

**KANSAS STATE BOARD OF PHARMACY
BOARD MEETING MINUTES**

February 22, 2024

Meeting Location:

800 SW Jackson, Lower-Level Topeka, KS 66612

Members Present: Erick Axcell, PharmD., Vice President; Tiffany Strohmeier, PharmD., Inv. Member; Jonathan Brunswig, PharmD.; Andrew Truong, PharmD.; Bill Walden, R.Ph., Lucinda Noches-Talbert, Public Member

OPEN MEETING

At 8:32 am, the Vice President called the open meeting.

REPORTS

K-TRACS

- Provided a report on pharmacy reporting compliance, data quality, and the investigation process.

Licensing

- Provided a report on provider and facility new applications and renewals in 2022 and 2023.

APPROVALS

- A motion was made and seconded to approve the new guidance document on examinations for expired pharmacy technicians (Truong/Brunswig). All in favor motion carries.

BOARD DISCUSSION

Draft Regulations

- Reference documents were provided to the Board regarding USP <795> and USP <797> for compliance. This document will be available for pharmacies for guidance.
- The Board directed staff to begin the administrative rulemaking process for K.A.R. 68-13-3, 68-13-4, and 68-7-X (USP <800>).

APPROVALS CONTINUED

Stipulation and Consent Agreements

- A motion was made and seconded to approve the stipulation and consent agreements for 23-223, 23-396, and 23-437 (Brunswig/Truong). All in favor motions carry.

Recess: The President called a recess at 9:50 am.

Reconvene: The President called the open meeting back to order at 10:00 am.

PRESENTATIONS

Erica Haeger with the DEA provided a presentation on electronic prescription fraud.

Recess: The President called a recess at 11:06 am.

Reconvene: The President called the open meeting back to order at 11:15 am.

BOARD DISCUSSION CONTINUED

Discussion on Pending Regulations

- A motion was made to table KAR 68-7-20a and directed staff to work with stakeholders on a revised draft for consideration at the April 2024 Board meeting (Walden/Truong). All in favor motion carries.
- An internal memorandum was provided to the Board regarding KAR 68-23-1 etc. (telepharmacy). Telepharmacy comments brought up two separate issues: distance and legislative intent.
 - A motion was made and seconded to continue the rulemaking process for the telepharmacy regulations approved by the Attorney General's office (Brunswick/Strohmeyer). All in favor motion carries.

CDTM Test-and-Treat Survey

- An anonymous survey will be sent to pharmacists that are currently working in Kansas regarding the CDTM protocols. The survey will go out in March 2024.

April 25-26 Meeting

- The Board discussed rescheduling the April Board meeting due to Board member availability.

Updated on IV Hydration Clinics

- Board staff met with members of the Kansas Board of Nursing and Kansas Board of Healing Arts and have commenced a multi-agency work group. Members reviewed the North Carolina Board of Pharmacy law regarding IV hydration clinics and NC law requires these clinics to register as pharmacies in NC.

REPORTS CONTINUED

Attorney

- The Board's attorney provided guidance on stating your name during a hearing, microphone etiquette, and audio transcripts for district court.

Compliance

- Flavoring expiration dates and compounding were discussed. The Board discussed that flavoring is not considered compounding. A guidance document will be written to provide clarification.
- Three inspectors are FDA commissioned.

APPROVALS CONTINUED

A motion was made and seconded to approve the December 7th, 2023 minutes and the new licensees and registrants since November 29th, 2023. (Strohmeyer/Brunswick) All in favor motion carries.

Recess: The President called a recess at 12:22 pm.

Reconvene: The President called the open meeting back to order at 1:00 pm.

PUBLIC COMMENT

- Robert Jensen requested the Board review of the law regarding ekits.
- Lori Walmsley with Walgreens Public Affairs provided comments regarding whitebagging and telepharmacy rulemaking regulations.
- Chad Baker with Flavor Rx provided comments that flavoring should not be considered within USP 797.
- Karen Braman with the Kansas Hospital Association provided comments regarding fraudulent eprescribing and whitebagging.
- Gavin Duley provided comments regarding telepharmacy.

ADMINISTRATIVE PROCEEDINGS

22-013 Derek Douglas

- Mr. Douglas appeared in person with Diane Bellquist as legal counsel.
- The Board was represented by Brenda Head.
- Judge Loren Snell explained the administrative hearings process and guidelines for Mr. Douglas.
- Board Exhibits 1-6 were admitted as evidence.
- Respondent Exhibits A-C were admitted as evidence.
- Ms. Head called forth the executive secretary, who was sworn in and gave her testimony.
- Mr. Douglas was sworn in and gave his testimony.
- At 1:32 pm, the Vice President closed the open meeting for KAPA deliberations.
- The Vice President called the open meeting back to order at 1:38 pm.
- A motion was made and seconded to reinstate Mr. Douglas's Kansas pharmacist license to active status effective February 22, 2024. (Noches-Talbert/Brunswig). All in favor motion carries.

23-093 Susan Janda

- Ms. Janda was absent for her scheduled hearing.
- Per KAPA regulations, the Board elected to move forward with the hearing without Ms. Janda present.
- The Board was represented by Ms. Head.
- Judge Snell explained the administrative hearings process and guidelines.
- Board Exhibits 1-10 were admitted as evidence.
- Ms. Head called forth the executive secretary, who was sworn in and gave her testimony.
- At 2:08 pm, the Vice President closed the open meeting for KAPA deliberations that included the Board's Executive Secretary.
- The Vice President called the open meeting back to order at 2:14 pm.
- A motion was made and seconded to uphold the summary order and revoke Ms. Janda's Kansas pharmacy technician registration (Brunswig/Strohmeyer). All in favor motion carries.

BOARD DISCUSSION CONTINUED

Request from Gavin Duley

- A request was made for an ongoing pilot project to be approved following a change of ownership at the Cedar Vale pharmacy.
- A motion was made and seconded to move forward with Mr. Duley's pending ownership change applications and, upon completion, grant them; request Mr. Duley file an application for continuation of an existing pilot project within 30 days; granting the Pilot Project Committee (Axcell, Strohmeier) authority to make a final determination on the application; and allowing the existing pilot to continue operation until the Pilot Project Committee makes a determination on any application. (Truong/Walden) All in favor motion carries.

Recess: The President called a recess at 2:53 pm.

Reconvene: The President called the open meeting back to order at 3:00 pm.

BOARD DISCUSSION CONTINUED

Request from K-State Vet Met

- The Board is recommending that the facility submit a hospital pharmacy application and return to a future meeting for further discussion of final verification by unsupervised 4th year veterinary students.
- Board members plan to visit the vet clinic at K-State.

REPORTS CONTINUED

Director

- NABP 2024 membership benefits fee is \$250 a year.
- 2024-2025 committee task force appointment applications should be submitted now.
- Mr. Kirtley from Arkansas Board of pharmacy has applied for the NABP treasurer position.
- The KS MPJE fact sheet is available through NABP. NABP has released an authorization option for students to share their test results with their school of pharmacy and other individuals.
- The Executive Secretary provided an updated on the 2024 Kansas Legislative Session.

EXECUTIVE SESSION

- A motion was made and seconded (Brunswick/Strohmeier) at 4:06 pm to enter into executive session to discuss Board security matters per K.S.A. 75-4319(b)(12), to include the Board's attorney, Executive Secretary, and the Director of Compliance, Assistant Director of K-TRACS, and the Assistant Director of Budget and Operations to be reopened to the public at 4:40 pm. All in favor. Motion carries.

The Board recessed into Executive Session at 4:06 pm.

The Board returned to the open meeting at 4:40 pm.

Adjourn: A motion was made and seconded (Truong/Strohmeier) to adjourn at 4:40 pm.