

NEBRASKA BOARD OF PHARMACY  
**MEETING MINUTES**  
July 10, 2023

**ROLL CALL**

Charles Tomlinson, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Husker Room at the Hampton Inn & Suites, located at 7343 Husker Circle, Lincoln, Nebraska. The agenda and a revised agenda were provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Charles Tomlinson, R.P., Chair  
Sabrina Beck, R.P., Vice-Chair  
Todd Larimer, R.P., Secretary  
Kenneth Kester, R.P., J.D.  
Darrell Klein, J.D. (via WebEx)

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Jesse Cushman, Program Manager; Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Jeanne Burke, Assistant Attorney General; Teresa Hampton, Department Attorney (via WebEx); Juliann Lampjier-Willson, Department Attorney (via WebEx); Anna Harrison, RN, BSN, Compliance Monitor; Larry Wiehn, Investigator; and Carla Cue, Investigator.

Tomlinson announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

**REVIEW OF AGENDA**

Adoption of Agenda

Larimer moved, seconded by Beck, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Nathan Liberty – Pharmacist Intern Application  
Custom RX Pharmacy and Wellness Concepts – Mail Service Pharmacy Application  
Omnicare – Pharmaceutical Care Agreement  
Hastings Family Care – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Larimer moved, seconded by Kester, to approve the consent agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

**INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION**

Beck moved, seconded by Larimer, to go into closed session at 9:02 a.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Anna Harrison left at 10:28 a.m.

The Board return to open the session at 10:45 a.m.

## **APPROVAL OF MINUTES**

May 15, 2023

Page 1: Under ROLL CALL; delete "(Via WebEx)" after Darrell Klein.

Page 2: Under Mail Service Pharmacy Application(s) (1), first paragraph, line 1, add the name of the applicant and add the vote.

Page 3: Under MULTISTATE JURISPRUDENCE EXAMINATION (MPJE) COMMITTEE, second paragraph, line 2, change "des" to "does."

Page 4: Under NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – DISTRICT V MEETING (AUGUST 2024) - PLANNING, line 2 change the word "they" to "that".

Larimer moved, seconded by Kester, to approve the May 15, 2023, minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

## **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

### Pharmacy Technician Application(s) (8) - Consent

#### Pharmacist Intern Application(s) (1)

Larimer moved, seconded by Klein, to recommend issuing a pharmacist intern registration to Nathan Liberty. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

#### Mail Service Pharmacy Application(s) (1)

Larimer moved, seconded by Beck, to recommend issuing a mail service pharmacy license to Custom RX Pharmacy and Wellness Concepts and letting them know that they cannot mail commercially available drugs into Nebraska. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

### Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballot since the last meeting on March 6, 2023, into the record as follows:

- A pharmacy technician registration was issued to Alexandrew Beckwith on 5/25/2023. His registration number is 14081.

## **REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15)**

Hastings Family Care's pharmaceutical care agreement cannot contain physician assistants. The Board discussed the pharmaceutical care agreement of Omnicare and in their opinion it is acceptable.

## **LEGISLATION UPDATE**

Name: Marcia Mueting, PharmD, Nebraska Pharmacists Association (NPA), CEO  
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516  
Business: Nebraska Pharmacists Association (NPA)

Dr. Mueting provided the Board with a legislative update regarding the legislative bills that the NPA is tracking.

## **REGULATIONS UPDATE**

### Approval of 172 NAC 128

The Board reviewed the draft regulations for 172 NAC 128 which contain new reciprocity language, change the language regarding the passing score for the multistate jurisprudence examination (MPJE), language regarding the requirements for pharmacy technician to provide patients with vaccinations, and additional language in the unprofessional conduct section. Kester moved, seconded by Klein, to approve the draft regulations for 172 NAC 128 with the proposed changes and have them be set for hearing. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

### Review of the Pharmacy Quality Assurance Report (PQAR) Revisions

The Board reviewed the pharmacy quality assurance report (PQAR) revisions for community pharmacies, remote pharmacies, and dispensing practitioners.

Mr. Cushman explained that hospital PQARs will be reviewed with facilities licensure individuals. Asst. Prof. Miller requested that the Department review the PQAR for consistency.

Name: Teri Miller, RP  
Address: HLS-Room 139, 2500 California PLZ Omaha, NE 68178  
Business: Creighton School of Pharmacy and Health Professions

### MULTISTATE JURISPRUDENCE EXAMINATION (MPJE) COMMITTEE

Kester explained that he contacted NABP about providing individuals to address the Nebraska MPJE question pool. NABP explained that most states' compliance officers review the question pool and provide suggested changes to existing questions and develop new questions. Some states have their Executive Director provide this input.

### DISCUSSION ON PHARMACIST INTERN PROPOSAL TO CHANGE THE AGE FOR ISSUING THE REGISTRATION

Asst. Prof. Miller explained that Creighton School of Pharmacy and Health Professions has a potential student who would only be 18 years of age when starting their program and would need a pharmacist intern registration. Department legal determined that an individual applying for a pharmacist intern registration would need to be the age of majority (19) in order to obtain this registration. Dr. Dering-Anderson mentioned that this change would be allowing children to counsel. Therefore, a statutory change would be needed to allow an individual under 19 years of age to obtain this registration.

Mindy Lester left the meeting at 11:31 a.m.

### APPROVAL OF THE CURRENT CDC STI IMPLEMENTATION PLAN – PHC FORMULARY – ALLISON DERING-ANDERSON, R.P., PHARM.D

Dr. Dering Anderson explained that no approval is needed at this time.

Name: Allison Dering-Anderson, R.P., PharmD  
Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120  
Business: UNMC, College of Pharmacy

### DOES ADDING FLAVOR TO A PRESCRIPTION DRUG EQUATE TO COMPOUNDING – TODD LARIMER, R.P.

The Board discussed adding flavoring to a prescription drug and whether it is considered compounding. Nebraska statutes indicates that adding flavoring to a prescription drug is not considered compounding however the United States Pharmacopeia (USP) indicates that adding flavoring to a prescription drug is considered compounding. USP is not law. Therefore, it is the opinion of the Nebraska Board of Pharmacy that adding flavoring to a prescription drug is not compounding.

### DEA – PSEUDOEPHEDRINE DISPENSING CHANGES

Dr. Dering-Anderson explained that this topic is being discussion at the national level. The Board chose to wait and see what happens at the National level before addressing any changes.

### DEA PRESCRIPTION GUIDELINES

Larimer explained this is discussed in the prescriber handbook and discusses prescribing in multiple states. Dr. Dering-Anderson mentioned that federally, substance abuse was moved from DEA's purview to SAMSHA. Dr. Dering-Anderson mentioned that there will be a new product introduced into the market in August 2023.

**CLARIFICATION REGARDING NEBRASKA METHODIST COLLEGE'S PHARMACY TECHNICIAN PROGRAM BEING APPROVED AS A STATE CERTIFICATION PROGRAM**

Staff explained that Nebraska Methodist's College pharmacy technician program is on the Board's accredited list. However, the program is presented on their website identifies that their students sit for the Pharmacy Technician Certification Board (PTCB) examination. Therefore, the Department needs to get clarification from the program regarding whether they have their own state examination and recertification program or are their students sitting for the PTCB examination. Staff will get clarification from the program and bring back to the Board.

**NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – 2023 ANNUAL MEETING REPORT**

Larimer reported that Canada is experiencing drug shortages also. There was some discussion regarding USP 795 and 797 and whether "shall or must" should be used and wording should be carefully reviewed. Another discussion on the Drug Supply Chain Security Act (DSCSA) look for finalization in 2027.

**DISTRICT V MEETING – AUGUST 9-11, 2023 – MEDORA, ND**

Kester indicated that he is interested in attending. Staff will process travel authorization.

**NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – DISTRICT V MEETING (AUGUST 2024) - PLANNING**

Beck informed the Board the meeting date will be July 31 to August 2, 2024.

Mr. Cushman explained that the Open Meetings Act requires that 50% of Board meetings need to be held in person and if any Board member attends virtually that meeting will be considered as a virtual meeting and will not be counted toward the 50% of the required in person meetings.

The next Board of Pharmacy meeting is scheduled for September 18, 2023.

**ADJOURNMENT**

The Board adjourned the meeting at 12:07 p.m.

Respectfully submitted,

(signature on file with the Department)

Todd Larimer, R.P., Secretary  
Board of Pharmacy