

## A. WYOMING STATE BOARD OF PHARMACY

Board Meeting April 15, 2011  
 UW Outreach Center, 951 North Poplar Street  
 Casper, Wyoming  
 Minutes

Present/Absent	Board Member	Title
<i>Present</i>	Terry L. Carr, R.Ph.	Board President
<i>Present</i>	Randolph A. (Randy) Harrop, R.Ph.	Board Vice President
<i>Absent</i>	John R. McPherson, D.D.S	Board Secretary/Treasurer
<i>Present</i>	Robert J. (Rick) Davis, M.D.	Board Member
<i>Present</i>	Alison Kay McManus, R.Ph.	Board Member
<i>Present</i>	Bessie S. McGirr, R.Ph.	Board Member
<i>Present</i>	Charles W. Smith	Board Member
<i>Absent</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
Jonathan Beattie	PharmD Candidate
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
Timothy S. Seeley, R.Ph.	Powell Valley Healthcare, Powell, WY
Lynn Birleffi	Wyoming Retail Association
Lis Houchen	NACDS

### A. Call to Order

The Wyoming Board of Pharmacy meeting was called to order by President Terry Carr on April 15, 2011 at 1:00 p.m. The meeting was held in Casper, WY at the UW Outreach Center, 951 North Poplar, Room 114. A quorum was determined at 6 voting members: Bessie McGirr, Kay McManus, Randy Harrop, Charlie Smith, Rick Davis, and Terry Carr. Absent were John McPherson and Stephanie McAntee. President Terry Carr would not vote unless to break or create a tie (which would defeat the motion). Also attending were Ken Nelson, Mary Walker, Richard Burton, Hank York, Jonathan Beattie (UW PharmD candidate), Kara Beech, Lynn Birleffi, Lis Houchen, Tim Seeley.

### B. Public Hearing

The public hearing was called to order and conducted by Ken Nelson, Senior Assistant Attorney General. A Court Reporter recorded the public comments from Kara Beech (representing WPHA), Lis Houchen (representing NACDS) and Lynn Birleffi (representing WY Retail Association). The public hearing was closed at 1:20 p.m. when public comments were concluded.

### C. Public Meeting

The WY Board of Pharmacy public meeting was called back to order. Mary Walker introduced Jonathan Beattie, PharmD candidate, who would be taking minutes and showing the sections of rules revisions on the screen.

1. Wyoming Controlled Substance Act Rules and Revisions proposed changes were discussed and voted on as follows:
  - a. Chapter 3 Fees for Registration and Re-Registration
    - i. Comments – no comments were received.
    - ii. Mr. Harrop moved, Ms. McManus seconded the motion to adopt Chapter 3 as revised. Motion carried 5—0
  - b. Chapter 4 Records and Inventories of Registrants
    - i. Comments – no comments were received.
    - ii. Dr. Davis moved, Mr. Harrop seconded the motion to adopt Chapter 4 as revised. Motion carried 5--0
  - c. Chapter 6 Issuing, Filing and Filling of Prescriptions
    - i. Comments –
      1. section 8(b)(also Ch.2 sec) NACDS noted a typographical error stating “21 CFR 1311.10” should be “21 CFR 1311”
      2. A comment was received that no statement of “forwarding” a C-II electronic prescription is in this chapter
    - ii. Mr. Harrop moved, Ms. McGirr seconded the motion to adopt Chapter 6 with the correction to the citation 21CFR 1311. Motion carried 5--0
  - d. Chapter 8
    - i. Comments –Ms. Walker reviewed the changes, no comments received. A question was asked about the 25 prescription waiver.
    - ii. Ms. McManus moved, Dr. Davis seconded the motion to adopt Chapter 8 as revised. Motion carried 5--0
2. Wyoming Pharmacy Act Rules and Regulations proposed changes were discussed and voted on as follows:
  - a. Chapter 2 General Practice of Pharmacy
    - i. Section 4
      1. Comments –A written comment was received to expand the definition of (j) consultant pharmacist. This was a substantive change and will be considered in the future. A written comment pointed out an error in (g), final rules were corrected. A verbal comment pointed out spelling errors in (l), (n) and (v) which were corrected in the final rules.
      2. Section 4 (x)(v) through (vii): a written comment was received expressing support for the changes in the definition of medication therapy management to include CLIA waived testing by pharmacists who are not in collaborative practice. Discussion of the meaning of “obtain” testing was held. Verbal comment was received that pharmacists are trained to perform and evaluate testing. A written comment was received to move elements of the definition around. Mr. Smith moved, Ms. McManus seconded the motion to remove proposed Section 4(x)(v) through (vii) from the final rules. Motion carried 5—0.

- ii. Section 8
  - 1. Comments – A written comment was received correcting the spelling of “manufacturers”, which was done in the final rule.
- iii. Section 9
  - 1. Comments – (d) Verbal comments were received and discussion was held about the absence of a pharmacist if section 35 were adopted. Discussion was held about the Pharmacist-in-Charge regulations and it was agreed to review in future rule-making.
- iv. Section 10
  - 1. Comments – A written comment was received about pharmacy interns transferring controlled substance prescriptions. 21 CFR 1306.25 states “the transfer must be communicated directly between two licensed pharmacists.” Discussion was held about future rule-making dealing with transfers. Discussion was held about the need to update this section to comply with new federal regulations for electronic prescriptions of controlled substances.
- v. Section 15
  - 1. Comments – A typographical error was corrected in (a)(iv) and a duplicate sentence was removed in (d) in the final rules.
- vi. Section 19
  - 1. Comments – Discussion was held about the recognizable signature including digital or electronic.
- vii. Section 29
  - 1. Comments – A written comment was received about the error in the citation 21CFR1311.10 in (g). The citation was corrected to 21 CFR 1311 in the final rules.
- viii. Section 35. Multiple comments were received in written form from NACDS, WPhA, Safeway, WY Retail Association, Deer Creek Drug, Mollie Jay, Amber Grogan. Verbal comments were received from Lis Houchen (NACDS), Lynn Birleffi (WY Retail Association), Kara Beech (WPhA) during the public hearing. Comments are attached to the master minutes and in the public hearing report.
  - a. WPhA
    - i. Working conditions of techs
    - ii. (D) Can refill be picked up in absence of pharmacist
    - iii. wording on number of pharmacists employed vs. number on the shift
    - iv. PIC should ensure breaks are taken
    - v. Needs more clarification in rules on breaks

- vi. Strike a b (i)
- b. NACDS
  - i. (C) temporary absence
- c. Retail association
  - i. Remove (a) (b)i

A lengthy discussion was held. Ms. McManus provided information from several articles (attached to the master minutes) and mentioned the reasons for medication errors do not deal with breaks but with interruptions due to telephones, questions, and the drive-up bell. The pharmacist is the final check for patient safety. Fatigue of the pharmacist is an issue in WY and several corporations have instituted breaks. With the new rules the pharmacy can remain open to minimize customer inconvenience and refills can be picked up. Support staffing hours have decreased due to economic situations while the pharmacist has additional responsibilities such as immunizations and blood pressure checks. Board inspectors asked pharmacists about the issue for one year and had multiple responses about the pressures in retail pharmacy and the pharmacist inability to complain. Mr. Harrop mentioned that if the board had not proposed the mandatory meal/rest breaks, there would not be any conversation. Solutions have not come forth after many years of discussion. Comparing the pharmacist to other professionals is not the same due to less autonomy for the pharmacist.

The question was called for. A motion was made for Chapter 2 proposed revisions as follows:

Corrections to spelling as listed above.  
Section 4(x)(v) through (vii) is tabled.  
Section 9(d) is removed as a logical outcome of Section 35 changes.  
Section 15 delete the redundant sentence.  
Section 29 correct the 21 CFR 1311 citation

Mr. Smith moved, Ms. McManus seconded the motion to adopt Chapter 2. Motion carried on a vote of 3—2. President Carr declined to vote.

- b. Chapter 3 Pharmacy Internship
    - i. Comments – Matthew Martineau, Tynisa Pearson and Bonnie Stout provided written comments in favor of interns giving immunizations. A written comment pointed out a typographical error to change “interns as one time” to “interns at one time”. A written comment for Section 5(f) questioned if 3 technicians and 3 interns was too for a pharmacist to supervise. The board discussed the issue. Ms. Walker was directed to review other states’ information on technician and intern ratio and technician education requirements for consideration in the future.
    - ii. Mr. Harrop moved to adopt the changes to Chapter 3 EXCEPT for section 5(f). Ms. McManus seconded the motion. Motion carried by a vote of 5-0
  - c. Chapter 5 Poison Regulations (repeal)
    - i. Comments – No comments were received.
    - ii. Mr. Harrop moved, Dr. Davis seconded the motion to adopt the repeal of Chapter 5 in total. Motion carried by a vote of 5—0.
  - d. Chapter 7 Computer Regulations (repeal)
    - i. Comments – No comments were received.
    - ii. Ms. McManus moved, Ms. McGirr seconded the motion to adopt the repeal of Chapter 7 in total. Motion carried by a vote of 5—0.
  - e. Chapter 14 Telepharmacy
    - i. Comments – No comments were received.
    - ii. Ms. McGirr moved, Ms. McManus seconded the motion to adopt the revisions to Chapter 14. Motion carried by a vote of 5—0.
3. Executive session
- a. It was moved by Mr. Harrop and seconded by Mr. Smith to go into Executive Session. Motion carried by a vote of 5—0. The public meeting was again called to order at 4:55 p.m.
4. Docket #10-45 Heather Palmer
- a. It was moved by Mr. Smith, seconded by Mr. Harrop to approve the Settlement Agreement Docket #10-45. Motion carried by a vote of 5--0
5. Docket #10-25 Heather Stauffer (revised).
- a. It was moved by Ms. McManus, seconded by Ms. McGirr to approve the revised Settlement Agreement Docket #10-25. Motion carried by a vote of 5—0.
6. Format for disciplinary actions listing: The board discussed the proposed format and agreed to use it in the newsletter.
7. University of Wyoming School of Pharmacy Experiential program.
- a. At the March 23, 2011 meeting the program was explained in detail.
  - b. Wyoming Pharmacy Act Rules and Regulations Chapter 3 Section 3(b) state: “The Board shall annually review and approve the clinical clerkship program offered by the University of Wyoming School of Pharmacy.”

- c. Mr. Harrop moved, Ms. McManus seconded the motion to approve the UW School of Pharmacy Experiential program. Motion carried by a vote of 5—0. Ms. Walker was directed to relay to UW that the Board applauds their efforts to improve the program.
8. Statistical analysis of the PDMP by WYSAC
  - a. Discussion was held about the graphs provided to answer questions from the board concerning how the number of doses per prescription was counted. The information would be a public record if someone asked for it but it is difficult to interpret the meaning of so much data.
9. Acronym submissions: discussion was held. The Board did not choose one but asked for examples of logos using WYSCRIPT, WYSPERx, and WyORxD
10. Ms. Walker announced that Beverly Fontaine will begin April 18, 2011 as the Office Assistant. Over 280 applications were received.
11. Rule-Making Process: The next steps are to address each comment and get the packet to the Governor for a 75 day review. Ms. McManus volunteered to help with addressing the comments. The Board has 10 days from the public hearing to file the Rules.
12. Next meeting is June 23-24, 2011 in Casper. It will be held just before the WPhA convention and the members agreed to meet the morning of June 23, break for the afternoon, and meet again the morning of June 24.
13. Adjournment: Mr. Harrop moved, Ms. McManus seconded to adjourn the meeting. Motion carried by a 5—0 vote and the meeting was adjourned at 5:30 p.m.

Respectfully submitted on April 22, 2011  
Notes by Jonathan Beattie, PharmD Candidate

Respectfully submitted and reviewed:

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Mary Walker, R.Ph.  
Executive Director

Minutes approved and entered into record:

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Terry Carr, R.Ph.  
Board President