

WYOMING STATE BOARD OF PHARMACY

Board Meeting December 5-6, 2012

2211 King Boulevard

Casper, Wyoming

Wednesday, December 5, 2012

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>Present</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 McGirr, R.Ph.	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
Kem Krueger, PharmD, Ph. D	University of Wyoming
Lynn Birleffi	Wyoming Retail Association
Jennifer Nevins, R.Ph.	Platte County Memorial Hospital
Jessica Rouse, PharmD, R.Ph.	Walgreens Pharmacy
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Stephanie Barsness, PharmD, R.Ph.	Walgreens Pharmacy
Derek Barsness, PharmD, R.Ph.	Walgreens Pharmacy
Larry Wolfe	Holland and Hart

Call to Order: President Carr called the meeting to order at 1:00 pm.

Review of the September 12-13, 2012 meeting minutes: Motion by Randy Harrop to accept the minutes as presented with the deletion of the extra one in statute number 33-24-116 on page 3. Kay McManus seconded the motion which passed with a 5-0 vote.

Charlie Smith requested to amend the current agenda to include a discussion on the fungal meningitis issues. This was approved.

Wyoming Retail Association and Safeway, Inc.: Attorney Larry Wolfe presented his changes to his two proposed bills for legislation. The first proposed bill is to allow pharmacists to administer immunizations to children and adults, age 7 and older. He explained that pharmacists are increasingly more hands on in the pharmacy by currently providing immunizations to healthy adults age 18 and older. He said children

to do not have any more side effects than adults to immunizations, but children and parents may require more attention from the pharmacist. The second proposed bill would allow pharmacists to administer certain types of medications. Mr. Wolfe explained that these medications would require a prescription. The Board of Pharmacy and Board of Medicine would have to approve the medications that would be administered by the pharmacist.

Lynn Birleffi reviewed issues around these bills. The language is permissive, not mandated. WY Retail Association (WRA) has concerns because the WY immunization rate is low and fell from 67% to 64.7%. Nationally it is 72.7%. Some of the members of WRA are pharmacists who see lowering the age as a next step. She referred to a letter from John Vandel and stated WRA is finding wide support from its members.

Jessica Rouse, PharmD, RPh from Gillette Walgreens spoke about her experience giving immunizations. Families have asked for the children to receive flu shots along with the age 19 and older. She stated pharmacists won't mind if the parent is there. Record-keeping is an issue because parents need the records. Board members asked about privacy, personal liability insurance, and time to monitor.

Mary Walker handed out information from APHA that had been requested by Ms. McManus.

Jennifer Nevins spoke representing WPHA. A "straw poll" in Casper did not find support in how to carry out the bills. The workplace conditions and pressure faced by pharmacists are a concern. WPHA's mission is for the profession, not patient safety. Mr. Wolfe asked for the letter from John Vandel be forwarded to the board members.

Emergency Medications, Wyoming Department of Health: Donna Artery explained how the Department of Health (DOH) is federally mandated to have on-hand medication for 1st responders, high ranking state officials and emergency coordinators and workers. These medications are specifically designated for treatment of Anthrax, Tularemia, Brucellosis, Plague and any antibiotics needed in the event of a natural disaster. In the event of a pandemic flu outbreak they have Tamiflu and Relenza. These medications are distributed within the first 48 hours of an emergency while our state awaits medications from the CDC. DOH also provides county health offices, community colleges, the university and county jails among other facilities medications for sexually transmitted diseases. Testing supplies for Tuberculosis is also provided to these facilities. She mentioned that 34 states allow expedited partner therapy for STD's

Correction to the September 2012 minutes: The Medication Donation program is open 30 hours a week per legislation, not 40 hours as submitted.

UW School of Pharmacy Grant: Kem Krueger, PharmD, R.Ph. announced the new Dean for the School of Pharmacy will be Dean Martin. He began his report on the pharmacist's contribution to remotely located patient care teams. Kem stated he was awarded part of a 14 million dollar federal grant. This money will be used for the virtual pharmacist project to cover personnel, procedures and training. He explained the purpose of involving the pharmacist on the patient care process by providing medication therapy management and follow up care. The idea is for the patient to be an adult and on Medicaid only and

taking five (5) or more medications currently. He wants to use Casper and Cheyenne UW Family Practice residencies on this project before branching out. Dr. Krueger is hoping to get ten (10) practices to sign up for this project. They currently have two (2) pharmacists on board and hoping to get ten (ten). Their budget can support two hundred (200) patients as well. There was a discussion on medication therapy management and collaborative practice. The project does not require collaborative practice agreements because the pharmacist is only making suggestions. The practitioner will make the ultimate changes for the patient. Dr. Krueger stated he would update the Board on the progress.

Defintions/Rules: There was a lengthy conversation regarding the definition of pharmacy. Upon completion of the conversation Charlie Smith moved to create a committee to work on the definition of pharmacy. Kay McManus seconded the motion which passed with a 6-0 vote. The committee will be as follows: Mary Walker, Rick Davis, Kay McManus, Bessie McGirr, Kem Krueger and Stephanie McAntee.

Budget: Mary Walker announced that the budget revenue is greater than expenses so we do not need to raise fees. She explained that she would have to do a B11 to move dollars around and most likely add dollars from our earmarked funds. Ms. Walker also had a graph of the budget and proceeded to explain what each of the lines and categories mean. There is also a possibility for an eight percent (8%) budget cut for the second year of the biennium. However, the governor is not requiring independent licensing boards to plan for the cut. Mary was then instructed by President Carr to go forward with the grant process for the prescription drug monitoring program (PDMP). The Board feels an obligation to implement the online access with Board funds since the legislated amount is no longer available.

Contracts with WPAP and Atlantic Associates: Mary Walker stated we have the Atlantic Associates contract in our hands and the WPAP contract has been approved.

Language for rules regarding a felony: Ken Nelson explained the rule process to the board members as outlined in the Wyoming Secretary of State Rules on Rules, Chapter 1. A hearing must be held if twenty-five (25) individuals or companies or government agencies request a public hearing. He provided proposed language to be in each license section of the rules regarding felony convictions.

DEA & Pre-populated prescriptions: Mary Walker stated the DEA has confirmed that pharmacies may send reminder letters to practitioners for patient's controlled substance refills. However, they may not pre-populate any part that may lead to a prescription. It is the ultimate decision of the practitioner to determine if the patient still requires the drug. An article will be in the DEA newsletter.

Executive Directors report: Mary Walker announced she gave a presentation "When Prescriptions Kill", on September 21st. She spoke at Casper College Law Day on October 6th, WPHA Technician CE on October 13th And LCPHA meeting, and UW School of Pharmacy Law Class on November 12th. Due to meeting in October, November and December with Rich, Hank and Eric Easton, disciplinary actions are caught up. Ms. Walker attended the Western Alliance meeting in Boise, Idaho, WOLFS training for updated software, Databank meeting in Denver, Colorado. UW ACPE accreditation visit preceptor meeting, CAC meeting, UW Deans Advisory Council, UW Stakeholders strategic planning and APHA CEO visit to UW. Mary has 42 pharmacist applications pending and has licensed 112 in 2012. The new PMI

evaluation process is complete. A lot of time has been devoted to the fungal meningitis crisis. Ms. Walker will be on vacation January 2nd through the 14th. The legislature convenes on January 8th.

License Renewal report: Phyllis Chapman announced that as of December 4th, of 1304 pharmacists, 489 have renewed, leaving 815 still needing to renew. There were 639 technician renewals sent out and so far 150 of them have renewed. This leaves 489 still needing to renew by March 31, 2013.

Compliance Officer's report: Richard Burton stated he was done with routine inspections. His USP 797 inspections are not all complete yet. He has had to do second and third inspections due to rejections. Most locations seem to have not taken the deadline serious. Most places do not have the policies and procedures and quality assurance in place. Next year he will be reading their policies and procedures for compliance. We have a checklist for them to use to get compliant. We have two new ShopKo Pharmacies, one in Thermopolis and one in Buffalo which were having computer problems. . All the other Pamida's have transitioned into ShopKo. Hank York said they were all still Pamida's when he did his inspections. Hank stated his territory has 7 non-sterile and 14 sterile compounding pharmacies. There was a lengthy conversation regarding the policies and procedures and supervision of technicians when compounding. It was noted that technicians have to qualify before being allowed to compound and then most are observed by cameras. President Carr stated it was time to know what was going on with each pharmacy. A letter is to be sent to each pharmacy in the state requesting if they do non-sterile or sterile compounding, have read chapter 17 of the rules and regulations and to submit a copy of their policies and procedures. The deadline for compliance of this information is February 15, 2013.

Interactive Forum at NABP September 19-20: Stephanie McAntee thanked the Board for letting her attend the meeting. She stated 43 board members attended the meeting and it was very interactive. She found that some states grant pilot programs like insyreds, and then they write the regulations. She also learned that using your own personal computer for Board work makes the information open for public knowledge. Ms. McAntee also received a tour of NABP.

ACPE team visit to UW School of Pharmacy: Terry Carr stated there was a self test. It was very interesting and very grueling too. They worked until midnight the first night. They interviewed all of the professors, president and deans at the school of pharmacy. President Carr said it was an extremely enlightening project.

Collaborative Practice: Bessie McGirr announced the committee met on November 21, 2012. The statutes and Rules were reviewed. There is a new physician member, David Skolnik, DO. Six (6) collaborative Practice Agreements were presented to the Board. A site visit was conducted on each of the active practices in 2012. Three (3) of the Agreements were presented as renewals. Two (2) of the new Agreements presented were approved. **Bessie McGirr moved to accept the five (5) Agreements. Rick Davis seconded the motion which passed with a 6-0 vote.**

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Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Raven Beattie, PharmD, R.Ph.	Walgreens Pharmacy
Richard Johnson, R.Ph.	Compounding Specialists of Wyoming
David Pestotnik, R.Ph.	Pharmacy Solutions, Inc.
Leith Culver, R.Ph.	CareTrust IV
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health

President Carr called the public meeting to order at 8:01 am.

John McPherson moved to go into executive session to discuss disciplinary and personnel issues. Rick Davis seconded the motion which passed with a 6-0 vote.

President Carr called the public meeting back to order at 8:30 am.

Docket No. 12-28A Emissary Pharmacy, Randy Harrop moved to accept the Settlement Agreement, Stipulation and Order as presented. Charlie Smith seconded the motion which passed with a 5-0 vote. Bessie McGirr recused herself from this docket.

Docket No. 12-28B Crystal Williams, Kay McManus moved to accept the Settlement Agreement, Stipulation and Order as presented. Rick Davis seconded the motion which passed with a 5-0 vote. Bessie McGirr recused herself from this docket.

Docket No. 12-32 Kevin Linn, **Bessie McGirr moved to accept the Settlement Agreement, Stipulation and Order as presented. Rick Davis seconded the motion which passed with a 6-0 vote.**

Docket No. 12-29 CRMC, **John McPherson moved to accept the Settlement Agreement, Stipulation and Order as presented. Bessie McGirr seconded the motion which passed with a 5-0 vote. Rick Davis recused himself from this docket.**

WPAP report: George Vandel reported there are currently thirty (30) individuals in the Wyoming Professionals Assistance program. Of those eight (8) are in the pharmacy profession. Six (6) are known to the board while two (2) are not. Four (4) are 100% compliant with the program. One individual is not doing so well, has issues with calling in and staying in touch with us. The two (2) unknown individuals are also 100% compliant.

Fungal Meningitis/Compounding Discussion: Richard Johnson of Compounding Specialists of Wyoming stated he is the owner and pharmacist-in-charge. Most of his compounding is traditional such as creams and capsules. He does some sterile compounding such as hormone therapy treatment. He does one third (1/3) of the compounding himself and the rest is done by his technicians or other pharmacists. All his technicians are tested for compounding competency when hired and annually. He said he only compounds from a prescription. All high risk compounds are done by Mr. Johnson. He stated he sends samples to a third party to have his compounding checked. He maintains a pharmacist/patient practitioner relationship. He is always willing to give the providers a tour of his pharmacy. A lengthy conversation ensued about particular products and the time frame it takes to make them and shelf time. Mr. Smith asked him what happened in MA. Mr. Johnson said he thought products were not properly sterilized.

Dave Pestotnik, R.Ph. owner and manager of Pharmacy Solutions Inc. explained he does sterile compounding for home infusion patients and nursing agencies are involved. He explained how they monitor the patients. They perform weekly and monthly cleaning in their pharmacy. They use an independent company from Denver that checks them once a month. He explained how his products are made and assured the board members he complies with FDA rules and regulations. He explained how his rooms are set up had how he used cameras to monitor the technicians. Pharmacy Solutions is licensed by the FDA as a re-labeler which allows him to put his own NDC number on his products. When asked about the MA problems Mr. Pestotnik thought there were many recalls because products are released before testing.

Leith Culver is the PIC for CareTrust IV. They do sterile compounding of home infusions from a prescription. They do not prepare batches. They are certified to make medium risk compounds, such as antibiotics and nutrition solutions (TPN). Products are shipped for 6-7 days in coolers by overnight courier. Mr. Culver was asked about the MA problems. He felt the inspections would not have caught one contaminated vial but would have caught poor policy and procedure.

All three were asked if they were manufacturing or compounding (one prescriber-patient-prescription).

Mr. Pestotnik mentioned there is a big problem when physician offices compound their own products. Oncology centers may not be following USP 797 to save money and someone should be monitoring patient safety. He was told the FDA may not inspect his pharmacy for 5 years due to few inspectors.

Pharmacists from the audience mentioned they knew of complaints filed. The board was asked to make a note of concern with the boards of nursing and medicine.

Spending the money for hoods and testing and training is a joke if not all are required to follow USP 797. Pharmacies are accredited for sterile compounding but physician offices are not. USP 797 is taught at UW to pharmacy students and it includes guideline for practitioners for immediate use.

There was a lengthy conversation regarding the Massachusetts Compounding Center and the issues surrounding it. It was stated by Richard Burton that it is all about the training and if someone is compounding they should give the patient the quality of medication they deserve. It was further noted that NABP has signed up with Iowa to conduct inspections for them in their state.

U.S. Senate & House of Representatives Action: Mary Walker explained to the board members that our database did not have the information requested by Congress and we need to update licensing software.

NABP Plan: Kay McManus moved to inquire to NABP on inspecting our compounding pharmacies. Bessie McGirr seconded the motion which passed with a 6-0 vote.

PMP InterConnect MOU and Map: Kay McManus moved to get signed up with this as soon as we get online. Rick Davis seconded the motion which passed with a 6-0 vote.

USP Prescription Label Chapter 17: Mary Walker presented a hand out from USP that released new standards on the universal approach to the format, appearance, content and language of instructions for medications in containers dispensed by pharmacists. The USP standards provide specific directions on how to organize labels in a "patient-centered" manner that best reflects how most patients seek out and understand medication instructions. The board had a conversation regarding this topic and it will be on the list of topics with other boards.

Legislation for 2013 session: Mary Walker about the legislation session coming up.. She stated that Elaine Harvey would be sponsoring the two bills from Larry Wolfe. There was a discussion on what Mary could and couldn't talk about at the legislature. Kay McManus asked Mary if she could bring up WPhA, Mary answered with a "no" they would have to appear for themselves. There were still concerns from everyone on time constraints on the pharmacists the problem with privacy and cleanliness of the pharmacies.

Upcoming meetings: The following are the dates for the 2013 board meetings:

March 20-21 in Cheyenne

June 19-20 in Laramie

September 11-12 to be determined

December 4-5 in Casper

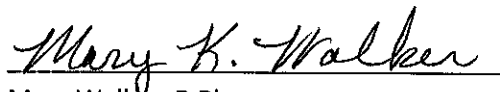
Randy Harrop thanked Kay McManus for her service on the board. It was a touching moment for everyone.

President Carr adjourned the meeting at 11:47.

Respectfully submitted on February 11, 2013

Notes by Phyllis Chapman, Senior Office Support Specialist

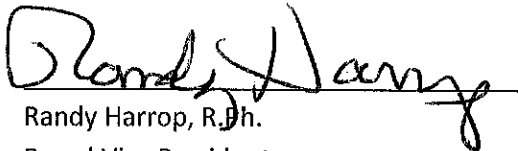
Respectfully submitted and reviewed:



Mary Walker, R.Ph.

Executive Director

Minutes approved and entered into record:



Randy Harrop, R.Ph.

Board Vice President