

WYOMING STATE BOARD OF PHARMACY

Board Meeting September 7-8, 2011

6920 Yellowtail Drive, Suite 100

Cheyenne, Wyoming

Minutes

Wednesday, September 7, 2011

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>Present</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>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
Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Monique Domingue, PharmD, R.Ph.	Walgreens Pharmacy
Dennis McAllister	Medco
Raven Callas, PharmD, R.Ph.	Supervalu, Inc.
Donna Artery, PharmD, R.Ph.	Wyoming Department of Health
Lane Williams	Wal-Mart
Brandy Johnson	Safeway
Myles Holt	University of Wyoming, School of Pharmacy student
Sean LeBarin	University of Wyoming, School of Pharmacy student
Opal Anderson	University of Wyoming, School of Pharmacy student
Bernadine Bunt	University of Wyoming, School of Pharmacy student
Emily Griesbach	University of Wyoming, School of Pharmacy student
Stephanie Cohn	University of Wyoming, School of Pharmacy student
Evan Crump	University of Wyoming, School of Pharmacy student
Randee Gelatic	University of Wyoming, School of Pharmacy student
Sarah Gonzales-Grham	University of Wyoming, School of Pharmacy student
Maggie Grooms	University of Wyoming, School of Pharmacy student
Jennifer Hendricks	University of Wyoming, School of Pharmacy student
Lacey Hill	University of Wyoming, School of Pharmacy student
Chris Izzo	University of Wyoming, School of Pharmacy student
Michelle Kron	University of Wyoming, School of Pharmacy student
Kyle Lancaster	University of Wyoming, School of Pharmacy student

Adrianna Lindgren	University of Wyoming, School of Pharmacy student
Sage McComb	University of Wyoming, School of Pharmacy student
Erin Nemec	University of Wyoming, School of Pharmacy student
Melinda Swann	University of Wyoming, School of Pharmacy student
Shannon Thomas	University of Wyoming, School of Pharmacy student
Kimberly Seratt	University of Wyoming, School of Pharmacy student
Jiying Wei	University of Wyoming, School of Pharmacy student
Bryan Wessman	University of Wyoming, School of Pharmacy student
Brian Witmer	University of Wyoming, School of Pharmacy student
Travis Graham	University of Wyoming, School of Pharmacy student

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

President Carr welcomed the students from the University of Wyoming P3 pharmacy class.

Review and approval of the June 23-24, 2011 minutes: Randy Harrop moved to accept the minutes as presented. Charlie Smith seconded the motion which passed with a 6-0 vote.

Wyoming Professional Assistance Program quarterly report: Mary Walker gave the quarterly report which consists of thirty one (31) Wyoming professionals. The Pharmacy Board has four (4) Pharmacists and/or Technicians, two (2) Pharmacy Students and one (1) former Pharmacist. For this quarter all were compliant, however, a letter was sent to instruct the participants not to consume large amounts of liquids before testing as this can result in a urine sample to be dilute.

Executive Directors report: Mary Walker announced she gave a two hour presentation at the WPHA conference and will be giving one at Casper College Law Day and Technician CE on October 1, 2011. Ms. Walker also indicated that the accepted rule changes had been sent to the secretary of state and the attorney general's office and LSO. Among other personnel issues she also reported the office staff was working together to complete a policy and procedure manual. Mary announced that the 2010 backlog of disciplinary actions were now completed and we had a record 54 investigations. Ms. Walker will be attending the NABP meeting in Chicago on September 21-22 and the District 7 meeting in Seattle in October. The "who can dispense" group met with attorneys and the Board of Medicine and Board of Nursing twice. Staff members were presented with a demo of the GL Solutions software which is currently being used by the Board of Medicine and the Board of Cosmetology. There were some problems with the online renewals and payments, but everyone who was affected was notified and refunded the overpayments. Ms. Walker has spent many hours working to prepare the 2013-2014 budget. The staff won one hundred twenty five dollars for the 2012 Survey of Pharmacy Law from NABP. An in depth report is filed in the board packet for this meeting. Randy Harrop announced there was an article in the Casper Star that mentioned the prescription drug monitoring program. He also mentioned Wyoming rules revisions were in an article in the NABP newsletter.

License Renewal Updates: Phyllis Chapman announced that of the 36 methamphetamine precursors 11 have renewed so far. We still have 413 controlled substance registrants that have not renewed and 63 interns have renewed and 94 have not as of September 7, 2011. 8 P1 students have been licensed so far this year.

Compliance Officers Report: Richard Burton reported we set a record number of investigations and some of them are extremely entailed. He has about one more week on the road doing inspections. He is seeing some remodeling for USP 797 compliance but some hospitals will not be ready by January. Richard added most were compliant but we will need to know what to do on January 1st. Mr. Burton said he was finding some of the same items on his inspections but he is finding more and more of licenses being posted correctly. Richard is now requesting a letter be faxed to the office from the pharmacies indicating the issues he finds are corrected.

Hank York reported he completed inspections in the southwest corner of the state. Safeway is remodeling 8 pharmacies and Smith's is remodeling 3. He should be finishing up his inspections with Casper and Cheyenne real soon. Mr. York said he is seeing the same types of issues as Richard indicated. Both Hank and Richard have instructed the pharmacies when they inspect them to fax an inventory of ultram® and soma® to the board office.

John McPherson started a conversation about what the board was going to do for those that are not USP 797 compliant on January 1st. Richard and Hank said they have been giving the Pharmacist-in-Charge checklists for the past two years and have asked to talk to the administrators.

This conversation came back up on Thursday the 8th and Randy Harrop made a motion to send certified letters to the administrators and pharmacists-in-charge now and in January indicating that if construction was started they would have a grace period of 120 days to be in full compliance. Kay McManus seconded the motion which passed with a 6-0 vote.

Law Review: Mary Walker, Terry Carr, Kay McManus, Randy Harrop and Bessie McGirr attended this meeting. They got through all the questions and they were turned in on time.

WPHA Convention: Terry Carr and Randy Harrop stated they always look forward to these conferences and this one was very good. Our 60 year pharmacist was presented with a plaque and he gave a very nice speech. Kara Beech announced the next convention would be in Sheridan on June 22 and 23 2012. On January 28, 2012 there is CE in Wheatland and a technician conference on October 1, 2011.

PDMP Report: Mary Walker explained the graphs that were included with the board packets. She explained the reason for the jump in requests was due to a letter the Board of Medicine sent out to practitioners to check their patients by utilizing the program. Missouri and New Hampshire have legislature pending for their programs. Twelve other states and Guam have enacted PDMP legislation, but the programs are not operational yet. A woman in Colorado

claimed that a report was being used against her in a divorce case. Mary said we do not give reports to attorneys. Ms. Walker also said it was nationally mandated that the Veterans Administration and Indian Health Services will have to report to the program.

Report to Joint Interim Committee of WY Legislature: In 2009 WYO. STAT. ANN. § 35-7-1061 and WYO. STAT. ANN. § 35-7-1062 were enacted to provide a pilot program for real-time access to patient profiles of controlled substance prescriptions. Currently prescribers, regulatory agencies, law enforcement and pharmacists must fax in a request to the board office. The board applied for and received a grant from (NASCSA) National Association of State Controlled Substance Authorities. The grant will be used to develop a logo, printed materials, and support for explaining the pilot project to practitioner sites around Wyoming.

Randy Harrop made a motion to accept the acronym “WORx” (Wyoming Online Rx) with the mountain logo. John McPherson seconded the motion which passed with a 4-2 vote.

UW Graduates Actively Working in Wyoming: Mary Walker did a census for NABP and found that of the current Wyoming workforce 76.3 percent are University of Wyoming, School of Pharmacy graduates. Dean Vandell was very happy to hear most of the graduates are staying in Wyoming.

Rules Revisions: Mary Walker announced the Governor signed off on all the rules except Chapter, 2, Section 35, which would ensure breaks on the job. There was a conversation regarding why the Governor vetoed the bill and it was mentioned that he thought the companies should allow for breaks instead of the board enforcing it as a rule. There is a means to inform the governor by either taking an anonymous survey on WPHA website or by sending the name of the company that does not allow for breaks to the Governor.

Security Paper Prescription Pads: Mary Walker sent a letter to all the approved suppliers of prescription pads on our website with a copy of the rule changes approved by Governor Mead. There have been many calls regarding the prescription pads because everyone wants to make certain they are doing everything right.

Intern Regulation Changes: Sarah Ruppert, PharmD Candidate, wrote a paper with the new rules for interns allowing them to administer immunizations. This paper was included with every intern renewal that was mailed out on July 1, 2011.

Methamphetamine Precursor Changes: Sarah Ruppert, PharmD Candidate, wrote a paper with changes to methamphetamine changes. This was included with the methamphetamine precursor renewal notice mailed on July 1, 2011.

Workplace Survey by WPHA: Kara Beech sent a notice regarding pharmacist’s breaks and the rule that was vetoed by Governor Mead. Governor Mead requested pharmacists to give input regarding their current work conditions. WPHA set up an anonymous survey for the requested

information. Pharmacists do not have to be a member of WPHA to take the survey. Ms. Beech has visited many pharmacies this summer and received many comments.

Disciplinary Actions and Fines: Sarah Ruppert, PharmD Candidate compiled a report from 2006-2010 of disciplinary actions and fines, including other actions taken. Our new Attorney General requested this for informational purposes.

Summary of Pharmacist-in-Charge responsibilities: Sarah Ruppert, PharmD Candidate compiled a quick reference guide by chapter and section on the responsibilities of the Pharmacist-in-Charge. A lengthy conversation took place regarding the responsibilities of the manager versus the pharmacist-in-charge. Rick Davis suggested perhaps this should be its own chapter. Ken Nelson suggested when the renewals are sent out on November 1, 2011 to include the reference guide along with a letter indicating that this is a list of responsibilities for the current time and can and may be subject to change in the future.

WYSAC analysis of PDMP 2004-2009: Mary Walker explained that WYSAC wants to put the data they received from the PDMP records on their website. They will be responsible for answering statistical questions, although there are a lot of charts and very hard to analyze. This is public record and no names are being used.

Budget FY 2013-2014: Mary Walker went over the budget with the Board so they could all be familiar with the budget she was submitting. To date we are ahead of our projected revenue budget. There are copies of this budget information in the office packet for this meeting. Stephanie McAntee noticed we need to add intern immunizations to the budget figures.

Randy Harrop moved to accept the projected budget and Kay McManus seconded the motion that passed with a 6-0 vote.

GL Solutions licensing software: President Carr requested to revisit this in the December meeting.

NPI (National Provider Identification Number on prescription Pads): Mary Walker stated that we do not have a field in our database for this and NPI number is for payment purposes only. The NPI number is not required on prescription pads.

Letter DEA to NABP, What can be changed on a C II prescription: Mary Walker briefed the letter explaining the DEA basically said to use common sense on what could be added or corrected on a C II prescription. Dennis McAllister from Medco addressed the Board stating that in some states the pharmacists could not add the DEA number to a C II prescription. Randy Harrop stated it is easier to remember what you cannot change than what you can change.

Board Meetings: The December 7-8, 2011 meeting will be held at the McMurray Park Holiday Inn in Casper. The 2012 meeting schedule is as follows:

March 21-22 Cheyenne
 June 20-21 Sheridan (WPHA is June 21-24)
 September 12-13 Cheyenne
 December 5-6 Casper

NABP/AACP District 6, 7, & 8 October 4-6, 2011 Seattle, Washington:

Terry Carr, Kay McManus and Marry Walker are signed up to attend this meeting. Jennifer Nevins is also attending the meeting.

President Carr recessed the meeting at 4:52 p.m. to be reassembled at 8:00 a.m. on September 8, 2011

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Kara Beech, B.S., CHC	Executive Director, Wyoming Pharmacy Association
Lane Williams	Wal-Mart
Myles holt	University of Wyoming, School of Pharmacy student
Michelle Bush	Cheyenne, WY
James Ammon	Bountiful, UT
Travis Graham	University of Wyoming, School of Pharmacy student

President Terry Carr called the meeting to order at 8:00 a.m.

Randy Harrop moved to go into executive session to discuss disciplinary matters at 8:02 a.m. which passed with a 6-0 vote.

President Terry Carr called the public meeting back to order at 9:15 a.m.

Docket No. 11-11 Gary Augustin: Randy Harrop moved to accept the Settlement Agreement. Kay McManus seconded the motion which passed with a 6-0 vote.

Docket No. 11-39D Anita Hartinger-Hatch: Kay McManus moved to accept the Settlement Agreement. Bessie McGirr seconded the motion which passed with a 6-0 vote.

Docket No. 10-39C Linda Luzania: John McPherson moved to accept the Settlement Agreement. Kay McManus seconded the motion which passed with a 6-0 vote.

Docket No. 10-39B James Massengill: Bessie McGirr moved to accept the Settlement Agreement. Kay McManus seconded the motion which passed with a 6-0 vote.

Docket No. 10-39A Hoy's Drug: Kay McManus moved to accept the Settlement Agreement. Bessie McGirr seconded the motion which passed with a 6-0 vote.

Docket No. 11-08 Kristen Goodrich: Randy Harrop moved to accept the Settlement Agreement. Rick Davis seconded the motion which passed with a 6-0 vote.

Docket No. 11-13 James Ammon: Charlie Smith moved to accept the Settlement Agreement. Kay McManus seconded the motion. Randy Harrop and John McPherson recused themselves from voting. This Settlement Agreement was not accepted with a 0-4 vote.

Terry Carr asked Mary Walker what the guidelines were for fines. Ms. Walker explained that previous settlement agreements were used from over the past five years. However, every case is individual. Kay McManus asked if it was determined by how many times the individual is investigated. Mary Walker stated "no" that is not the case.

Rick Davis asked if in a settlement agreement if the person is required to provide proof of CE can the individual use the same for renewal purposes. Mary Walker stated "no" it states in the agreement it may not be reused.

Kara Beech of WPHA announced the leadership program will be ready to start in January but it may wait until June 2012. UW will allow use of their online learning and there will also be meetings in person. Brochures and registration will be ready in October.

At this time the Board went into the planning meeting with ALIGN.

Respectfully submitted on September 16, 2011

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