

**WYOMING STATE BOARD OF PHARMACY**

**Board Meeting March 13-14, 2013  
6920 Yellowtail Road  
Cheyenne, Wyoming**

**Wednesday, March 13, 2013**

<b>Present/Absent</b>	<b>Board Member</b>	<b>Title</b>
<i>Present</i>	Randolph A. (Randy) Harrop, R.Ph.	Board Vice President
<i>Present</i>	John R. McPherson, D.D.S.	Board Secretary/Treasurer
<i>Present</i>	Bessie McGirr, R.Ph.	Board Member
<i>Present</i>	Robert J. (Rick) Davis, M.D.	Board Member
<i>Present</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>	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
David Wills, MBA	Records and Data Management Specialist
Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Larry Wolfe, J.D.	Holland and Hart
Roxanne Spalding, R.Ph.	Safeway
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Chris Brown	Wyoming Retail Association
Gary Norwood, DVM	Wyoming Professional Assistance Program
Juanita Bonner	University of Wyoming, School of Pharmacy student
Sally Sato, R.Ph.	Meds-by-Mail
Jennifer Ocheskey	Meds-by-Mail
Ed Reynolds, R.Ph.	Good Day Pharmacy
Candice Cochran	Wyoming Professional Assistance Program
George Vandell	Wyoming Professional Assistance Program
Sherry Griffin	Observer

**Call to Order:** Randy Harrop called the meeting to order at 1:03 pm.

Mr. Harrop introduced the two new board members, Jim Massengill and Kerri Kilgore. Each board member and staff then took turns introducing themselves.

**Rick Davis made a motion to go into an early executive session to discuss personnel issues. John McPherson seconded the motion.**

**Adjourn to executive session at 1:07**

**Public meeting called back to order at 1:22**

**Review of the December 5-6, 2012 minutes:** Randy Harrop moved to accept the December 5-6, 2012 minutes as presented. Bessie McGirr seconded the motion which passed with a 6-0 vote.

**Wyoming Professional Assistance Program:** Gary Norwood began the presentation by explaining he is a board member for WPAP. He explained how they are rebuilding the organization, beginning with a new executive director. Mr. Norwood introduced the new executive director, Candice Cochran. Ms. Cochran talked a little about her background and said she has two goals right away for WPAP. The first goal is public safety and the second is stopping dependency and giving professionals a second chance. She reported that there are currently seven (7) pharmacists and/or technicians in the program. Six (6) are known to the Board and one (1) is not. Three (3) professionals are 100% compliant, one (1) was issued a level 3 non-compliant letter. One (1) was discharged from the program on a Board order. Another is new to the program and one (1) completed the program. George Vandel announced he is retiring again on March 22, 2013.

**Prescription Drug Monitoring Program:** David Wills talked about a graph that is in the board packet. It shows the increase of requested profiles from 8,873 in 2009 to 19,090 in 2012. A second graph shows the decrease in unsolicited profiles from 316 in 2009 to 196 in 2012. Nine counties will add drop boxes to the police and sheriff's offices. The funding is coming from a grant from WASCOP which will disburse \$25,000 over a three year period. Randy Harrop asked about the online project and was told the software is currently being worked on.

**Rules Process:** Stephanie McAntee spoke about her letter to the Board and how we should assign sponsors or committees to work on specific chapters of the rules. Once changes are made by the committee they can present their suggestions at another board meeting. More changes or suggestions can be given by the board and staff at that time. If changes are necessary then they will come back the next meeting. Once the board and staff agree on changes then it can be opened to public comment. Randy Harrop stated that last year rules changes just didn't work out and thanked Stephanie for her suggestions. Our current intern, Juanita Bonner is currently working on the non-sterile compounding rules to make them match USP 795. Bessie and Kerri requested to work on Chapter 15 which was approved by Mr. Harrop.

Immunization committee will be Bessie McGirr as the liaison and Jim Massengill and Kerri Kilgore will be the committee. Charlie Smith moved to accept this committee and John McPherson seconded the motion which passed with a 6-0 vote.

**Definitions/Rules:** Mary Walker stated there was a list of recommendations in the board packets from the committee. All definitions need to be in one place in addition to different chapters. Stephanie

McAntee suggested the practice act be opened for the 2015 legislature. Technician Sally Sato will join the committee. Bessie McGirr said the NABP model rules are very clear and we should start there. She also stated each committee member could make recommendations to be presented at the June meeting. Kerri Kilgore asked what the timeline would be. Mary Walker stated they would need to recruit sponsors by September 2014, for the 2015 legislature.

**GL Suite:** Mary Walker talked about the GL Suite software and how the staff would like approval from the board to move forward. There was a lengthy conversation regarding the monthly fees for the software and where in the budget it would come from. On day two of this meeting Mary Walker attempted to contact GL Suite so the Board members could ask any questions they may have regarding the software and fees. This attempt was unsuccessful. The fee called Software Support Services is \$127 per hour. Jim Massengill moved to go forward with the GL Suite software for licensing and evaluate fees to maintain budget constraints. Kerri Kilgore seconded the motion. Randy Harrop amended the motion to insure the software support fee would be locked in at \$127 per hour or the board would not sign the contract. These motions passed with a 5-0 vote.

There was a discussion about who on the Board would be interested in a tablet for meetings. The entire Board packet, except executive session could be sent to each board member on a thumb drive. Mary Walker is currently in touch with the state IT department for quotes on a new server, computers for the office staff and tablets for the board members. Each board member will also receive a state email address for communication with one another and staff. Kerri Kilgore moved to move forward with looking at tablets for the board members and the software for them. Bessie McGirr seconded the motion which passed with a 5-0 vote.

**NASCSA Grant:** Mary Walker announced that Wyoming received a grant in the amount of \$10,086 for the WORx program.

**Compounding Survey Results:** Mary Walker stated a spreadsheet was provided in the packet of the December, 2012 survey. The board will be asking non-resident pharmacies for information during annual renewals. The inspectors are using the policies and procedures provided to us during 2013.

**Collaborative Practice Committee:** Bessie McGirr moved to appoint Kerri. John McPherson seconded the motion which passed with a 5-0 vote.

**Disciplinary committee:** After a long discussion about who would be on the disciplinary committee Ken Nelson stated that more than three of the board members on a single disciplinary action would form a quorum and that would constitute a board meeting. Because it turned out everyone wanted to be on the committee, Mary Walker would choose through logistics for each disciplinary action that required a committee. Charlie Smith moved to use the logistics way of choosing the committee. Jim Massengill seconded the motion which passed with a 5-0 vote.

**Executive Director Report:** Mary Walker stated she attended the FDA Intergovernmental Working Meeting on Compounding in Virginia, attended the Casper College Accreditation in February and hosted two meetings of the "Definitions Committee. She gave presentations to the P4 class reflective week, P1

class, WPHA Winter CE and gave orientation to new board members. She attended multiple legislative meetings. Ms. Walker currently has 49 pharmacist applications in process. Evaluations for the staff are complete. She has been in contact with the state for a new server, computers and tablets. She also explained the GL Solutions software that a few other agencies are using already.

**License Renewals:** Phyllis Chapman announced the June 30<sup>th</sup> renewal would be ready to mail on April 1<sup>st</sup>. There are 139 resident pharmacies, 32 institutional, 533 non-resident pharmacies, 531 controlled substance registrations, 1 telepharmacy, 28 emergency drug permits and 655 wholesale distributors up for renewal.

**Compliance Officers Report:** Richard Burton stated that 12 cases have been opened so far this year. Richard, Hank York and Mary Walker meet with our attorney Eric Easton once a month in Casper. Richard explained the complaint process and how he contacts each person connected to the complaint. Mr. Burton stated he would start his inspection the week of March 18<sup>th</sup>. Hank York has already started. The USP 797 inspections and quality assurance is going to be looked at closely. Hank and Richard will be checking security more closely. We will be looking at the immunization records too. Richard said they will talk to the pharmacists about irate individuals and threats. Any threat to a staff member should be taken seriously. The pharmacist will need to talk to the staff about this issue. There was a lengthy conversation about compounding. Both Mr. Burton and Mr. York stated they would be looking at the policies and procedures. The conversation then turned to the recent break-ins and robberies in Wyoming pharmacies.

**Budget and Mileage Rate:** Mary Walker went over the budget in great detail. She explained what the budget categories mean and where the funds come from for each category. There are several graphs in the board packet outlining this. She spoke about a possible 1% raise for the state employees but she is not sure how it will be distributed. The office of the Governor also put out a new mileage rate.

**Vice President Harrop adjourned the meeting for the day at 4:01.**

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**Thursday, March 14, 2013**

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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
<i>Present</i>	Bessie McGirr	Board Member
<i>Present</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>	Stephanie McAntee, R.P.T.	Board Member, <i>ex-officio</i>

**Guests/Observers:**

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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
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Jennier Ocheskey	Meds by Mail
Roxanne Spalding, R.Ph.	Safeway
Sally Sato, R.Ph.	Meds by Mail
Charlotte Nutt	University of Wyoming, School of Pharmacy student

Vice President Harrop called the meeting to order at 8:15.

John McPherson moved to go into executive session to discuss disciplinary matters. Bessie McGirr seconded the motion which passed with a 5-0 vote.

Vice President Harrop called the meeting back to order at 8:36 am.

**Docket No. 13-01** Leslie Harnish, John McPherson moved to accept the Change Order as presented. Kerri Kilgore seconded the motion which passed with a 5-0 vote. Jim Massengill recused himself from voting.

**Docket No. 12-26B** Ashlee Anderson, John McPherson moved to accept the Settlement Agreement, Stipulation and Order as presented. Bessie McGirr seconded the motion which passed with a 6-0 vote.

**Docket No. 12-44** Carl Bowles, Bessie McGirr moved to accept the Settlement Agreement, Stipulation and Order as presented. Kerri Kilgore seconded the motion which passed with a 3-1 vote. Jim Massengill recused himself from voting.

Stephanie McManus suggested we put a statement in the technician-in-training application that explains to the technician-in-training and the pharmacist-in-charge that achieving a Pharmacy Technician Certificate Board certificate after passing the nation examination does not mean the individual is a licensed technician. She suggested this be signed off by both parties before being licensed as a technician-in-training.

A conversation regarding a liaison between the Board of Pharmacy, Board of Nursing and Board of Medicine began regarding the new legislation on immunizations.

**Drug Disposal:** Mary Walker mentioned the FDA has revised rules which she has reviewed and we will need to revise our rules when the FDA final rules are released.

**PTCB:** The packet contained information on changes that were announced.

**Hydrocodone:** The FDA has voted to make all Hydrocodone products Schedule II but the DEA is the agency with the final say.

**Election of new officers:**

Bessie McGirr nominated Randy Harrop as president. Upon acceptance of the nomination Ms. McGirr moved to elect Mr. Harrop as president. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

John McPherson nominated Bessie McGirr as vice president. Upon acceptance of the nomination Mr. McPherson moved to elect Ms. McGirr as vice president. Kerri Kilgore seconded the motion which passed with a 5-0 vote.

Kerri Kilgore nominated John McPherson to remain as secretary after he explained the duties of the secretary. Upon acceptance of the nomination Ms. Kilgore moved to elect Mr. McPherson as secretary. Bessie McGirr seconded the motion which passed with a 5-0 vote.

**Citizen Advisory Center:** Mary Walker and Charlie Smith have both attended this. Jim Massengill stated he would be interested in going. The first day is for new board members

**Advisory Board on Drugs and Substances Control:** This Board met to consider adding more “spice chemicals” to Schedule I of the Wyoming Controlled Substance Act. Mary Walker asked if she should be the board representative under Wyo. Stat. Ann. 35-7-1101. Jim Massengill said he would be interested. It was later discussed that under Wyo. Stat. Ann. 35-7-1005 the board is composed of the executive director and senior inspector of the board of pharmacy.

**PARE Assessment:** Mary Walker and Richard Burton explained to the board about the new assessment for pharmacists available by NABP. The test is provided for two weeks, four times a year. Ms. Walker and Mr. Burton were asking the Board if they thought it might be something they should use for disciplinary issues and investigations. The test has either a pass or fail scoring. It is broken down into 3 sections. The cost of the test is \$250 dollars and the pharmacists has four and one half (4 ½) hours to complete all three sections. A discussion started about the possibility of liability issues in the instance where the individual being assessed failed. Bessie McGirr asked the staff to look at other states and how they are using the test. This will be brought back to the June meeting.

**NABP 109<sup>th</sup> Annual Meeting:** Bessie McGirr moved to have Stephanie McAntee be the delegate member for the Board. James Massengill seconded the motion which passed with a 5-0 vote. Ms. McAntee has received a scholarship from NABP to attend.

**NABP District 7 meeting:** This meeting is September 8-11. Our board meeting is September 11-12 in Cheyenne. Mary is attending this meeting and Kerri Kilgore indicated she would like to go as well. Randy Harrop asked Mary if we needed the September meeting and Mary explained this is the meeting the students attend. It was decided to keep the September meeting as scheduled in Cheyenne.

Ken Nelson spoke about having too many on any given committee. If a quorum is formed this is a meeting. You have to give an eight (8) hour notice before you can hold an unscheduled meeting. Ken said he prefers a twenty-four (24) hour notice. If an issue arises and you require an emergency meeting you can do it electronically but the proper notice must be given. Not following Public Meeting Act can cause civil penalties. Mr. Nelson also announced this would be his last meeting because he is retiring in May. He has represented this board for ten (10) years in April 2013. Randy Harrop stated that over the past ten (10) years the Board has appreciated everything he has done and he would be missed.

Randy Harrop adjourned the meeting at 10:32

Respectfully submitted on April 4, 2013

Notes by Phyllis Chapman, Senior Office Support Specialist

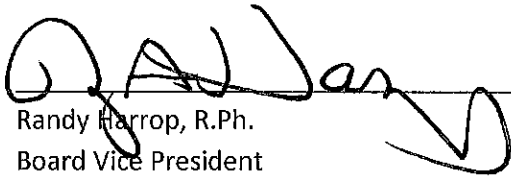
Respectfully submitted and reviewed:



Mary Walker, R.Ph.

Executive Director

Minutes approved and entered into record:



Randy Harrop, R.Ph.

Board Vice President