

These minutes have not been reviewed or approved by the Board of Pharmacy.

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
July 11, 2022

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.
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; 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; Abby Hoy Nissen, Law Clerk; Teresa Hampton, Department Attorney (via WebEx); and Jeff Newman, 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 Klein, 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.

Tomlinson suggested moving agenda item #11 so discussion will take place after agenda item #3.

Additions, Modification, Reordering

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

Breanna Wittmuss – Pharmacy Technician Application
Kerri Allender – Pharmacy Technician Application
BET Pharm LLC (MS #550) – Mail Service Pharmacy Renewal Application
Diamond Pharmacy Services (MS #244) – Mail Service Pharmacy Renewal Application

Adoption of Consent Agenda

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

NEBRASKA PHARMACIST ASSOCIATION (NPA) - WORKFORCE SURVEY RESULTS – MARCIA MUETING, RP, PHARMD, NPA AND DONALD KLESPPER, PHD, MBA, UNIVERSITY OF NEBRASKA, COLLEGE OF PHARMACY

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

Name: Donald Klesper, Ph.D., M.B.A.
Address: 986120 Nebraska Medical Center PDD 2017, Omaha, Nebraska 68198-6120
Business: UNMC, College of Pharmacy

Dr. Klesper explained that the Board reviewed the survey in March and the survey was sent out to Nebraska community pharmacies in early June. They received approximately 279 usable surveys. They received 56% openings for pharmacists and 68% openings for

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pharmacy technicians. It was determined that 21% of the respondents have recently changed jobs which is consistent with what is being seen at the national level. Concerning areas were comments regarding stress, anxiety, and overall well-being. Numbers were highest amongst chain pharmacists. The survey identified that there are work force needs. Dr. Mueting was impressed with the results and it confirmed what they thought. The answer is not adding more technicians. Pharmacists need help doing what they need to do. Redefining adequate staffing may be needed. These issues are not just found in Nebraska. Other ideas might be minimum staffing based on prescription volume. Complaint process might need to be streamlined specifically to pharmacy. Pharmacy educational program enrollment is currently down to 60 from 200 that was seen 10 years ago. Ms. Lester asked if there was a pharmacist support network. Dr. Mueting explained that it is very expensive and doesn't know of one specifically for pharmacists. Tomlinson asked if there are minimum staffing guidelines. Dr. Mueting explained that prescriptions are not all the same along with not all pharmacists and pharmacy technicians are the same. NPA will be looking at strategic planning for the pharmacy profession. Mr. Cushman offered to ask the National Association of Boards of Pharmacy regarding a common definition amongst other states of adequate staffing and offered to streamline the complaint form. Discussion on making changes within 175 NAC 8. Conversation needs to continue amongst all players. Tomlinson asked whether educational programs could be surveyed for their thoughts. The Board thanked Dr. Klesper and Dr. Mueting for the continued efforts.

DISCUSSION REGARDING A PHARMACEUTICAL CARE AGREEMENT – JOHN MILDENBERGER, PHARMD AND MICHELLE MILDENBERGER, PHARMD

Drs. John and Michelle Mildenberger from Sidney Regional Medical Center, presented the Pharmaceutical Care Agreements to the Board. They explained that not all of them have been fully implemented to date. They provided information that they were able to provide documentation on the pharmaceutical care agreement involving coumadin benefits both the patient and the hospital. The Board thanked Drs. John and Michelle Mildenberger for presenting before the Board.

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

Larimer moved, seconded by Kester, to go into closed session at 9:49 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.

The Board return to open the session at 11:47 a.m.

APPROVAL OF MINUTES

May 9, 2022

Page 1: Todd Larimer should be identified as Secretary.

Page 2: No changes.

Page 3: No changes.

Larimer moved, seconded by Tomlinson, to approve the May 9, 2022, minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Mail Service Pharmacy Renewal Application(s) (3)

Klein moved, seconded by Larimer, to recommend renewing the mail service pharmacy license of BET Pharm LLC (#550) on probation running concurrent with Kentucky's probation and with similar probationary terms and conditions and a \$1,000 fine if they failed to report the 2020 discipline on their 2020 renewal application. The basis for the probationary license renewal is action in another state. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Kester, to postpone the review of the mail service pharmacy renewal application of Diamond Pharmacy Services (#244) for additional information. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacy Technician Application(s) (9)

Larimer moved, seconded by Beck, to recommend issuing a pharmacy technician registration to Breanna Wittmuss. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

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Larimer moved, seconded by Beck, to recommend denying a pharmacy technician registration to Kerri Allender. The basis for this denial is her criminal conviction history. 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 May 9, 2022, into the record as follows:

- Issued a pharmacy technician registration to Joshua Buser. Registration #13066 was issued on 5/26/2022.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (6) – CONSENT

LEGISLATION UPDATE

Tomlinson asked Marcia Mueting, R.P., PharmD, Nebraska Pharmacists Association (NPA) if there was any discussion on legislative issues for the next legislative session.

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

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

Dr. Mueting explained that the NPA has not determined any legislative priorities. Dr. Mueting provided a brief update regarding the 407 Credentialing review regarding pharmacy technicians. Dr. Dering-Anderson explained that federal Paxlovid guidelines less impact on Nebraska. Dr. Mueting stated that patients have some responsibilities also and reimbursement is low. The Federal Drug Administration recognized that Paxlovid did not go over well.

REGULATIONS UPDATE

Mr. Cushman explained that 175 NAC 8 will be reviewed at the September meeting.

NEBRASKA PHARMACISTS' ASSOCIATION DISCUSSION ITEMS

Pharmacy Technician Recertification Process

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

Name: Judy Neville
Address: 41st and Emile Streets, Omaha, NE 68198
Business: University of Nebraska Medical Center (UNMC) College of Pharmacy

According to the Pharmacy Technician Certification Board (PTCB), there is only 60 days to report continuing education to their recertification program. There is a lag between individual's paying their recertification fee and get renewed. Then PTCB at a later date reviews the individual's continuing education. Dean Willson, RP, Pharmacy Inspector, commented running into this issue with both PTCB and an individual certified through UNMC's program. This issue can cause problems with pharmacy technicians being in compliance with the requirement of certification. Judy Neville, UNMC, commented that PTCB used to allow individuals to upload their own continuing education. However, PTCB now checks CPE monitor and if an individual does not see continuing education on the CPE monitor list of continuing education, then they can make comments on the CPE monitor.

Remote Dispensing – Clarification of Distances Between Pharmacies

Dr. Mueting explained that there has been many appeals to remove the mileage between pharmacies when applying for a remote pharmacy. Someone mentioned that they were told that they could not have a remote pharmacy within 10 miles of a hospital pharmacy. The hospital in question does not hold a community pharmacy. The intent of the law was not to include hospital pharmacies dispensing to patients of record in this scenario.

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PRACTICE QUESTION – CONTROLLED SUBSTANCE RECORD KEEPING AND WHAT IS CONSIDERED READILY RETRIEVABLE – TODD LARIMER, RP

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

Larimer explained that this question came about regarding reports that pharmacy inspectors need when performing a controlled substance audits. Information should be readily retrievable within 48 hours from a central location. The Board has reached it's tolerance level regarding reports being made available. Dr. Dering-Anderson questioned whether DEA could help with retrieving the records needed. The Board's expectation is that pharmacies to provide the reports and not have the pharmacy inspectors wait weeks on end. The pharmacy inspectors are looking at dispensing records and drug purchase invoices.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP)

Annual Meeting Report – Todd Larimer, RP

Larimer provided a brief report from the NABP Annual meeting. Topics discussed included workforce comments and supply chain guidance. Under this new law, sharing drugs in rural areas, such as the drug for rattlesnake bites. Dr. Dering-Anderson mentioned that rabies vaccination was not included. Dr. Mueting mentioned that she was under the impression that as long as the paperwork went with the drug it was acceptable under a borrowing scenario. Larimer mentioned that the government representative commented that the borrowing scenario would not be acceptable. Larimer mentioned that Nebraska should wait until the FDA made their final ruling.

District V Meeting (August 2022)

Beck will be attending as the Board representative. Staff will request travel authorization.

The next meeting of the Board of Pharmacy is scheduled for September 12, 2022.

The Board will adjourn and have a hearing before the Board on the Reinstatement after Discipline Application of Benjamin Grote.

ADJOURNMENT

The Board adjourned the meeting at 12:45 p.m.

Respectfully submitted,

(signature on file with the Department)

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