

WYOMING STATE BOARD OF PHARMACY

Board Meeting January 28-29, 2010

6920 Yellowtail Drive, Suite 100

Cheyenne, Wyoming

Minutes

Thursday, January 28, 2010

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>Present</i>	John R. McPherson, D.D.S.	Board Member
<i>Present</i>	Randolph A. (Randy) Harrop, R.Ph.	Board Member
<i>Absent</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
David N. Wills	Data Management 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
Timothy S. Seeley, R.Ph.	Powell Valley Healthcare/Chair, USP 797 Work Group
Perri P. Schnieder, R.Ph.	Walgreens Company-Denver, Colorado
Monica Schmitz	PharmD Candidate
Shelly Wei	University of Wyoming, School of Pharmacy student
Susan Menghini	Director of Public Affairs, Wyoming Retail Association
Roxanne Homer	Wyoming Department of Health Pharmacy

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

Review and approval of the December 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 correction necessary with a 6-0 vote.

Prescription Drug Monitoring Program quarterly report: David Wills gave a power point presentation on the Prescription Drug Monitoring Program. Dr. Davis asked if the public could request their information. Yes they can but they must have identification and request it in person at the Board office. Since Colorado will not share information with Wyoming, Mr. Harrop asked if we share with them. Yes Wyoming does share information with Colorado. Mr. Smith asked if there was anything the Board could do to enhance the program

and the response was yes Board staff is going to Jackson to educate the area about the program. A conversation ensued regarding states sharing the PDMP information.

Institutional Pharmacy: Mr. Tim Seeley gave a power point presentation on rural and small hospitals in the state and the need for remote pharmacist services. The reasons for remote pharmacist services are for patient safety, improved medication management and economic feasibility. There is a significant shortage of pharmacists in rural America and the rural hospitals are incapable of financially supporting increased pharmacy hours. Looking to improve rural hospitals and increase their technology. The sources for this are large company and independent service vendors, health system networks and home-grown networks. Wyoming has addressed this in the Wyoming Pharmacy Act, Rules and Regulations, Chapter 12. Ms. Nevins asked Mr. Seeley if he was looking in to 24/7 and Mr. Seeley stated not for the initial step.

Discussion/Action Items:

Budget Adjustment (B-11) action needed. Mary Walker explained the process of swapping money around in the budget since the last meeting. She stated this is the most challenging part of her position and that it is a learning process. Mary went on to explain what happens when one part of the budget gets too low. Because there were problems getting the money moved around she apologized for late payments from the December meeting. Mary explained each request for more money in which all were approved by Governor Freudenthal.

Jennifer Nevins moved to accept the budget adjustments. Rick Davis seconded the motion which passed with a 6-0 vote.

License Renewal Updates: Phyllis Chapman gave an update of the online renewals. Of 1130 Pharmacists, 921 renewed on line. 14 licenses have been put into a lapsed status. Of 500 technicians, 390 renewed online. 101 have still not renewed. The DEA was sent a list of 184 controlled substance registrants who did not renew. Mary Walker explained the process of renewals for controlled substance registrants and how it is a year long process due to the way the rules are written. Mary proposed a three year renewal process for a fee of \$120 and having the late fee begin after June 30th instead of September 30th. President McManus suggested talking to the Board of Medicine about this. A conversation ensued regarding possible problems and what the staff would like to see happen.

Board of Medicine Discussion: Mary Walker explained the Board was invited to the Board of Medicine meeting on January 29th at 10:30. Those that will attend are Kay, Terry, Jennifer, Randy, Rick, Hank and Mary. Each will take a topic from the joint issue list and speak about it. A conversation ensued regarding each topic to be discussed. Mary wants to bring up Physicians dispensing from their offices due to the increase of questions and concerns to the Board office.

Inspectors Report: Richard Burton reported there is a 2010 focus list in the newsletter. Both Inspectors are working to revise the checklist for sterile and non-sterile compounding and changing the inspection sheets as well. They need to go over with the hospitals what is expected of them. This list will let the hospitals know

what the inspectors will be looking for and at. Richard Burton and Hank York are both taking a 60 hour web based course from Baxa titled, "Compliance Tools for USP 797".

Old Business:

Packaging/Med-Planners: Mary Walker did research in other states and found rules to be all over the board. It was suggested we may want to look at this when doing the next rule making for patient safety. Tim Seeley indicated he had to rewrite all his rules and policies. Mary Walker will check with NABP to find out what other states are doing. This was also to be brought up to the Board of Medicine that this is a problem and needs to be addressed. A conversation ensued regarding eprescribing and the problems the pharmacists are encountering with it. They are making follow up phone calls to clarify the information. Tim Seeley is also experiencing the same problems.

Possible Rule-Making 2010: Mary provided a list of possible changes to several chapters of the rules and the Controlled Substance Act. No one was opposed to any of the changes but there was a concern if the staff had the time to work on the changes. It was decided the staff would bring some proposed changes to the April meeting in Gillette. President McManus inquired as to when these would go to hearing. Ken indicated the process was four months from beginning to end. However, not all rule changes require a hearing. A conversation ensued regarding Pharmacists-in-Charge. Mary is going to Lander to help with an educational program to teach new PIC's. Richard Burton stated if you have a good and educated PIC the rest of the staff will follow suit.

MPJE Item-Writing Workshop, April 8-9, 2010, Chicago, IL. President McManus and Mary Walker will be attending. Both explained to the students present how they help to write the questions for the exam and then together with other states they select the questions that will be on the actual exam.

Informational Items:

Upcoming Meetings:

WPHA Winter CE, January 30, 2010, Best Western, Lander, WY
Terry Carr and Mary Walker to attend

NABP 106th Annual Meeting
Jennifer Nevins is attending as the District President. Randy Harrop may attend. Anyone can attend that chooses to go. One person can go on a scholarship.

New Board Member Training, August 5, 2010, Cheyenne at LCCC
Charlie Smith and Stephanie McAntee will be in attendance.

District 6, 7 & 8 Meeting, September 28-October 1, 2010, Albuquerque, NM

It was undetermined at this meeting who would be in attendance.

Board of Pharmacy Meetings 2010

April 14-15, Gillette, Settle Inn

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

September 8-9, Laramie, Hilton Garden Inn

Meeting was recessed at 4:40 pm. Public meeting to resume at 8:00 am. on January 29th.

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Timothy S. Seeley, R.Ph.	Powell Valley Healthcare/Chair, USP 797 Work Group
Monica Schmitz	PharmD Candidate
George A. Vandel, NCAC II, Cap	Executive Director, Wyoming Professional Assistance Program
Berton Toews, M.D.	Medical Director, Wyoming Professional Assistance Program

The public meeting was called to order at 8:08 am. Friday, January 29, 2010 by President McManus.

Randy Harrop moved to go to executive session at 8:09. Jennifer Nevins seconded the motion which passed with a 6-0 vote.

President McManus returned to the Public Meeting at 8:35

Docket No. 08-24A James Schick: Randy Harrop moved to accept the Settlement Agreement. Jennifer Nevins seconded the motion which passed with a 6-0 vote.

Wyoming Professional Assistance Program quarterly report: George Vandel reviewed his quarterly report and answered questions. Berton Toews, M.D., Medical Director of WPAP noted that records are currently kept manually and will be converted to “Certa Trust” software for tracking and trending. Ms. Walker asked if the Wyoming Behavioral Institute was accepting referrals. Dr. Toews said “yes” and to call if they were sending a referral.

Controlled Substance Registrants and exemptions: Mary Walker gave everyone a list of controlled substance registrants who believe they should be exempt from paying the annual fees. The list included researchers, K-9 units for all law enforcement agencies and health center pharmacies among others. A lengthy conversation ensued regarding lost revenue and time spent on these registrants as it is.

Charlie Smith moved to charge all registrants. Terry Carr seconded the motion which passed with a 6-0 vote.

A conversation ensued regarding some type of publication (Television/Radio) to educate the public on having patience with pharmacists and pharmacies. Kara Beech indicated that she may be able to convince TCT West to do a spot.

President McManus asked Mary to have a time set for the impending hearing by the end of February. Board staff is to prioritize statute and rule changes for the next year from the following:

Possible rule revision for 2010:

Rules Wyoming Pharmacy Act

Chapter 2 Section 19 (b) “written prescription memorandum”

Also review statutes and other states—can we remove requirement for paper to be filed?

Chapter 2 Section 9 how many hours other states require the PIC to be in attendance

Chapter 5: Poison Regulations—is it relevant?

Chapter 7: review and revise in the ePrescribing task force

Chapter 11: Dangerous Substances, review and revise? Ephedrine covered under meth act?

Chapter 14: Telepharmacy—add controlled substances?

Rules Wyoming Controlled Substance Act

Chapter 3 Section 1 Fee Amounts (f) spell out exemption for various government agencies (also Sect 3)

Animal shelters, K-9 units, law enforcement offices, DOH, UW departments

Chapter 3 Section 2: add credit card online, change Sept 30 to June 30

Chapter 3 Section 22: research what (iv) means

Chapter 3 Section 26: exemption of Law Enforcement Officials

Chapter 3 Section 31: (a) change “bureau” and most of the rest of the paragraph

Chapter 3 Section 31: Change Sept 30 to June 30 and Dec. 31 to Sept 30; Update information (Bureau)

Chapter 4 Section 2(iv): specify how the reconciliation is to be recorded

Chapter 6 (if the DEA rules are changed update: issuing filing and filling)

Ch6 Section 4: match security paper to Medicaid

Ch 6 Section 6: add "date" to items that can be changed on a C-II prescription (?) (iv)?
Ch 6 Section 32 (remove because all c-V are now prescription?)
Chapter 7 Section 5: check our notice of inspection form, any changes per Richard/Hank?
Chapter 8 Section 2 (b) match to new statute for every 7 days reporting
Ch 8 Section 2(a) change to ASAP 2007?
Ch 8 section 7: remove carisoprodol if it becomes a C-IV

Randy Harrop moved to adjourn the meeting 9:35. 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, R.Ph.
Board President

Joint Meeting of the Wyoming Board of Pharmacy at the Wyoming Board of Medicine, 1-29-10

Vice President Jane Robinett, D.O., of the Board of Medicine called the public session to order at 1045 a.m. in the meeting room at Cheyenne Regional Medical Center. In attendance were:

Board of Pharmacy

Jennifer Nevins, R.Ph.

Terry Carr, R.Ph

Randy Harrop, R.Ph.

Robert J. "Rick" Davis, MD

Kay McManus, R.Ph. (President)

Board of Medicine

Jane Robinett, D. O.

Cissy Dillon

Diane Noton, M.D.

James R. Little, M.D.

Jeffrey Storey, M.D.

Mary Walker, Executive Director

Kevin Bohnenblust, Executive Secretary

Hank York, Compliance Officer

Connie Schepp, Compliance Specialist

Monica Schmitz, PharmD Candidate

Sean Chambers, Board Attorney

The group reviewed the topics that had been sent to members of each board as follows:

Sterile Compounding: Board of Pharmacy rules have been promulgated, effective January 1, 2012. A question was discussed about regular compounding pharmacies that are not FDA approved.

Immunizations: About 109 pharmacists in WY are administering immunizations including H1N1 vaccine. The pharmacists keep an emergency kit with an epi-pen.

Prescription Drug Monitoring Program: updated information was reviewed. Just last week there were 24,000 controlled substance prescriptions filled in WY. Volume of request for profiles is up and a corresponding decrease in possible doctor shoppers is noted. The graph of this trend will be sent to the board of medicine. Law enforcement is using the PDMP increasingly. Online access is being planned. For pain patients on contracts a profile might be required every six months.

Controlled Substance Registration: Timing of the late fee for registrants was discussed. Notices are sent in April for expiration June 30, late fee September 30, and notices to the DEA December 31 each year. The group agreed to work toward a statute change in 2011 to add late fees July 1, notices to DEA September 30 and go to a three year registration. Over 500 registrants successfully completed online renewal in 2009.

Carisoprodol (Soma®) has been recommended by the DEA to become a Schedule IV controlled substance. The group supports this as it is close to meprobamate. Patients on long term tramadol consider themselves to be addicted and have been hospitalized with delirium. The group agreed it was appropriate to research making tramadol a schedule IV controlled substance in the 2011 legislature.

ePrescribing: Dr. Noton and Dr. Robinett have agreed to be on a task force for rule-making. Software is driving the process and insurances are offering discounts for electronic medical records in office practice. Pharmacists report that some messages come across as “drug name too long” or the comments field has different directions for the patient than the standard sig. tied to a product.

Long Term Care: the DEA has been enforcing controlled substance prescriptions in nursing homes. The RN at the nursing home is not considered an agent causing delays and frustration. It was mentioned that in Saratoga the pharmacy would not accept the nursing home to call in the prescription.

Multiple Prescriptions written on one prescription blank: Copies of multiple prescriptions with the patient and prescriber name redacted were distributed and discussed. The board of medicine suggested that the Wyoming Medical Society use their newsletter to make it known that multiple

prescriptions on one blank is not the way to do it. Clarity and legibility are critical for patient safety. Controlled substances should not be on the same blank as non-controlled substances. The examples will be provided to the Wyoming Medical Society.

Self Prescribing: The board of pharmacy members discussed the issue of scope of practice and patient-physician relationship when prescriptions are received for family members for prescription drugs outside the prescriber's specialty. The board of medicine explained that this is an authority issue. In Wyoming we issue general medical licenses and it is not known if extra training was received in other specialties. The patient-physician relationship must exist and communication needs encouraged. Controlled substance prescriptions should not be written or filled for family members. Pharmacists have to use judgment to decide if a retired prescriber should provide a statin vs other drugs such as Zyprexa. A history and physical exam should exist or another prescriber should be called. For example, a prescriber practicing in a VA medical center would not have a patient-physician relationship with a family member who is not a VA client. Pharmacists do have the right to refuse to fill a prescription but need to be careful about the scope of practice. For physician assistants the issue is between the supervising physician and the PA. Nurse practitioners do not have rules relating to this topic.

Prescriber-Pharmacist Communication: Discussion was held about a pharmacist refusing to fill a birth control pill as a "morning after" and pharmacists keeping the prescription blank when there was a question about the dosing. If the pharmacist thinks it may be dangerous (such as an emergency room prescription for controlled substances for a patient on long time previous controlled substances)—communication should occur and the pharmacist may need to keep the prescription. If a crime has been committed (such as a forgery or alteration on the prescription) the pharmacist should keep the prescription. The board of pharmacy discussed the misconception of the public around the topic of Plan B that occurred with rules proposed in 2005. The national media turned the patient safety issue around.

Office dispensing: both boards have increasing questions from companies about setting up office dispensing. "After hours" in rural areas is different than routine dispensing. Sales tax, licensing, and insurance issues need to be reviewed and separate businesses set up. Neither board has rules.

Respectfully submitted by Mary Walker