex-officio</i>

**Guests/Observers:**

Ken F. Nelson, J.D.	Senior Assistant Attorney General
Mary K. Walker, R.Ph.	Executive Director, Wyoming State Board of Pharmacy
Phyllis A. Chapman	Senior Office Support Specialist, Wyoming State Board of Pharmacy
H. Richard Burton, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Brenda Upton, PharmD, R.Ph.	Wal-Mart #10-1485, Gillette, Wyoming

**The public meeting was called to order at 8:30 on Thursday, April 15, 2010 by President McManus.**

***Ken Nelson moved to go to executive session at 8:32. John McPherson seconded the motion which passed with a 7-0.***

**President McManus returned to the Public Meeting at 10:45.**

**Docket No: 09-06** Susan Thompson: Jennifer Nevins moved to not accept the Settlement Agreement. Randy Harrop seconded the motion which passed with a 7-0 vote.

**Docket No. 09-30** Kelly Jason Burroughs: Gary Norwood moved to accept the Settlement Agreement. John McPherson seconded the motion which passed with a 7-0 vote.

**Docket No. 09-35** Michael Bemis: Jennifer Nevins moved to not accept the Settlement Agreement. Randy Harrop seconded the motion which passed with a 7-0 vote.

**Docket No: 10-10** Stacy Aumiller Doak: Charlie Smith moved to accept the Settlement Agreement. Randy Harrop seconded the motion which passed with a 7-0 vote.

**Docket No.** John Crook: Terry Carr moved to not accept the Settlement Agreement. Jennifer Nevins seconded the motion which passed with a 7-0 vote.

**Possible Rule Making 2010:**

Everyone came back to the meeting with their comments on the possible rule changes. It was determined that Chapter 5 should be deleted and the chapters renumbered. President McManus stated Mary should focus on the items indicated on the list as high. Mary should bring a draft copy of the controlled substance changes to the June meeting. It was also decided to bring proposed changes to each meeting and not large numbers of proposed changes all at once.

Jennifer Nevins moved to adjourn the meeting at 11:20. Randy Harrop seconded the motion which passed with a 7-0 vote.

Respectfully submitted on April 21, 2010:

Notes by Phyllis Chapman, Senior Office Support Specialist.

Respectfully submitted and reviewed:

---

Mary Walker, R.Ph.  
Executive Director

Minutes approved and entered into record:

---

Alison Kay McManus, R.Ph.  
Board President