

WYOMING STATE BOARD OF PHARMACY

Board Meeting Minutes

January 6, 2016

Oil & Gas Commission, 2211 King Blvd, Casper, WY

Mission: The Board of Pharmacy is that State agency charged with the responsibility of protecting the health and welfare of the residents of Wyoming regarding pharmaceutical services.

| Present/Absent | Board Member | Title |
|----------------------|------------------------------|---------------------------|
| Present | Bessie McGirr, RPh | Board President |
| Present | Kerri Kilgore, RPh | Board Vice-President |
| Present | John R. McPherson, DDS | Board Secretary/Treasurer |
| Present | Sigsbee Duck, MD RPh | Board Member |
| Present (at 2:00 PM) | Jim Massengill, RPh | Board Member |
| Present | Charles W Smith | Board Member |
| Present | Ronald (Ronnie) LeBlanc, RPh | Board Member |
| Present | Brenda Upton, RPh | Board Member |
| Present | Jan Shatto, RPT | Board Member |

Guests/Observers:

| | |
|------------------------|---|
| Mary K. Walker, RPh | Executive Director, Wyoming State Board of Pharmacy |
| Henry "Hank" York, RPh | Inspector/Compliance Officer, Wyoming State Board of Pharmacy |
| Beverly Fontaine | Sr Office Support Specialist, Wyoming State Board of Pharmacy |
| Jason North | SageWest Health Care |
| Kara Beech | WPhA |
| Candice Cochran | WPAP |
| Dustin Scoggins | Walmart |
| Donna Artery | WY Dept of Health |
| Jen Steiner | WPhA |
| Chad Schuster | King Soopers |
| Jessie Ritter | Summit Medical Center |
| Perri Schneider | Walgreens |
| Kristin Boe | Geneva Woods Pharmacy |
| Sam Blakeslee, Intern | Creighton University School of Pharmacy |
| Melinda Carroll | King Soopers |
| Randy Harrop | RPh |

Public Meeting Call to Order at 1:06 pm January 6, 2016 by President Bessie McGirr

Welcome – Bessie reminded the Board and the public of the Mission and purpose of the Board of Pharmacy. WY law manuals were distributed to the Board.

Review of September 9-10, 2015 minutes– Kerri Kilgore moved that the minutes be accepted as presented. John McPherson seconded. Votes were 8 aye, 0 no, 1 absent, 0 abstaining.

Review of September 30-October 1, 2015 minutes - Kerri Kilgore moved that the minutes be accepted as presented. Brenda Upton seconded. Votes were 8 aye, 0 no, 1 absent, 0 abstaining.

WPAP (Wyoming Professional Assistance Program) report (Candice Cochran) Candice presented a powerpoint presentation (copy attached to these minutes) explaining the mission and work of WPAP. She gave specific examples of how they have helped and are helping their clients. After the report Candice opened it up to questions. There were none.

Old Business

CLEAR investigator training, Sept 2015 (Mary Walker) – Mary reported that she and Lisa Hunt attended a week-long training in Boston in September. They are now "Certified Investigators." Mary reported on the training and the test that they took at the end of the training. Lisa is setting up new files and new ways of interviewing. Lisa has been appointed to one of CLEAR's national committees and is in Savannah at a meeting at this time.

NABP District 7 Meeting, Reno, NV, report (Brenda Upton) – Brenda attended the meeting on behalf of the Board. Brenda said this was her first meeting of this type and it felt like sort of a training. It was definitely a learning experience. She said one of the hot topics was Technicians who are inputting prescriptions and a Pharmacist checking that are going to patients in a different state. There is a lot of controversy about this. She thanked the Board for sending her.

FDA 50 State Meeting (Mary Walker) – Mary reported on this meeting with the FDA at their headquarters in Maryland. Lisa attended also. Preparations were very frustrating as they did not hear about their flight arrangements until two days before they had to fly. One thing they learned is that the FDA is doing unannounced inspections of compounding pharmacies and were holding them to manufacturer standards. Lisa and Hank have completed the 797 training. Lisa is interested in attending an FDA training as well. There are some changes regarding "pharmacy to pharmacy" sales. There was discussion among the Board. Mary reported that there are two more meetings planned if any of the Board members are interested in attending.

GL Solutions Project BOP Website (Mary Walker) – Mary reported that GL Solutions has been working on our website update. It is not completed yet. We have given them more than 30 documents to update. Mary said that as soon as this project is completed we are going to a different webmaster.

GL Solutions Project Business Renewals (Beverly Fontaine) – Bev explained that we are working with GL to get Non-Resident Pharmacy and Wholesale Distributor renewals online starting in April.

Public Address notice in renewals for RPh, RPT (Beverly Fontaine) – Bev reported that per the Board's instructions, we asked each pharmacist and technician to specify a "Public Address" with their renewal, or to specify if they do not want any address for them to be "Public." There were actually very few people who asked for no address to be public. Bev also mentioned some licensees do not read the instructions we send them with renewals.

NABP Executive Directors, Chicago, October 12-14 (M. Walker) – Mary said that NABP calls several sessions per year. This one had 37 states attend and 13 had new Executive Directors. A couple of speakers talked about the FDA and the drug supply chain. One said that "if the Boards of Pharmacy are not keeping the drug supply chain safe, nobody is." Bessie asked about requirements for licensure as Wholesale Distributor. Mary explained why she believes it is important we continue to require VAWD.

Reply to Omnicare – Mary showed a draft response to Omnicare regarding Don Porter's questions at the September 2015 Board meeting. A copy of this letter is attached. The question is about whether or not nurses should be allowed to access and stock the drugs in automated dispensing machines.

Technician Training Programs, Accreditation Update – Mary said that Technician programs have historically been accredited by ASHP and they merged with ACPE. They have increased their requirement for experiential training, improving their standards.

Possible legislation on Telepharmacy, Jim Massengill arrived at about 2:00 after having car trouble. He said that he has nothing to add regarding Telepharmacy at this time.

Reports

Collaborative Practice Committee, delayed to March meeting – Bessie said that this has been delayed due to trouble getting the committee together.

Proposed Meeting dates and places 2016 - Board of Medicine conference room has been reserved for the March 2-3, 2016 meeting. June 22-23, 2016 meeting is in Casper at the Ramkota to coincide with the WPHA conference. It was later decided after discussion that the meeting would be at the Oil and Gas Commission meeting room due to the superior facilities at the Commission building. September 7-8, 2016 meeting is scheduled for Laramie so that students can attend. December 7-8, 2016 meeting will be in Casper, again at the Oil and Gas Commission facility. Bessie asked if anyone has any problems with this schedule.

Executive Director (Mary Walker) – Mary reported that she has been to several meetings. She has also been doing pharmacy law presentations for the LCCC pharmacy tech program and she does an annual one with the Casper College Pharmacy Tech program. Mary reported on issues with the payroll system, paying Board members differently due to the law change. She reported that interviewing had been accomplished for Senior Office Support Specialist and Beverly Fontaine was hired. When we asked to replace the Office Assistant it was denied. Bessie has heard that this is not correct and that we will be able to hire for that position. There have been a number of budget sessions, which required much time, but have finally been resolved. We have spent lots of time working on GL projects. Atlantic Associates has been working with us to update PDMP 24 hour reporting. There have been multiple notices sent to all pharmacies. The Delegate part is not ready to go online yet, but Atlantic is working on it. Mary was surprised to be asked to serve on the UW Search Committee for the new Dean of the School of Pharmacy. They have had several meetings and it has been quite interesting. Pharmacist & Technician renewals are almost complete. Our biggest revenue of the budget period is coming up in April and we are way ahead of projections already. Lisa continues to orient and has been working on investigations. There are inspections that did not get done in 2015 that are being caught up.

Licensing (Beverly Fontaine) – Bev reported that the recent licensing season went well. There are fewer than 150 pharmacists and technicians who have not renewed.

Compliance Officers (Hank York) - Hank reported that he, Lisa and Mary had completed all the inspections except for Lander and Riverton. Those will be first priority for 2016. Mary volunteered to do the Jackson area inspections and she also went with Lisa to Gillette, Newcastle, Lusk, and Sundance. Hank reported on what he and Lisa are looking for during inspections. During an inspection in Sheridan, Hank was allowed to witness Ronnie LeBlanc counsel a patient and immunize the patient. Hank was very impressed with this counseling session. Hank said that he got to inspect the new Wyoming Medical Center pharmacy. Mary reported that Lisa and Hank have been working very well together. She thanked Hank for being a great help in orienting Lisa. Hank has been doing different areas of the State than he used to. Mary reported that we had one pharmacy close this year. Plaza Pharmacy in Rock Springs closed in October 2015.

2:20 – 15 minutes break.

New Business

Bessie acknowledged one of the guests, Randy Harrop, who was a former Board member and Board President and has been a valued member of the Board.

Bev Fontaine asked for the opportunity to speak to the Board about Mary Walker. She expressed her thanks for all the support she and other staff have received from Mary, most especially during the transition into the new position and learning how the licensing works. Mary has continued to carry the weight of HR duties so that Bev could learn one part of the new position at a time.

Budget 2017-2018 – Mary presented the proposed 2017-2018 budget for the Board of Pharmacy. She said there is a lot of information in this document. She reminded the Board that they saw the proposed budget in September. We added an exception request for Board member compensation which the

Legislature changed in 2015. She explained the State's budgeting process to the Board. She said that this does need a motion to approve, but can wait until tomorrow so that members can look at the paperwork overnight.

Proposed Legislation PBM bill – Mary asked if anyone in the audience wants to talk about the PBM bill. Kara Beach said she felt the meetings went well, even though there was some heated discussion. They talked about price lists being updated regularly and some other issues they were able to come to agreement on. She expressed her appreciation for the people who worked on this bill and is hopeful that it will pass.

Possible Legislation: Naloxone - Mary said we have continued to hear that there will be a bill about Naloxone use by first line responders in order to save lives from heroin or opiate overdoses.

Possible Legislation: "Spice" Compounds, Agency Audits, Others – Mary said the "spice" bill is on the legislature's website as a possible update to the Controlled Substances Act. There had been a move to require every agency to have an outside audit which would affect small agencies budgets. There is a meeting happening today to talk about whether the State Auditor's office could do these audits.

Focus of Inspections 2016 - Bessie asked Hank to speak to the Board regarding inspections. He believes that perpetual inventory is vital and he and Lisa plan to concentrate on that. He said that computerized perpetual inventory is not working well, so most pharmacies are still keeping a manual record. He said that non-sterile compounding competencies will be a focus. They will also be working with sterile compounding competencies. There is a report attached to these minutes. Mary commented that this is a draft list and she is open to additions from Board members before it is finalized. There was discussion from the Board and audience.

New Mexico Immunization Training Program Action – Mary said she had a pharmacist in Wyoming who had this training in pharmacy school and would like us to accept this training as adequate for her to receive an immunization license.

Request For Reciprocity Refund– Mary said that she has a pharmacist who applied for reciprocity from another state. The application came in September and the pharmacist's husband has been relocated and she asked for a refund. Mary said that our rules are not clear about whether or not we can refund fees so she wants the Board to make a determination. There was considerable discussion regarding this issue with many opinions given.

Tribal ID Card for Identification– Mary said that a question has come up on more than one occasion about what is an acceptable form of ID. Mary found a section in state law (tattoo artist section) which listed the tribal ID as an officially acceptable form of ID. Bessie asked what the federal law says. Mary said the federal law is very specific about what is acceptable ID. There was discussion and Mary is going to look up the federal law and the Board will look at this again. Bessie said that she would like to move this discussion to March so we can do more research before making a decision.

VA Providers, Prescribing Without a WY License Outside of VA- Mary said that we have had a request from Kelly Moran at the VA. The VA in Sheridan has begun having clinics in other communities. VA doctors don't want to have to be licensed in Wyoming in order to practice outside the VA (locum tenens). Mary contacted the Boards of Medicine and Nursing who believe that they must be licensed. The Board decided that our position is that a physician who sees patients outside the VA system must be licensed in Wyoming.

Telemedicine (patient-practitioner relationship) – Jim Massengill said that a patient had told him that he didn't want to go to a doctor so he called a telemedicine doctor who then called in a prescription to Jim's pharmacy. Mary said she has had multiple questions from pharmacists who have attempted to contact the physician with no results, so they could not establish a doctor-patient relationship. Mary contacted the Board of Medicine who said they do not have a firm definition, but did give their position. She also has a position paper from the Board of Nursing. Mary said that the Board of Medicine and Board of Nursing have agreed to send Board representatives to our March meeting so this is a discussion that we should have then.

RULES – Bessie explained that our Attorney General's office has gone through and made multiple changes for the Board to consider. After this, Bev will be retyping each chapter and then the Board will look at them again. Mary said that Donna Murray had told her a more complete review was required by the Attorney General's office before the rules go to the Governor. This process has taken much longer than we expected.

Rules CSA Chapter 4 Records and Inventories – Board members discussed each suggested change and decided which to accept and which not.

Rules CSA Chapter 6 Prescriptions - Board members discussed each suggested change and decided which to accept and which not.

Rules CSA Chapter 7 Administrative Inspections - Board members discussed each suggested change and decided that Mary should check this chapter against the federal regulations as it appears that some of the suggested changes do not line up with the federal regulations.

Rules CSA Chapter 8 Prescription Drug Monitoring Program - Board members discussed each suggested change and decided which to accept and which not.

Bessie asked if any audience members have any comments or questions regarding items on the agenda. One of the attendees offered information about tribal IDs and offered to ask someone she knows to give information at the next Board meeting.

Kerri Kilgore moved to adjourn to executive session at 4:40 PM John McPherson seconded. Votes were 9 aye, 0 no, 0 absent and 0 abstaining.

Adjourn to Executive Committee

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Casper, WY

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| Present | Bessie McGirr, RPh | Board President |
| Present | Kerri Kilgore, RPh | Board Vice-President |
| Present | John R. McPherson, DDS | Board Secretary/Treasurer |
| Present | Sigsbee Duck, MD RPh | Board Member |
| Present | Jim Massengill, RPh | Board Member |
| Present | Charles W Smith | Board Member |
| Present | Ronald (Ronnie) LeBlanc, RPh | Board Member |
| Present | Brenda Upton, RPh | Board Member |
| Absent | Jan Shatto, RPT | Board Member |

Guests/Observers:

| | |
|------------------------|---|
| Mary K. Walker, RPh | Executive Director, Wyoming State Board of Pharmacy |
| Henry "Hank" York, RPh | Inspector/Compliance Officer, Wyoming State Board of Pharmacy |
| Beverly Fontaine | Sr Office Support Specialist, Wyoming State Board of Pharmacy |
| Melinda Carroll | King Soopers |
| Chad Schuster | King Soopers |
| Cassandra Stith | University of Wyoming Family Practice |
| Jen Steiner | WPhA |
| Kara Beech | WPhA |
| Jessie Ritter | Summit Medical Center |

Second Day – Continue with New Business: 8:00 AM

President Bessie McGirr called the meeting to order at 8:07 AM. She said that Jan Shatto would not be present as she is ill.

B-11 movement of earmarked funds – Mary explained that this movement of funds is somewhat different than what was approved in September. This one is final and requires approval from the Board. She explained the B-11 approval process is very similar to the budget process in the State.

DQSA Title 1 Compounding – Mary explained that the federal law went into effect in 2013 and is divided into two sections. The first section is "Compounding" and the second is "Pedigree." Mary talked about the "Outsourcing Facility (503B)" and changes that need to be made to our rules to mirror this category. Ronnie LeBlanc asked about who does inspections of these facilities and do they report the results to us? Mary explained that the FDA is doing inspections. Eric Wilcox said that his company, Pharmacy Solutions, is not going to register as an outsourcing facility as the cost is prohibitive (\$17,000.00). Jim Massengill asked if there is a database we could look at purchasing that would allow us to check each day what outsourcing facilities are doing/infractions, etc. Mary said we could look into this for the future. Mary said that Lisa is a great resource for the Board members who have questions about this process.

Animal Compounding – Mary showed the letter that came from the Animal Health Institute and explained what it means. She said that she doesn't believe we need to do any action at this time.

DSCSA Title II Product Tracing Requirements – Mary explained that this is all about supply chain security. The guidance document is attached to these minutes. The ramification is that pharmacies cannot loan or buy partial packages of drugs. There will be patient care ramifications from this including transition of care issues. There was a great deal of discussion about this issue. Jim asked if the Board could make an official comment/objection to the FDA.

Rules WPA Chapter 1 Administrative Hearings - - Board members discussed each suggested change and decided which to accept and which not. The Board agreed to accept all these changes.

Rules WPA Chapter 2 General Practice – This chapter has not been returned to us by the Attorney General's office yet, so no action is possible.

Rules WPA Chapter 10 Technicians – Technician checking Technician - – This chapter has not been returned to us by the Attorney General's office yet, so no action is possible.

Rules WPA Chapter 16 Immunizations - – This chapter has not been returned to us by the Attorney General's office yet, so no action is possible.

Rules WPA Chapter 17 Sterile Compounding - – This chapter has not been returned to us by the Attorney General's office yet, so no action is possible.

Rules WPA Chapter 8 Distributors - – This chapter has not been returned to us by the Attorney General's office yet, so no action is possible.

Health Care Workers Age – This is a report from a State agency which shows data about workers in Wyoming. Pharmacy and medicine show aging workforces.

Articles

Mary apologized that we do not have enough copies of the attached articles for everyone and offered to forward them in paper or by email.

Upcoming Meetings

Mary said that the upcoming NABP item writing committee could use another person to attend along with Kerri. The NABP pays for two people to attend and it is very helpful to have two.

NABP annual meeting is in San Diego in May and Wyoming needs a delegate to attend. Bessie asked all Board members to think about attending and discuss it at the March meeting.

Bessie asked if anyone in the audience has questions or comments. Kara Beach asked about the rest of the rules and Mary said we were hoping to have them ready to work on in March. There was discussion about various informational issues. Kara Beach discussed upcoming issues for WPHA.

There was discussion, brought up by Kara Beach, that mandatory breaks for pharmacists and technicians should be adopted. Everyone talked about past attempts to institute this. Kara said that she believes WPhA should lobby employers to have breaks. There is upcoming legislation in Minnesota regarding this issue and she is watching to see what comes of it.

Mary talked about what state employees can and cannot do when addressing the legislature.

Vote on Executive Agenda Items – Motions were as follows:

Kerri Kilgore moved the acceptance of Docket 14-68, OAH Docket No. 16-103-059. Jim Massengill seconded. Votes were 8 aye, 0 no, 1 absent, 0 abstaining.

Vote on Other Business – Motions were as follows:

Kerri Kilgore moved the acceptance for movement of earmarked funds into the 2015-2016 budget using the B-11 process as presented. Jim Massengill seconded. Votes were 8 aye, 0 no, 1 absent and 0 abstaining.

Kerri Kilgore moved the acceptance of the New Mexico immunization training program. Jim Massengill seconded. Votes were 8 aye, 0 no, 1 absent and 0 abstaining.

Jim Massengill moved the acceptance of the refund of reciprocity fees for the individual who requested. Brenda Upton seconded. Votes were 2 aye, 5 no, 1 absent and 1 abstaining. The motion failed.

Kerri Kilgore moved the acceptance of Executive Session minutes from January 5, 2016. Charlie Smith seconded. Votes were 8 aye, 0 no, 1 absent and 0 abstaining.

Kerri Kilgore moved the acceptance of the 2016 Proposed Meeting Dates. John McPherson seconded. Votes were 8 aye, 0 no, 1 absent and 0 abstaining.

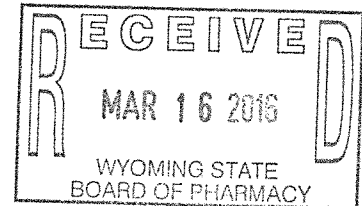
Kerri Kilgore moved that the meeting be adjourned. Charlie Smith seconded. Votes were 8 aye, 0 no, 1 absent and 0 abstaining.

Meeting was adjourned at 9:20 AM.

Respectfully submitted

Beverly Fontaine, Senior Office Support Specialist.

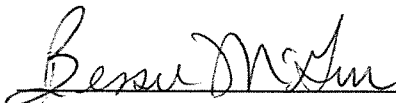
Respectfully submitted and reviewed:



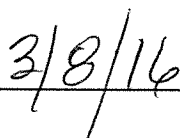


Mary K. Walker, RPh
Executive Director

Minutes approved and entered into record



Bessie McGirr, President


Date