

WYOMING STATE BOARD OF PHARMACY

Board Meeting December 16-17, 2009
Holiday Inn McMurry Park
721 Granite Peak Drive
Casper, WY 82604
Minutes

Wednesday, December 16, 2009

| Present/Absent | Board Member | Title |
|----------------|-----------------------------------|---------------------------------|
| <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>Absent</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 |
| J. Bruce McGirr, R.Ph. | Emissary Pharmacy & Infusion Services-Casper, Wyoming |
| Timothy S. Seeley, R.Ph. | Powell Valley Healthcare/Chair, USP 797 Work Group |
| Scott Soulek, R.Ph. | Emissary Pharmacy, Owner/Clinical Services Manager |
| Brian Oland, PharmD, R.Ph. | Lieutenant, Wind River Service Unit, Ft. Washakie |
| Jamie Hornecker, PharmD | Wyoming Pharmacy Association |

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

Review and approval of the September 16-17 Board meeting minutes. Ms. Nevins moved to accept the minutes as presented. Mr. Harrop seconded the motion. The minutes were approved with no corrections necessary with a 6-0 vote.

Emissary Pharmacy. Mr. Bruce McGirr gave a presentation regarding products with the rating of "A" versus "AB". Mr. McGirr explained he would like to see all ratings changed from "AB" to all "A" and use a form for the physicians to state they would like to use a particular product instead of a generic one. IE: requesting capsules instead of tablets. According to Mary Walker this would warrant a statute change not a rule change. President McManus

suggested Mary try to research the situation and inform the Board of her findings on the subject of this requested change. Mr. Scott Soulek gave a presentation on long term care and the waste or abuse of medicines. Bubble packs get returned and are either flushed or are sent to free clinics. At this time they can take back the medication but cannot re-package blister packs to lessen waste. Mr. Soulek explained how most med planners do not have labels, expiration dates or indications of what is actually inside. There is concern as to whether the drugs in the med planners work together or have been discontinued. A lengthy conversation ensued with the Board regarding these concerns as this subject had been discussed at a Board meeting eight years earlier. Mr. Soulek is to give names to the Board inspectors of pharmacies not filling or labeling correctly. President McManus requested Mary Walker have her staff research what other states are doing about their med planners and what their rules indicate.

Discussion/Action Issues.

Rule Revisions. Mary Walker announced the rule revisions were approved by Governor Freudenthal on November 16, 2009 without comment. All Board members, inspectors and attorneys have been given a copy to update their books. Summaries of the revisions were included in the renewal packets for the pharmacists and technicians. The rule process includes thirty-two (32) steps in which all were met. The Controlled Substance Act revised as of July 1, 2009 was also distributed, to update law notebooks.

License Renewal updates. Phyllis Chapman reported that out of 1054 pharmacists, 563 had renewed on-line as of December 15, 2009. Out of 500 technicians, 190 to date had renewed on-line. With 2954 controlled substance registrations, 551 had renewed on-line and 280 letters had been mailed to those who had yet to renew on November 30, 2009. Mary Walker explained the on-line renewal process and some of the issues the process was having for some licensees. President McManus suggested that the renewal application should be put on the website for those individuals who were having problems or simply wanted a paper renewal.

Budget 2011-2012. Mary Walker explained the budget was approved by Governor Freudenthal. The correction was made in the budget for the office rent. The cash balance in earmarked funds (receipts above expenses) is \$916, 869 as of January 4, 2010, when these minutes were typed. Mary may have to do a transfer for the technician renewal system. Ms. Walker also announced the mileage rate is going down to 50 cents for board members and 30 cents for staff. Per Diem for meals and incidental expenses was 36 dollars and is now 46 dollars. Lodging remains at \$70 per night.

Collaborative Practice Committee Report/Action. The rules for Collaborative Practice had some minor changes in the new rule revisions in Chapter 2, Section 28 this year. The committee consists of Mary Walker, R.Ph., Jennifer Nevins, R.Ph., Andrea Thornton, M.D., Dean Winsch, R.Ph., and James Anderson, M.D. Jennifer Nevins explained they must meet all the criteria to be approved. None were rejected and the following were updated:

- a. Tonja Wood/Laramie Valley Medical
- b. Amy Stump/UW Family Practice at Cheyenne
- c. Dean Winsch/Dr. Thornton Anticoagulation Management

Jennifer Nevins moved to accept the above updates. Terry Carr seconded the motion and this was passed with a 6-0 vote.

Request of Dr. Garth Reber, Indian Health Services. Lieutenant, Brian Oland spoke on behalf of Dr. Reber's written request regarding the prescription drug monitoring program. Dr. Reber is requesting information obtained by the board office on providers in the Indian Health Services area for controlled substances in order to monitor the prescribing of narcotics for their patients. Mary Walker announced she could have staff create a spreadsheet with this information. This spreadsheet would have information for only the fields they would required to monitor this request. A discussion ensued on how the information is provided to the board office.

Charles Smith made a motion to allow Dr. Reber the use of our data. Terry Carr seconded the motion which passed with a 6-0 vote.

WYSAC Grant. A grant has been received from the US Department of Justice for the Wyoming Survey and Analysis center to analyze the data in the Prescription Drug Monitoring Program through 2008. The data extraction has already begun through the Board office.

Prescription Drug Monitoring Program Update/Brochure. Mary Walker gave an update regarding the PDMP. Lisa Stewart and David Wills created a brochure aimed to educate law enforcement and prescribers who are not aware of the program. Many dentists also do not know the program is available. Mary explained how some of the \$80,000 (discussed in the September meeting budget report) would be used to print the brochures. Mr. Harrop suggested sending the brochure to small groups at a time so they will remember the program is available. Ms. Nevins suggested a different color of type on the cover of the brochure which at the time these minutes were typed has been changed. A conversation ensued regarding meth, cocaine and heroin and prescription drug abuse not only in Wyoming but across the country and other countries.

Self Prescribing. Pursuant to WYO. STAT. ANN. § 33-26-402, Board Rules and Regulations and the Medical Practice Act a conversation ensued regarding self prescribing. President McManus suggested the agenda enclosure be sent out to physicians as a reminder even though they should already be aware of the Act and Rules. Mary Walker suggested this topic be brought up at the January Board of Medicine meeting. Dr. Davis asked why this conversation was happening and Ms. Walker informed the Board it was happening due to a written complaint received in the office.

Carisoprodol: DEA Scheduling Change. The Board office rotation student Amanda Thompson researched Carisoprodol (Soma) and found that Seventeen (17) states have made the product a controlled substance. For these states Carisoprodol is a schedule IV. The DEA is asking for comments to make the Carisoprodol a Schedule IV controlled substance federally.

Drug Abuse Task Force Updates (Lovell, Cheyenne). Mary Walker spoke about the task force and their efforts. She believes the task force is a good multi-disciplinary committee with the Board of Nursing, Board of Medicine and the media and law enforcement getting involved. Mary also sent a letter to the Rx Drug Awareness Committee members and Legislators with an update of the Prescription Drug Monitoring Program. While some states are willing to share their PDMP information with Wyoming, others are not. Colorado statutes do not allow them to share their PDMP information with Wyoming. David Wills is on a national committee to work on interstate data sharing. The Board staff continues to work toward online access.

Workload. President McManus spoke about workloads and indicated there was nothing new. Everyone needs to make sure they do not overwork individuals because this increases the chance of errors. The economy is also a

factor for not overworking employees. Age and the ability to multi-task is another factor that can lead to errors. Donna Horn spoke on the subject at the District 7 meeting in September. Mary Walker is to try and get a copy of the report about errors and overworking. A conversation ensued about different ideas to ensure no overworking but follow up is still needed.

Wyoming Legislative February 2010. Mary Walker informed Dr. Norwood there is a bill out there to help repay student loans for veterinary students graduating with a veterinary accreditation. In the 2011 legislation the staff would like to make changes to the Controlled Substance Act. Per Mary Walker, staff and students will work on the Act.

Mr. Harrop moved to have the office staff and students work on the Act. Mr. Carr seconded the motion which passed with a 6-0 vote.

Upcoming Meetings.

- a. WPHA Winter CE, January 30, 2010, Best Western, Lander, WY
Mary Walker, Terry Carr and Jennifer Nevins to attend.
- b. NABP® 106th Annual Meeting.
Kay McManus and Jennifer Nevins to attend.
- c. New Board Member Training, August 5, 2010, Cheyenne (LCCC)
Charles Smith, Ken Nelson and Stephanie McAntee to attend.
- d. District 6, 7, 8 Meeting, Albuquerque, New Mexico, September 28 – October 1, 2010
To be determined at a later time.
- e. Board of Pharmacy Meetings 2010
January 28-29, Cheyenne 6920 Yellowtail Drive
April 14-15, The Settle Inn & Suites, 1400 S. Garner Lake Road, Gillette
June 23-24, Ramada Riverside, Casper (WPHA Convention, June 25-27)
September 8-9, Hilton Garden Inn, Laramie

There was a discussion on where to have a meeting in a central part of the state soon. It was determined it may have to be in 2011

Reports.

1. Meetings.

- a. **Alliance of State with Prescription Drug Monitoring Programs, September 24-25, 2009 in Washington DC**

Mary Walker attended the meeting and found it very interesting. States that do not currently have PDMP's were asking a lot of questions from state that do. Several states have them approved but they are not up and running yet. Speakers from the PDMP were very helpful to everyone. Harold Rogers from Kentucky was given an award. Mr. Rogers always votes to get states to join the program. Dr. Davis said physicians may not be aware of the prescription amounts they are writing. Is there a report the physicians can get? Mary Walker informed him that yes there is a report available for the physicians upon request.

Meeting was recessed at 4:55 pm. Public meeting to resume at 8:00 on December 17th.

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| Kara Beech, B. S., CHC | Executive Director, Wyoming Pharmacy Association |

The Public meeting was called to order at 8:00 am. Thursday, December 17, 2009 by President McManus.

Ken Nelson moved to go to Executive Session at 8:01. Terry Carr seconded the motion and the motion was carried with a 6-0 vote.

President McManus returned to the Public Meeting at 9:00.

- a. Docket No. 09-13 Paul Piaia: Jennifer Nevins moved to accept the Settlement Agreement. Terry Carr seconded the motion which passed with a 6-0 vote.
- b. Docket No. 09-12 Louann Weber: Jennifer Nevins moved to accept the Settlement Agreement. Terry Carr seconded the motion which passed with a 6-0 vote.
- c. Docket No. 08-03 Mark Manig: Ken Nelson made recommendation to Mary Walker to send a letter requesting another application for consideration. Once received Randy Harrop and Gary Norwood will review the application and decide whether or not to approve a license.
- d. Docket No. 08-24B Hoys Drug: Terry Carr moved to accept the Settlement Agreement. Randy Harrop seconded the motion which passed with a 6-0 vote.

Reports. (Continued from previous day)

- b. **NABP® District 7 (with Districts 6 and 8) Meeting, September 30-October 2, 2009 in New Orleans, LA.**
Jennifer Nevins spoke about the meeting and conveyed she thought it was very good education. Kay McManus conveyed the meeting allowed for good contact with the district. Charlie Smith informed the board that the meeting has deepened his appreciation for what pharmacists do and the seriousness of their practice. Mary Walker explained that three were in attendance because Jennifer was paid for by the district since she is the president. Jennifer Nevins was elected president of District 7 for a 2 year term. A conversation ensued regarding retail and institutional pharmacies.
- c. **NABP® MPJE® State Specific Review, October 2009, conducted remotely via the Internet.**
Mary Walker, Terry Carr, Jennifer Nevins and Kay McManus all attended the review. Terry Carr explained there were literally thousands of questions to review during the eight hours. They were checking to see if the questions were indeed current. The computer will then sort the questions for each candidate by difficulty level. In the future the Board needs to make certain they are using a secure website to review the questions.
- d. **Prescription Drug Abuse Conference, TA Guest Ranch, October 6-9, 2009, Buffalo, WY.**
Mary Walker spoke about the conference. She said the information was very deep and was a great review. She said there were video links to all the Wyoming hospitals. All viewers could interact and ask questions and make comments. It could also be viewed via web streaming in which case physicians could log in and view everything or just the sections they desired. Mary also talked about the Wyoming history surrounding the ranch and that it would be televised as a documentary later this month.
- e. **NASCSA 2009 Alliance Meeting and Conference, October 19-20 (alliance); October 20-23, 2009 (Conference) in San Diego, CA.**
Mary Walker spoke on behalf of David Wills who also submitted a letter in the agenda packet regarding the conference. David also received a \$1200 scholarship to attend. The conference will be in Charleston, SC next year. Mary explained to the board members what to expect if any of them wanted to attend.

f. NABP® 2009 Symposium , December 3-4, in Tucson, AZ.

Mary Walker explained the topic of the symposium was medical marijuana. Mary said the information she received was very interesting and she explained the process in states that have legalized the drug and what the drug is actually used for. Montana is the 10th state to legalize marijuana. Because of the topic the symposium was not very well attended.

g. Inspector's Report and 2010 Focus.

Investigations in 2009: Trends included failed continuing education audits, public complaints including the rudeness of pharmacists, drug diversion, relapses in the WPAP program, mail order pharmacy issues about timeliness and identification of the drug on labels, felony charges, billing and co-pay complaints, and a variety of medication dispensing errors (wrong patient, med not ordered, wrong name, wrong strength).

Richard Burton reported on issues he witnessed during his 2009 inspections of approximately 73 pharmacies. The following is a list of issues he found: not reconciling reports, 15 failed to sign and date controlled substance invoices, failure for clear reconciliation and the date, expired drugs on the shelf, not signing and dating the log books for controlled substances, not accounting for leftovers for non-sterile compounding, Product ID's missing on labels, Not displaying licenses, 12 pharmacies failed to post technician licenses (just the PTCB certificate) incomplete DEA 222's and immunizations records not up to date. Richard also spoke of increasing complaints from the public in regards to rudeness at the pharmacies. It is a known fact that stress can affect attitude and courtesy but rudeness still cannot happen regardless of the stress level. Other issues include but not limited to medication errors, wrong medications in the bags, wrong strength, and wrong names on the label. Richard also asked the Board if they wanted random drug audits to be continued. The Board answered yes because it helps to enforce patient counseling and decreases medication errors.

Hank York reported on issues he witnessed during his 2009 inspections of approximately 76 pharmacies. He stated he had all the same issues Richard had. He stated he is seeing a lot of Pharmacists-in-Charge changes. He also brought up the automatic prescription machine and Mary Walker stated she was going to ask them to come to the next meeting and ask them to do a presentation. Mr. York also mentioned his area has 2 new hospital pharmacies and 5 remodeled retail pharmacies and a possible new telepharmacy.

Dr. Norwood asked how the inspectors were adjusting to the office in Cheyenne. Richard stated we meet every month with our attorney in Casper and by telephone. Hank mentioned the Board of Nursing and Board of Medicine are in close contact with our office in Cheyenne.

Below is a list of items of major focus for the 2010 inspections.

1. PIC responsibilities
2. Format to use for clear reconciliation of CII perpetual inventory
3. Continuing random drug audits of one controlled substance at each pharmacy

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4. Patient counseling and medication errors
5. Display of licenses in the pharmacy
6. Checking ID's and addresses on all controlled substance prescriptions
7. Checking patient profiles and DUR's in compliance with WY Pharmacy Act, Chapter 9
8. Technicians apply to Board after passing PTCB exam and post license
9. Utilizing Board web site to check status of any licensed personnel
10. Documentation of records in pharmacies administering immunizations
11. Proper documentation of transferred prescriptions
12. Attitude and courtesy
13. USP 797 rules
14. Awareness of new rules adopted in 2009

The following topics ensued in lengthy conversations:

1. Early re-fills and partial re-fills.
2. Inventory control and management.
3. Pharmacists-in-Charge.
4. Prescription transfers.
5. How inspections are carried out in the pharmacies.
6. A form made for transfer of prescriptions.
7. Prescriptions and errors and patient safety.
8. Multiple prescriptions written on the same blank.
9. Kara Beech, Executive Director of the Wyoming Pharmacy Association, reported there have been many changes on the Medicaid preferred drug lists.

Narcotics and Long Term Care.

Tim Seeley spoke of the Drug Enforcement Administration and their enforcement guidelines regarding facilities and nurses acting as the agent for the practitioner. There has been no progress on the legislative request and the DEA has said "no" on changing their way of thinking. As it stands with the DEA the nurse cannot be the agent for the practitioner even if there is a written order on the patient chart from the physician. The physician must either send a written prescription or contact the pharmacy directly. This is a DEA regulation due to diversion concerns. Mary Walker will draft a letter for Tim to look at and submit with specific examples from Scott Soulek and Bruce McGirr.

A motion was made by Charles Smith that the Board is in support. Randy Harrop seconded the motion which passed with a 6-0 vote.

Issues to be discussed with the Board of Medicine on January 29, 2010: legibility of prescriptions, number of prescriptions on one blank, self-prescribing, immunizations by pharmacists, ePrescribing, prescription drug abuse, and the prescription drug monitoring program.

Jennifer Nevins moved to adjourn the meeting at 11:30. Terry Carr seconded the motion which passed with a 6-0 vote.

Respectfully submitted:

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
Board President