

WYOMING STATE BOARD OF PHARMACY

Board Meeting March 20-21, 2012
6920 Yellowtail Drive, Suite 100
Cheyenne, Wyoming
Minutes

Tuesday, March 20, 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>Absent</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>Absent</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
Janelle Krueger	University of Wyoming, School of Pharmacy faculty
John H. Vandel, R.Ph.	Dean, University of Wyoming, School of Pharmacy
Eric Easton	Senior Assistant Attorney General
Jeremy Wagner	University of Wyoming, School of Pharmacy student
Christina Hubble, BS, CPhT	President, Wyoming Pharmacy Association
Stephanie Abel	Creighton University, School of Pharmacy student
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Gary Norwood, DVM	Wyoming Professional Assistance Program
Lynn Birleffi	Wyoming Retail Association
Larry Wolfe	Safeway
Chris Brown	Wyoming Retail Association
Susan Taylor	University of Wyoming, School of Pharmacy student
James Ammon, R.Ph.	

Call to Order: President Terry Carr called the meeting to order at 1:05 p.m.

Review of the December 7-8, 2011 meeting minutes: Kay McManus questioned the wording on the dockets by Ken Nelson. Phyllis Chapman stated she had emailed Mr. Nelson for the correct wording but will get with him again and change to the correct wording. **Randy Harrop moved to accept the minutes with the requested changes. Kay McManus seconded the motion which passed with a 5-0 vote.**

Wyoming Professional Assistance Program quarterly report: Gary Norwood, DVM., addressed the board with the quarterly report. Currently there are 34 professionals in the assistance program. Those in the pharmacy profession include 8 pharmacists and/or technicians, one pharmacy student and one former pharmacist. Four of these individuals are known by the board and six are unknown. One pharmacist volunteered for the program in December 2011 but quit the same month. Dr. Norwood explained the new structure of WPAP since the retirement of Mr. George Vandel.

President Terry Carr presented Dr. Norwood with a pin for acknowledgement of his time served as a member of the Board of Pharmacy.

University of Wyoming, School of Pharmacy: Dean, John Vandel announced the School's Annual Honors and Award Banquet will be held on April 28, 2011. Dean Vandel said the School of Pharmacy has experienced many positive events in the past year. The interim report to the Accreditation Council for Pharmacy Education was accepted. The school will begin selecting students for the two-year \$100,000 diversity grant for the ALSAM Foundation. All members of the 2011 graduating class who took the NAPLEX examination have passed. The overall school average again exceeded the national school averages. 51 students are expected to graduate in 2012. There has been massive remodeling going on in the buildings. The DEA recently visited the school to check the policies and procedures and record keeping which was all acceptable to them. Dean Vandel announced he will be retiring in December of 2012. A complete report by Dean Vandel is filed with the board meeting agenda items.

Dean Vandel introduced Janelle Krueger from the school of pharmacy. Ms. Krueger gave an extensive report on the experiential curriculum at the school of pharmacy. Ms. 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 Carr asked for a motion on the experiential curriculum from the school of pharmacy. Rick Davis moved to accept the curriculum as presented. Kay McManus seconded the motion which passed with a 5-0 vote.

Executive Directors report: Mary Walker began her report with presentations she had given since the last meeting. She thanked Jim Carder, Donna Artery and Terry Carr for giving her presentation to WPHA in her absence. She had also presented to UW students on February 1st, February 27th and March 5th. Mary participated in a webcast on prescription drug abuse on February 21st. She currently has 43 pharmacists applications pending. Ms. Walker received a lot of feedback on proposed suggestions for rules and has incorporated them in to the prospective chapters. Mary, Richard and Hank met with our attorney Eric Easton to discuss disciplinary matters in December, January, February and March. Ms. Walker and Terry Carr will be attending the NABP item writing meeting immediately following this board meeting in Chicago. Ms. Walker stated the governor has approved out 2013-2014 budget. The online PDMP should be ready to pilot in March 2012. Mary closed her report by explaining the new employee evaluation process that is now online and functioning.

License renewal update: Phyllis Chapman reported to the board she had roughly 2970 renewals ready to mail on March 30th. These consisted of 1644 controlled substance renewals, 142 resident pharmacies, 479 non-

resident pharmacies, 17 institutional pharmacies, 1 telepharmacy, 27 emergency drug permits and 652 wholesale distributors. At the time of this meeting, 94 technicians had only 11 days to complete their renewals.

Compliance Officer's Report: Richard Burton began his report announcing the investigation case load was down so far in 2012. We have only opened 7 investigations so far this year. In 2010 there were 53 investigations which resulted in 24 disciplinary actions. In 2011 there were 38 investigations that resulted in only 6 disciplinary actions. Regardless of the complaint we have to investigate all written complaints. A lot of these stem from the pharmacist not taking enough time with the customer in consultation.

The following items of focus for 2012 inspections were listed in the newsletter:

Review of the self-inspection forms previously sent to the pharmacies, quarantine of recalled medications, precautions against employee pilferage and controlled substance security, reconciliation process for controlled substance perpetual inventories, process for medication errors, compounding records including competency, what are pharmacies doing about drug shortages and counterfeit drugs, institutional compliance of Chapter 17 and institutional pharmacy after hours remote order entry.

Richard Burton reported his inspections will be focused on 797 for sterile compounding. Many have to move to temporary locations until they are compliant. Some places did not even start this process until January 1, 2012, so now they are scrambling to become compliant. Back ordered drugs are becoming a problem because the pharmacist is changing the strength and dose of the prescription and it is crucial to consult with the patient and prescriber on the changes. We are closely checking licenses being posted with current expiration dates. Mr. Burton explained he is looking closely and would like to see clear and concise information on the perpetual inventories.

Hank York reported he has 20 pharmacies and hospitals being remodeled right now. He announced he had completed all his inspections in Casper. He stated that one Safeway in Cheyenne has been remodeled and the other Safeway is building a new store in Cheyenne. Mr. York stated that the Smith's Pharmacy in Evanston is beautiful and has 3 times the space of most pharmacies. The Safeway in Laramie is remodeled and the inspection is complete. Mr. York agreed that drug shortages were becoming more and more of a problem. He explained how the pharmacist will go down his/her list of distributors until they find someone who can provide the product needed.

There was a conversation regarding shortages and trying to find the products. Christine Hubble of Wyoming Pharmacy Association announced that she and Kara Beech were also working on the shortage problems.

Legislative update: Mary Walker announced the bill we thought would be introduced was not in 2011 the bill was to revise the medication administration by pharmacist.

Medication Administration by pharmacist: Susan Taylor, PharmD candidate spoke to the board about her newsletter article regarding the pharmacist's evolving role in infusion and injection drug therapy. A complete copy of the article is included in the board agenda packet for this meeting. There was an in-depth conversation regarding this topic among the board members. Larry Wolfe was hired by Safeway, Inc. to research information

regarding this bill to be proposed to the legislature. Mr. Wolfe was granted a few minutes of floor time to speak to the board about his information regarding this bill.

Adjournment to Executive Session: Charlie Smith moved to go into executive session to discuss disciplinary matters at 3:50 p.m. Kay McManus seconded the motion which passed with a 5-0 vote.

President Terry Carr called the public meeting back to order at 3:57 p.m.

In the matter of the Board Order for James Ammon, Kay McManus moved to accept the findings of facts and conclusions of law presented in the board order. Rick Davis seconded the motion. This resulted in a 2-2 vote. Randy Harrop recused himself from voting in this matter. President Carr voted to accept this order which passed with a 3-2 vote.

Signs for WORx: Mary Walker announced we had ordered the signs for WORX and were including one for each controlled substance registration mailed out. We will be getting the more sturdy ones for the pharmacies in the near future.

Budget: Mary Walker talked about the B11 process which there was an error in our salary budget and it had been fixed. Kay McManus moved to accept the B11 as presented. Bessie McGirr seconded the motion which passed with a 4-0 vote. Dr. Davis was out of the room at the time of this vote.

Facebook page: Mary Walker announced we now had a facebook page for the board of pharmacy. She also explained that Beverly Fontaine was signed up to attend a class to further understand how the agency will use facebook.

Elect a delegate to NABP annual meeting. Terry Carr moved to elect Bessie McGirr as the delegate. Kay McManus seconded the motion which passed with a 4-1 vote.

Request for waiver-St. John's Medical Center Pharmacy: Following a brief discussion it was decided that every pharmacy must have a restroom. Kay McManus moved to refuse the waiver for a bathroom in the pharmacy. Bessie McGirr seconded the motion which passed with a 5-1 vote.

Request for waiver of late fees for a controlled substance registration: Following a discussion on past late fees and how they are determined; it was decided to send a nice letter, since the fees had already been paid.

Third party faxed prescriptions: this was faxed to a pharmacy in Cheyenne. The question was is this legal? Mary Walker and Terry Carr will take this question to NABP and find out what they think.

Randy Harrop moved to adjourn the meeting at 4:59. Kay McManus seconded the motion which passed with a 6-0 vote.

President Carr announced the meeting would call to order at 8:00 a.m. Wednesday morning.

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<i>Present</i>	Randolph A. (Randy) Harrop, R.Ph.	Board Vice President
<i>Present</i>	John R. McPherson, D.D.S.	Board Secretary/Treasurer
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Christina Hubble, BS, CPhT	President, Wyoming Pharmacy Association
Susan Taylor	University of Wyoming, School of Pharmacy student
Jeremy Wagner	University of Wyoming, School of Pharmacy student

President Terry Carr called the public meeting to order at 8:07 a.m.

Randy Harrop moved to go into executive session to discuss disciplinary matters at 8:08 a.m. Kay McManus seconded the motion which passed with a 6-0 vote.

President Terry Carr called the public meeting back to order at 8:56 a.m.

Docket No. 11-15 Karen Medow: President Carr requested a motion in this matter. Randy Harrop moved to accept the Settlement Agreement. Kay McManus seconded the motion. This motion was rejected with a 3-4 vote. (President Carr voted)

Docket No. 11-21 Edward Gifford: President Carr requested a motion in this matter. Kay McManus moved to accept the Settlement Agreement. John McPherson seconded the motion. This motion was rejected with a 3-4 vote. (President Carr voted)

Docket No. 11-14 Franck's Compounding: President Carr requested a motion in this matter. Randy Harrop moved to accept the Settlement Agreement. Bessie McGirr seconded the motion. This motion was passed with a 6-0 vote.

Docket No. 11-30 Ashley Olquin: President Carr requested a motion in this matter. Rick Davis moved to accept the Settlement Agreement. John McPherson seconded the motion. This motion was passed with a 6-0 vote.

Docket No. 11-17 Tanya Thompson: President Carr requested a motion in this matter. Kay McManus moved to accept the Settlement Agreement. Bessie McGirr seconded the motion. This motion was accepted with a 6-0 vote.

There was a lengthy conversation regarding disciplinary actions and how the order is reached for different offenses. Mary Walker explained the process is to use like offenses from previous settlement agreements. Mary, Richard, Hank and our attorney Eric Easton spend hours working on the orders for each disciplinary action. Many times the respondent will have a lawyer and at times the order can go back and forth several times before reaching a final agreement. The conversation continued for some time then Randy Harrop requested to revisit the one of the disciplinary actions that was not accepted with another vote.

Docket No. 11-15 Karen Medow: President Carr requested a motion in this matter. Randy Harrop moved to accept the Settlement Agreement. Kay McManus seconded the motion. This motion was rejected with a 3-4 vote. (President Carr voted)

NABP question about drug shortages: There was a conversation regarding drug shortages and expired medications. The questions on the letter from NABP were: Does your Board have a formal position or guidance, either issued or contemplated on the use of expired medication when a crisis situation, such as shortage exists? and, has your Board collaborated with other prescriber boards on this issue and the impact? Both of these questions were answered "no".

The Pharmacy Alliance: This letter is revisiting the need for breaks to cut down on medication errors. It was decided that maybe down the road as other boards get involved with this topic we can look at it again.

Question from a pharmacist: The question was referring to a bathroom located in/out of the pharmacy and our current rules. This particular pharmacist was concerned about the bathroom located outside of the pharmacy area and what to do when away from the pharmacy using the facility. This particular pharmacy is still grandfathered so the new rules do not apply unless remodeling occurs. The board is sympathetic to the pharmacist's concerns but we must stick to our rules.

NABP recommended changes to the Controlled Substance Act: Mary Walker stated our intern student Jeremy Wagner consolidated the report into line items and is filed with the board agenda items.

Continuing Education Audit: Mary Walker explained we were in the middle of our random CE audit. Those individuals whose license number ending in the number four were selected for audit. Our Intern at the time randomly drew the number from a hat. The way it is looking there will be several disciplinary actions resulting in the response from those selected.

Rules Revisions: As a group, suggested changes were indicated on board packet copies of specific chapters.

Chapter 6: Suggested changes are indicated on the board packet copies. These will be updated and presented at the next board meeting in June.

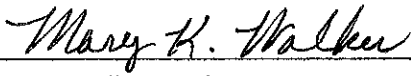
Chapter 2: Pages 1 through 25 were worked on at this meeting. Suggested changes are indicated on the board packet copies. These will be updated and presented at the next board meeting in June. The remainder of this chapter will need to be revisited at the next meeting due to time constraints. This includes Chapters 4, 7, 10 and 15.

Randy Harrop moved to adjourn the meeting at 12:34 p.m. Rick Davis seconded the motion.

Respectfully submitted on April 6, 2012

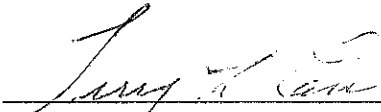
Notes by Phyllis Chapman, Senior Office Support Specialist

Respectfully submitted and reviewed:



Mary Walker, R.Ph.
Executive Director

Minutes approved and entered into record:



Terry Carr, R.Ph.
Board President