

**WYOMING STATE BOARD OF PHARMACY**  
**Meeting**  
**Board Meeting February 12-13, 2014**  
**6920 Yellowtail Road, Cheyenne, Wyoming**

**Wednesday, February 12, 2014**

<b>Present/Absent</b>	<b>Board Member</b>	<b>Title</b>
<i>Present</i>	Randolph A. (Randy) Harrop, R.Ph.	Board President
<i>Present</i>	Bessie McGirr, R.Ph.	Board Vice President
<i>Absent</i>	John R. McPherson, D.D.S.	Board Secretary/Treasurer
<i>Present</i>	Sigsbee Duck, M.D. R.Ph.	Board Member
<i>Present</i>	Jim Massengill, R.Ph.	Board Member
<i>Absent</i>	Kerri Kilgore, R.Ph.	Board Member
<i>Present</i>	Charles W. Smith	Board Member

**Guests/Observers:**

Ryan Schelhaas	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
Henry A. "Hank" York, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
H. Richard Burton, R.Ph.	Inspector/Compliance Officer, Wyoming State Board of Pharmacy
Kara Beech, B.S. CHC	Executive Director, Wyoming Pharmacy Association
Lane Williams	Wal-Mart, Cheyenne
Lis Houchen	NACDS
Jennifer Nevins, R.Ph.	Wyoming Pharmacy Association
Wade Morrow, R.Ph.	Albertson's
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Stephanie Kosinski	University of Wyoming, School of Pharmacy student
Perri Schneider, R.Ph.	Walgreens
Dale Masten	Genoa Health Care

**Call to Order:** President Randy Harrop called the public meeting to order at 1:00 pm.

President Harrop introduced Ryan Schelhaas current representative of the Board from the Attorney General's office.

**Review and approval of the November 5-6, 2013 meeting minutes:** Bessie McGirr moved to accept the minutes as presented. Kerri Kilgore 2<sup>nd</sup> the motion which passed with a 4-0 vote.

**Roberts Rules:** Included in the board packet was a reference to how to make motions.

**Dell Tablet process:** Mary Walker gave everyone a cheat sheet for their new Dell tablet to help with the learning process.

**WPAP:** Mary Walker gave the 4<sup>th</sup> quarter report, currently 25 professionals are in the program in Wyoming. Of these 25 individuals, six (6) are a Pharmacist or Technician, two (2) are unlicensed professionals. Six (6) are known to the Board and two (2) unknown.

President Harrop explained to the room the rules that were tabled (WPA Rules Chapters 2, 10, and 11) and no more public comments would be taken on them. Senior Assistant Attorney General, Ryan Schelhaas explained the Board could take comments but the legal aspects do not require the Board to take additional public comments. Mr. Harrop informed those that wished to make additional comments would be up to Board discretion.

#### **Old Business:**

**GL Suite software:** Mary Walker spoke to the board about the new software and the training the staff was working on before the go "live" date. She reported the money had been moved and GI Solutions had been paid. President Harrop asked how this software was going to help the staff and Mary Walker explained it would help with the processing of licenses. Ms. Walker also explained how the new software would help the inspectors with inspections and that the new software was web based and easier to access.

Mary Walker announced the resignation of Board member, technician Stephanie McAntee. Ms. McAntee accepted a position of employment in Topeka Kansas and is enjoying her new job.

Mary Walker explained letters were sent to animal euthanasia technicians who were not in compliance with controlled substance registrations with the Board of Pharmacy.

Mary Walker announced Governor; Matt Mead signed our rules in January 16th 2014.. Attorney General, Ryan Schelhaas spoke of the governor's mandate to streamline the rules for all agencies. There is a binder with the 33 step process documented. Incorporation by reference must be followed. Privated space must be in place by July 20, 2014.

**Letter to Immunizers:** Mary Walker sent a letter to the 190 immunizers within our state. Each immunizer was asked to take a pediatric immunization course prior to administer to children. A legal consent form for the children will need to be implemented and the information must be entered into the state registry.

**Rules:** President Harrop asked the Board members their pleasure for discussion on this chapter. Charlie Smith suggested listening to comments during this session. Bessie McGirr requested to listen to the public comments now and review and vote on them tomorrow. Attorney General, Ryan Schelhaas stated the Board must take overnight to consider the public comments received today. President Harrop advised the members they have three options to come back to the table with: (1) to make changes, (2) accept as is, ((3) not make any changes at all to the chapter. President Harrop announced all public comments at this meeting would be limited to 5 minutes per speaker. A motion was made, seconded and passed to open for public comments with a 5 minute limit.

**Chapter 10:** There was an extensive conversation on the suggested additions to this chapter regarding "technician specialists". The pharmacist license is the same if the person is working in and institution or

community pharmacy and the pharmacist can get certifications. At the 2014 winter WPhA meeting discussions were all over the board. A version of the chapter was reviewed with all mentions of “technician specialist” removed.

Ryan Schelhaas explained what a substantive change means and the final adoption of Chapter 10 could be contingent on review by the Attorney General’s office.

Public comments were given by Lis Houchen and Kara Beech. The Board then voted on the second day as follows:

Kerri Kilgore made a motion to look at this chapter and it’s requested changes at a later time but not to dismiss the suggestions. Bessie McGirr 2<sup>nd</sup> the motion which passed with a 5-0 vote on day two of the meeting.

Chapter 2: There were many comments on the felony conviction section. It was removed from the versions on final adoption. An extensive conversation about CLIA- waived testing was held. Public comments we received from Dale Masten, Lis Houchen, Perri Schneider.

Chapter 2: Other discussion on Chapter 2 was held on transfers, fees, emergency drug boxes, and notification. This information will be considered over night by the Board members and a vote will be established tomorrow. Mary Walker asked the Board to review the letter regarding “outsourcing facilities”.

President Harrop announced a hearing will be held in the morning and he had no idea how long this would take so he could not establish a time for the public meeting to start.

Motion to adjourn the meeting until 8:00 am on Thursday 13, 2014 by Kerri Kilgore at 3:50 p. , seconded by Jim Massengill passed with a 4-0 vote.

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<i>Present</i>	Bessie McGirr, R.Ph.	Board Vice President
<i>Absent</i>	John R. McPherson, D.D.S.	Board Secretary/Treasurer
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Ryan Schelhaas	Assistant Attorney General
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Wade Morrow, R.Ph.	Albertson's
Jennifer Nevins, R.Ph.	Wyoming Pharmacy Association
David Wills, MBA	WORx Coordinator

**Call to Order:** President Randy Harrop called the public meeting to order at 8:00 am.

President Harrop explained how the meeting would go as far as the hearing, executive session and then back to public meeting. Deb Baumer of Office of Administrative Hearings conducted the hearing, a transcript is available with the meeting documents.

**Jim Massengill made a motion to go into executive session to discuss the Hearing and seek legal advice and discuss personnel issues at 8:15. Charlie Smith 2<sup>nd</sup> the motion which passed with a 5-0 vote.**

**President Harrop called the public meeting back to order at 8:33 am.**

**Disciplinary actions:**

**Docket No: 13-15 Omnicare of Golden, Co:** Charlie Smith moved to accept the Settlement, Stipulation and Order as presented. Jim Massengill seconded the motion which passed with a 5-0 vote.

**OAH Docket No: 14-058-059 Lisa Vega:** Jim Massengill made a motion to accept the default and revoke Ms. Vega's technician license because this is a violation of the practice act based on the severity of the felony. Her lack of judgment compromises the integrity of the profession. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

**Executive Director Report:** Mary Walker reported she made 2 presentations to WPHA, submitted budget requests, met with the disciplinary team, cleaned up the rules submitted to the Governor. Currently Ms. Walker has 39 pharmacist applications pending for completion. Phyllis Chapman attended the new software conference in Oregon. GL is continuing to build our system. Due to office staff issues Ms. Walker has scheduled a temporary office assistant, the agency completed two public record requests.

**License Renewal Report:** Phyllis Chapman reported out of 1310 pharmacists only 39 did not renew and were sent certified letters regarding the status of their license. Furthermore, 672 technician renewals were sent out and 92 had not yet renewed. President Harrop asked about the technician license and continuing to work in the pharmacy with a license which expired on December 31st. Ms. Walker explained to him with the new rules (if accepted) will hold the technician to the same professional standards as a pharmacist. This means a technician

will have the same amount of time (and notification) as a pharmacist to renew that license along with the late fee or it then becomes a reinstatement of that license

**Compliance Officer Report:** Richard Burton reported he had a pharmacy close in Thayne but a new one opened. A pharmacy in Sheridan was closed. A new Walgreen's pharmacy opened in Jackson and looked very good for the inspection. There has been a rash of break-ins during 2012 to 2013. Cody, Pinedale, Guernsey and Lovell have all been hit (some more than one time). There are noted discrepancies this year including non-sterile compounding policies and procedures, licenses not being posted, not signing and dating controlled substance invoices, reconciliation of perpetual inventories. In 2013 49 investigations were opened, Mr. Burton gave a list of issues found in these investigations. 7 cases have carried over from 2013 and 4 new cases in 2014 have been opened. Both inspectors have the same focus for inspections in 2014.

Hank York reported he had 68 retail pharmacies and 14 hospital pharmacies. Two new Sam's club pharmacies opened recently. Two new pharmacies will open soon, one in Laramie and one in Cheyenne. There is a new hospital in Casper which will be finished in 2015. There are a few pending final inspection upon completion of remodeling. These are located in Casper, Cheyenne and Kemmerer. Several hospitals have also undergone remodeling.

**WORx Program:** Mary Walker reported about the new online program. She stated many emergency room doctors are starting to use the program and we currently have 660 users signed up. There was a discussion on how the online program works. Ms. Walker explained it was actually quite easy to use. There is a 15 minute time out feature. The program is updated once a week on Thursdays. Doctor shoppers have decreased and law enforcement users have increased.

**Budget:** Mary Walker announced she had submitted the 2015-2016 Biennium Budget Request and it is now in the approval stage.

Kevin Bohnenblust from the Board of Medicine provided a multi-board calendar indicating when meetings are held for the year.

**Legislation 2014:** There was a quick discussion on HB0062 with changes to agency processes and SF0067 which is focused on streamlining administrative rules. A letter was reviewed prohibiting lobbying by state employees.

**NAPB 2014 meeting:** Bessie McGirr was elected to attend the meeting in Phoenix May 17<sup>th</sup> through the 20<sup>th</sup>. Sigsbee Duck motioned to send Ms. McGirr to the meeting and Kerri Kilgore seconded the motion which passed with a 4-0 vote.

Rx Patrol was discussed and no motion to approve the request was made.

**License numbering system for GI Suites.** The new software requires some license numbers to be changed in order to not duplicate numbers. Mary Walker explained the suggested new formats. Bessie McGirr moved to accept the new numbering system. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

The EPA has released an opinion that Riverton is "Indian country. The Board does not have jurisdiction on the reservation. However, since there had not been any legal change in this matter the Board will continue to inspect there.

The Board office received a letter from a veterinarian stating he was not happy with the late fee on his lapsed license. Mary walker stated that we are technically not required to send out renewal notices to any of our licensees.

NABP Verified Pharmacy Program: Now before issuing or renewing a license Mary Walker and Phyllis Chapman can now go on NABP's website and see the last inspection done on a non-resident pharmacy. This program comes in the wake of the compounding pharmacy issues. Bessie McGirr moved to accept the use of this program. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

A free clinic in Sheridan is requesting a pharmacy at their location. Richard Burton has visited the location several times and it does not qualify as a pharmacy space. The square footage they have for where the pharmacy would be does not meet our rules. They have been invited to visit the Centralized Pharmacy in Cheyenne but have declined. The clinic can dispense donated medications without a pharmacy per the Department of Health rules. Bessie McGirr made the motion to deny the request for a pharmacy. Jim Massengill seconded the motion which passed with a 5-0 vote.

**Midwest Clinic:** The mission is to stabilize and move a patient. They are looking to open a pharmacy.

**Chapter 10, version 11:** Kerri Kilgore moved to accept this version as presented. Bessie McGirr seconded the motion which passed with a 5-0 vote.

**Chapter 2 Version 8:** There was a extensive conversation on several sections and specific wording in this chapter specifically page 5. Once the wording was decided upon, Sigsbee Duck moved to accept the wording with the changes. Jim Massengill seconded the motion which passed with a 5-0 vote. Bessie McGirr made the motion to remove the wording on page 2-35. Jim Massengill seconded the motion which passed with a 5-0 vote. With the overall changes accepted, Kerri Kilgore moved to accept chapter 2. Bessie McGirr seconded the motion which passed with a 5-0 vote.

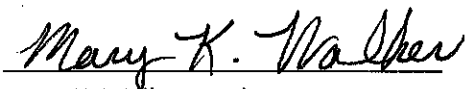
**Chapter 11:** Kerri Kilgore moved to repeal this chapter. Sigsbee Duck seconded the motion which passed with a 5-0 vote.

Randy Harrop asked for a motion to adjourn the meeting. Charlie Smith made the motion to adjourn the meeting at 10:50 am. Bessie McGirr seconded the motion which passed with a 5-0 vote.

Respectfully submitted on June 12, 2014

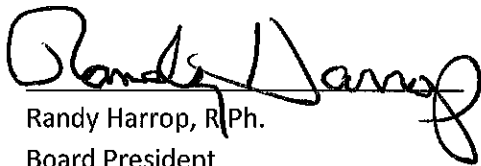
Notes by Phyllis Chapman, Senior Office Support Specialist

Respectfully submitted and reviewed:



Mary K. Walker, R.Ph.  
Executive Director

Minutes approved and entered into record



Randy Harrop, R.Ph.  
Board President