

WYOMING STATE BOARD OF PHARMACY

Meeting

Board Meeting June 25-26, 2014

Hilton Garden Inn, Casper, Wyoming

Wednesday, June 25, 2014

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

Guests/Observers:

| | |
|-----------------------------|---|
| Donna Murray | 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 |
| Bethany Reasch | University of Wyoming, School of Pharmacy, Student |
| Sung Ho | University of Wyoming, School of Pharmacy, Student |
| Travis Beck | University of Wyoming, School of Pharmacy, Student |
| Donna Artery, PharmD, R.Ph | Wyoming Department of Health |
| Lane Williams | Wal-Mart |
| Perrii Schnieder, R.Ph | Walgreens |
| Kristin Boe, PharmD., R.Ph | Emissary Pharmacy |
| Bruce McGirr, R.Ph | Senior Patient Advocates |
| Candice Cochran | Executive Director, Wyoming Professional Assistance Program |
| Ben Pacheco | University of Wyoming, School of Pharmacy, Student |

Call to order: President, Randy Harrop called the meeting to order at 1:00 pm.

Mr. Harrop welcomed Jan Shatto, RPT, Member, Ex-Officio as the new appointed Board member to her first meeting. Everyone at the table introduced themselves.

Donna Murray, newly appointed Assistant Attorney General was also welcomed to the Board.

Richard Burton, Inspector/Compliance Officer was presented with a ten (10 year certificate of service to the State of Wyoming and a lapel pin.

Review and approval of the February 12-13, 2014 minutes: Kerri Kilgore moved to accept the minutes as presented. Bessie McGirr 2nd the motion which passed with a 4-0 vote. (Please note: although Dr. Duck shows present above you will see only 4 votes until his arrival).

Roberts Rules: A handout of Robert's rules was provided in each board packet.

Dell Tablet Process: New board member Jan Shatto received her new tablet and everyone was also given an instruction sheet on the use of the tablet.

WPAP: Candice Cochran explained what exactly WPAP does. Ms. Cochran thanked the Board for assisting her with NABP scholarship to send her to Utah for the substance abuse conference. She stated she learned a lot and came away with a changed perspective. Within the organization they updated 38 policies and procedures. They also came up with a new logo for WPAP. Ms. Cochran also stated the staff has completely changed and most of their 2014 goals have been met. Attorneys can now be monitored and the state statute was changed to expand for mental and behavioral issues in the program. Ms. Cochran announced they currently have 25 professionals in the program. Of those in the pharmacy profession are six (6) Pharmacists and/or Technicians, Two (2) unlicensed pharmacy professionals. Six (6) of these professionals are known to the Board and two (2) are unknown. Hank York asked which laboratories WPAP used for testing and Ms. Cochran stated they used Certa Test and Alere. Positive tests take longer to receive back because the research is deeper than if it is a negative test which only takes a few days to receive.

FDA meeting on compounding: Donna Artery attended this meeting in Washington DC. and said it was very interesting. All 50 states and Puerto Rico and the Philippines were present and each had a chance to speak out. This all came about with the New England Compounding Pharmacy. This meeting was to only for the recording of comments. The FDA is going to have to write the rules within two (2) years. Ms. Artery gave an impressive power point presentation which can be found in the Board packet.

GL Suite licensing software: Mary Walker stated we had our "go live" in March. We have encountered a few glitches but have worked through them. As issues are found GI Suites software engineers are fixing them. We have three (3) months of stabilization before they let you go. Pharmacists and Technicians are close to being able to renew online through this new software.

Rules signed by Governor, Matt Mead on April 24, 2014: Mary Walker stated the rules were signed by the Governor and there were no comments from his attorney. These have been put on the rule thumb drives for the new graduates. According to Matt Mead rules will continue to be streamlined.

Outsourcing Facilities and FDA Guidance DQSA: Mary Walker stated we do not recognize this in our statute or rules. What type of license would they need to get? Would we license them as manufacturers or as non-

resident pharmacies? Perhaps NABP can lead us to which other states are licensing. Kerri Kilgore stated the FDA has two (2) years to write the rules so we should not write our rules until the FDA completes theirs.

In Office Dispensing: Mary Walker stated there is an article in the packet titled "Physician in-office dispensing of Rx drugs". This topic has been on our agenda many times. The Board of Medicine has started a survey to find out who is doing office dispensing. Bessie McGirr announced Montana and Utah are currently putting laws in effect on this subject. Mary Walker explained it seems to be mostly pain doctors and workers compensation patients. Bessie McGirr replied that a lot of compounding is being done from these doctor's offices.

Budget 2013-2014: Mary Walker spoke about the current budget and explained we are an independent licensing agency. Ms. Walker explained the fee's for wholesale distributors was raised \$25 annually to cover the cost of the new software bills. Government agencies will now be audited by an outside company that that can potentially charge \$10,000 for the audit annually. Most agencies have a financial person to deal with these audits.

Budget 2015-2016: Mary Walker went through the 2015-2016 budgets in detail for the Board. Ms. Walker explained money needed to be moved around by a B11 in order to have money in the correct categories.

John McPherson moved to accept the B11 and Charlie Smith seconded the motion which passed with a 5-0 vote.

Executive Directors Report: Mary Walker spoke first about GI Solutions and our software issues in the beginning. GI Suites was on the ball for correcting necessary issues for renewals. 2800 controlled substances were up for renewal this year and so far 1394 have successfully renewed on our new software. We did have certificate problems with wholesale distributors but with help from all staff members this was overcome once the software was corrected. We are now able to plan and prioritize projects we will pay for in the next couple of years. The staff is making a "wish list" and we will prioritize from there. We are also able to process complaints, investigations and disciplinary processes through this new software.

Richard Burton and Hank York reviewed and revised new inspection forms and will begin using them in March.

David Wills reported he has over 800 users registered with WORx. He attended a methamphetamine conference in Casper and discussed the program with law enforcement and practitioners.

I attended several webinars, and David Wills and Bethany Reach and I presented a program on drug diversion in institutions to state Medicare surveyors. I will also be presenting a pharmacy law update this coming Friday at WPHA.

Public records requests were completed from several attorneys dealing with New England Compounding Center bankruptcy case and other companies. I also presented new board member origination to Donna Murray and Jan Shatto in June 5th.

License Renewal: Phyllis Chapman announced due to the new software and backlog to process new applications and renewals she was unable to give the Board a license report. Ms. Chapman did announce that Intern and methamphetamine renewals would be sent out on September 1st.

WORx Report: Mary Walker spoke about the number of prescriptions filled in 2013. President Harrop asked where the information comes from on the graphs in the Board packet. Ms. Walker said it comes from the WORx program. She also stated prescription drug abuse was going down but the number of prescriptions was going up. John McPherson asked, what is the role of the pharmacy to catch doctor shoppers? Ms. Walker answered if anything looked out of order it should be reported to the board office. Dr. Duck asked if this was mainly coming from pain clinics. Ms. Walker replied no we believe it is mostly family practice. She also added that pharmacists were trying to do the right thing by looking closely at the patient and the prescriptions they are receiving but it seems that the AMA does not value the pharmacist questions.

Compliance Officers report: Mary Walker, Richard Burton and Hank York worked on the retail and institutional reports. They now look like the self inspection report.

Mr. Burton is about 50% done with his annual inspections. He stated he is still finding some issues but nothing serious. Investigations are down this year but there have been a large number of break-ins in the past two (2) years. Mr. Burton stated he had one pharmacy open in his jurisdiction in January and it forced to close in April. Hank York stated he was on schedule with his inspections and Walgreens and Kmart have broken ground for their immunization areas. Bessie McGirr asked about the IV rooms at the hospitals and Mr. York stated that all was looking okay.

NABP Item Writing Workshop March 2014: Kerri Kilgore attended this meeting and found it to be fun and well organized. The attendees were to write or re-write current questions. Immunization questions were written to match current rules and regulations.

NABP Annual Meeting in Arizona: Bessie McGirr attended this meeting and announced through elections Mark Johnson would stay in his position. All eight (8) resolutions were accepted which can be found listed in the Board packet. Twenty three (2) states have medical cannabis and Connecticut allows the pharmacist to dispense. Compounding was a big issue at this meeting and discussion of schedule II drugs selling for at least \$80 a pill on the street. Randy Harrop stated he has maybe lost 7-8 patients in the past year for not filling their prescriptions. Bessie McGirr stated we do have an advantage due to be rural enough to know our patients by name. Red flags go up with new faces. Mary Walker stated prescribers doctors have lost their licenses, their boards utilizing the PDMP, and it is everyone's problem and duty to catch the doctor shopper's.

NABP Meeting, Whitefish, MT September 11-24, 2014: Bessie McGirr will attend and Randy Harrop will attend if possible.

HB0062 Changes to reimbursement to Board members: This bill is changing the reimbursement amount for Board members. Mary Walker announced this will change as each Board member will now be paid a flat rate for meeting attendance. For the September 2014 meeting board members will receive \$218 for the two (2) day

meeting. This pay will include your mileage and your lodging fee. Those individuals who live within 50 miles of the meeting will not receive this rate but all Board members attending the meeting will receive their regular daily base pay. Upon request Kerri Kilgore presented the Board on June 26th with a draft of a form which could be incorporated into this new change.

Media notifications for Board and Commission: Mary Walker included a letter from Governor, Matt Mead regarding the minimum notification requirements for a public meeting. All agencies must follow statutory and rule requirements and go one step further to notify media sources of upcoming public meeting.

Rule making 2014-2015 Chapters not recently addressed: Mary Walker included in the Board packet a list of Wyoming Pharmacy act and Wyoming Controlled Substance Act possible rule making changes. The Wyoming Pharmacy Act included chapters, 1, 2, 8, 14, and 17. The Controlled substance act included chapters 1, 2 and 7. Bessie McGirr suggested a task force to address repackaging. Bruce McGirr had concerns on Medicare patients and affects on those using the repackaging donation programs. Kerri Kilgore suggested more research was needed on the topic. Randy Harrop announced this would be back to the September 2014 meeting. Kara Beech will add this to her presentation at the WPHa Meeting on June 26th. A video was presented with host Bessie McGirr in "Red Flags"

Fifty (50) year Pharmacists licensed in Wyoming: Mary Walker announced the following pharmacist who will receive their 50 year golden certificates at the WPHA conference: George Lay, licensed on 9/26/1964, James Putman, licensed on 2/8/1964, and Lorraine Jones, licensed on 9/26/1964. Congratulations from the Wyoming Board of Pharmacy for your years of licensure.

Kerri Kilgore made a motion to go into executive session at 5:50 pm to discuss disciplinary and personnel issues. Bessie McGirr 2nd the motion which passed with a 5-0 vote.

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| Bethany Reasch | University of Wyoming, School of Pharmacy, Student |
| Kirsi Ludwig | Medication Donation Site-Sheridan |
| Sung Ho | University of Wyoming, School of Pharmacy, Student |
| Travis Beck | University of Wyoming, School of Pharmacy, Student |
| Kara Beech, B.S. CHC | Executive Director, Wyoming Pharmacy Association |

Call to Order: President Randy Harrop called the meeting to order at 8:29 am.

Docket no: 13-46 Meagan Harrison: Kerri Kilgore moved to accept the Settlement, Stipulation and Order as presented. Bessie McGirr seconded the motion which passed with a 5-0 vote.

Docket no: 14-01 Brent Reasch: Bessie McGirr moved to accept the Settlement, Stipulation and Order as presented. John McPherson seconded the motion which passed with a 5-0 vote.

Docket no: 14-12 Clinton Thackeray: Bessie McGirr moved to accept the Settlement, Stipulation and Order as presented. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

PTCB Announces Certification Program Changes: Mary Walker announced a change within PTCB is they are requiring background check which we already require. A conversation about continuing education began and there was no out come on this topic at this time.

Possible Statute Changes: The following statutes were entered into the Board packet with possible changes. 33-24-117 and 33-24-118 and 33-24-120 and 33-24-135.

33-24-102 brought on comments from Kara Beech, Executive Director; WPHA that it was odd the public board member can vote with no medical background and the technician cannot vote on their career. Kerri Kilgore stated we should raise the board to nine (9) and allow the technician to vote.

33-24-103 and 33-24-108 and 33-24-137 and 11-24-137

33-24-136: The Board of Pharmacy, intern Bethany Reasch from the UW School of Pharmacy did a spreadsheet of how other states allow electronic records to be kept. Her data found they must have a reliable backup of the computer and be able to provide the hard copies in a specific amount of time.

11-24-138 Charlie Smith received a call from a legislator regarding biosimilar(s) substitutions. This discussion was quite lengthy and it was decided it would be re-addressed at the next meeting.

Sheridan Donation Site: Kirsi Ludwig addressed the Board requesting waivers for rules and regulations applying to retail pharmacies in Wyoming for the non-profit medication donation program attached to the Sheridan Hospital in Sheridan Wyoming. A lengthy discussion tabled to another future meeting as many of the Board members had different views on the aspects of the waiver request. At the end of this meeting it was determined for all Board members to consider this request for a future meeting.

Reimbursement: After a discussion of how soon a request for reimbursement should be Dr. Duck moved to accept the 60 day rule. John McPherson seconded the motion which passed with a 5-0 vote.

UW School of Pharmacy Experiential Program: Dean Linda Martin announced the program has full accreditation through 2015. She explained the number of students for enrollment is down. They are having a hard time filling the class. She stated that they may only have forty-five (45) students per class for the next five (5) years. There is a one hundred percent (100%) passing rate on the NAPLEX examination. She spoke of several different programs going on at the college including the drug abuse initiative.

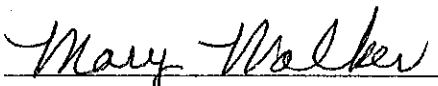
Janelle Krueger handed out in-depth handouts of the curriculum offered by the school of pharmacy and went over most of it step by step. A complete packet of this information is filed with the board meeting agenda.

President, Randy Harrop asked for a motion to adjourn the meeting. John McPherson made a motion to adjourn the meet and Kerri Kilgore seconded the motion which passed with a 5-0 vote. Meeting adjourned at 11:00 am

Respectfully submitted on August 28, 2014

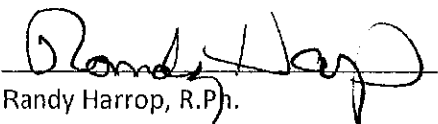
Notes by Phyllis Chapman, Senior Office Support Specialist

Respectfully submitted and reviewed:



Mary K. Walker, R.Ph.
Executive Director

Minutes approved and entered into record



Randy Harrop, R.Ph.
Board President