

**MINUTES**  
**WYOMING STATE BOARD OF PHARMACY MEETING**  
**October 4-5, 2005**  
**Teton Village, WY**

<b>SUBJECT</b>	<b>DISCUSSION</b>	<b>ACTION TAKEN</b>
Meeting called to order by Board President, October 4th, 9am.		
July 20, 2005 board meeting minutes	Minutes reviewed. No changes noted	Minutes approved, 3/0
Ryan Jilek, Custom Data, Dickson, ND	Mr. Jilek discussed real-time data, audio and video link utilized by telepharmacy programs in North Dakota.	No action required
Board's BFY 2007-2008 budget request	The Board's budget for BFY 07-08 was reviewed. The Board's proposed budget totals \$1,336,023 (\$1,200,127 standard budget and \$135,896 exception budget). The exception budget request is for an additional position, car, furniture, computer and travel funds to allow inspection/investigation of outlets registered with the Board under WS 35-7-1059 (m). The Board's authority under WS 35-7-1059(m) was granted by the 2005 Wyoming Legislature with an effective date of 7/1/05 and effects primarily the sale/distribution of pseudoephedrine. Funding for the exception budget will be from General Fund. There is currently federal legislation that if passed will result in pseudoephedrine becoming a schedule V controlled substance and sales restricted to pharmacies. The Governor will support the budget request including the exception request and the exception request will be withdrawn if the federal legislation affecting pseudoephedrine is passed.	Board approved budget as proposed, 3/0 The outcome of the federal legislation should be known by the end of October.
National All Schedules Prescription Electronic Reporting Act of 2005	Discussed the recently enacted federal legislation which will support states in implementing and enhancing prescription drug monitoring programs (PDMP). This support will be via grant funds. It does not support on-going funding of PDMP programs.	No action required. This funding source will be considered when the Board's PDMP is enhanced.
Topics for consideration for rule making in 2006 or legislative action for 2007	<p>Topics discussed included:</p> <ul style="list-style-type: none"> <li>• Intern hours-consider via rule-making that P4 year would suffice for intern hours, which would change the number of hours required from 2000 to 1600</li> <li>• Sterile compounding-consider via rule-making adoption of rules</li> </ul>	<p>Board will consider the following in 2006:</p> <p><u>Rule-making:</u></p> <ul style="list-style-type: none"> <li>• Intern hours</li> <li>• Sterile compounding</li> <li>• Revise Chapter 8, Wyoming Pharmacy Act R&amp;R</li> <li>• Review labeling requirements</li> </ul>

which address USP 797 guidelines.

- Patient/practitioner relationship-consider rulemaking to address what would constitute a valid patient/practitioner relationship as it relates to dispensing a prescription.
- Non-resident pharmacies- Consider legislative action requiring non-resident pharmacies to comply with Wyoming state law if the laws in their state of domicile are weaker than Wyoming law.
- Manufacturers/Distributors- rulemaking to update Chapter 8 of the Board's rules.
- Foreign pharmacy graduates- consider legislative action or if allowable rule making to allow the licensing of foreign pharmacy graduates by exam, score transfer, or reciprocity.
- Medical devices-consider legislative action to allow the board to regulate the sale of medical devices in the state.
- Unit dose/unit of issue packaging- consider rule-making to require the physical description and product id to be included on the label of unit dose or unit of issue packaging at the time of dispensing.

for unit dose/unit of issue packaging

Change in statute:

- Foreign pharmacy graduates
- Non-resident pharmacies

The Board asked the Executive Director to meet with the Board of Medicine and discuss the issue of what constitutes a valid patient/practitioner relationship. It is hoped each board will incorporate language in statute or rule which addresses this topic.

Regarding medical devices, the Board does not seek authority to register or regulate the distribution of medical devices into Wyoming. The Board asked the Executive Director to discuss this topic with the Department of Health.

In addition, Board members will review current Board rules for possible updates.

A newsletter article dealing with possible changes in board rule or statute to be included in the December 2005 newsletter and ask for comments from licensees.

WPAP Quarterly Report

Due to weather conditions George Vandell was not able to make the meeting

No action required. A copy of his quarterly report will be provided to Board members.

Adoption of Rules

Since the Board expects a large turnout for the public hearing scheduled for October 5th, time was spent discussing how to conduct the meeting and the time frame to submit "Order Adopting Rules" if rules are adopted

No action required. Discussion for benefit of Board members in conducting the public hearing on October 5th.

District 6, 7 & 8 Fall Educational Conference

Reviewed agenda, introduction of speakers, details of dinner Friday night

No board action required.

Centralized Disaster Registry

Discussed NABP's correspondence dated 9/1/05

No board action required.

Opens Meeting Act

Ken Nelson presented an overview of the Open Meetings Act

No board action required.

Pharmacist license transfer

Discussed change in NABP's Constitution and Bylaws, specifically NABP Bylaws, Article II, Section 2, which outlines

The board voted to not seek a change in statute, but to reconsider in the future.

participation requirements for the NABP Clearinghouse. The change allows a state to accept candidates for licensure as a pharmacist by the license transfer process if the applicant utilizes a license granted by examination in a member state or a transferred license issued by a member state after May 23, 2005. The WY Pharmacy Act only allows the state to consider a candidate for license transfer (reciprocity) from a state where licensed by examination (W.S. 33-24-134).

Out of State Meetings

Discussed the number of attendees for out of state meetings for the next twelve months.

The Board approved the following number of attendees at board expense as follows:

- 1-NASCSA meeting October 2006
- 2-NABP Fall conference, December 2005
- 1-NABP Spring meeting, April 2006
- 4-District 7 & 8 conference, October, 2006
- 1-NACDS Technology Conference-August 2006
- 1-DEA Conference-Summer 2005

Executive Session

Board voted 3/0 to enter executive session to discuss disciplinary action

Stuart A. Fluharty, RPh  
Wyoming license number 2897

Board voted 3/0 to accept the "Settlement Agreement, Stipulation and Order" regarding Mr. Fluharty's license to practice pharmacy.

Next board meeting

Dates discussed

February 8-9, 2006, Board's Office, Casper, WY. February 8th: 1-5 pm, February 9th: 9am to conclusion

Public Hearing

Public hearing conducted on October 5th beginning at 9am to hear oral testimony regarding the Board's "Notice of Intent to Adopt Rules and Regulation. The public hearing was conducted by Ken Nelson, Board Attorney

The board to discuss oral and written comments after the public hearing during public session.

Notice of Intent To Adopt Rules and Regulations

Board discussed both written and oral comments.

Board voted 3/0 to issue an Order Adopting Rules, case number 05-1. The rules adopted, not adopted, or tabled until the February board meeting as well as the Board's response to written and oral comment will be included in the Order Adopting Rules, case number 05-1

Meeting adjourned by Board President, October 5th at approximately 12 noon

Respectively Submitted:

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James T. Carder, R.Ph. Executive Director

Approved: **2/8/2006**

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Alison K. McManus, R.Ph.  
President

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Mary K. Walker, R.Ph.  
Vice President

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Randolph A. Harrop, R.Ph.  
Secretary-Treasurer

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Gary W. Norwood, DVM  
Ex-Officio Member

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Robert "Rick" J. Davis, MD  
Ex-Officio Member

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John R. McPherson, DDS  
Ex-Officio Member