

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
September 18, 2023

ROLL CALL

Charles Tomlinson, R.P., Chairperson, 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 meeting was conducted In-Person and by WebEx. The following Board members answered the roll call:

Charles Tomlinson, R.P., Chairperson
Sabrina Beck, R.P., Vice-Chairperson
Todd Larimer, R.P., Secretary
Kenneth Kester, R.P., J.D.
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Vonda Apking, Interim Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Jeanne Burke, Assistant Attorney General; Abigail Nissen, Sr. Law Clerk with the Attorney General Office; Teresa Hampton, Department Attorney (via WebEx); Anna Harrison, RN, BSN, Compliance Monitor (via WebEx); Larry Wiehn, Investigator; 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted on the Bulletin Board at the main entrance of the NSOB (Nebraska State Office Building) 14th & M Streets on September 6, 2023.

REVIEW OF AGENDA

Adoption of Agenda

Beck 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. Absent: None. Abstain: None. Motion carried.

Additions, Modification, Reordering

Adoption of Consent Agenda(s)

Beck moved, seconded by Klein, to approve the adoption of the Pharmacy Technician Application(s) Consent Agenda. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board requested that the following applications be removed from the Pharmaceutical Care Agreements Consent Agenda:

Immunization Agreement - Children's Outpatient Hospital – Pharmaceutical Care Agreement
Nebraska Medical Center – Second Addendum – Pharmaceutical Care Agreement
Walmart – (10) – Pharmaceutical Care Agreements

Beck moved, seconded by Klein, to approve the Pharmaceutical Care Agreement Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: 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 9:05 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. Absent: None. Abstain: None. Motion carried.

Board Break: 10:50 a.m.

Board Returned: 11:00 a.m.

The Board returned to open the session at 11:00 a.m.

APPROVAL OF MINUTES – OPEN SESSION

July 10, 2023

Page 1: Under ROLL CALL; delete “0” before “Charles”.

Page 2: Under APPROVAL OF MINUTES; line 3, add an “E” to the word “COMMITTEE”.

Page 2: Under BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION; third paragraph, line 1, change “inter” to “intern”.

Page 2: Under REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S); line 2, add the word “it” before “is acceptable”.

Page 2: Under LEGISLATION UPDATE; line 4, delete the word “were” and replace with the word “is” before “tracking”.

Page 3: Under REVIEW OF THE PHARMACY QUALITY ASSURANCE REPORT (PQAR) REVISIONS; third paragraph, line 3, delete the typo “ad” and correct it with the word “and” before the words “Health Professions”.

Page 3: Under MULTISTATE JURISPRUDENCE EXAMINATION (MPJE) COMMITTEE; line 2 put an apostrophe behind the word “states”; line 3, delete the “s” in the word “provides”.

Page 3: Under DISCUSSION ON PHARMACIST INTERN PROPOSAL TO CHANGE THE AGE FOR ISSUING THE REGISTRATION; Line 1, delete the word “that” and replace with the word “who” before the words “would only”.

Page 3: Under DOES ADDING FLAVOR TO A PRESCRIPTION DRUG EQUATE TO COMPOUNDING – TODD LARIMER, R.P.; line 1, the word “favoring” is a typo and should be corrected to “flavoring”; lines 1,2,3 and 4 add the word “drug” after the word “prescription”.

Page 3: Under DEA – DISPENSING CHANGES; correct the spelling to “PSEUDOEPHEDRINE”.

Page 3: Under DEA PRESCRIPTION GUIDELINES; line 2, change the word “privy” to “purview” before “to SAMSHA”.

Klein moved, seconded by Larimer, to approve the July 10, 2023, minutes as corrected. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (4) - Consent

Pharmacy Technician Reinstatement after Discipline Application(s) (1)

Larimer moved, seconded by Beck, to recommend reinstatement of the Pharmacy Technician license to Christine McAuliffe. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Nothing to report currently.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (22)

Immunization Agreement - Children’s Outpatient Hospital – Pharmaceutical Care Agreement does not contain the pharmacist’s name or signature.

Nebraska Medicine – Second Addendum – Pharmaceutical Care Agreement does not contain the provider’s name.

Wal-Mart’s – Pharmaceutical Care Agreements all contain electronic signatures.

REGULATIONS UPDATE

Title 172, Chapter 131, Wholesale Drug Distributors Regulations are effective as of September 20, 2023. To view the Regulations go to: https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-131.pdf

Title 172, Chapter 134, Delegated Dispensing Permits Regulations are effective as of September 20, 2023. To view the Regulations go to: https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-134.pdf

MULTISTATE JURISPRUDENCE EXAMINATION (MPJE) COMMITTEE

Kester explained that the MPJE Committee met and as Chair of the Committee had contacted Jasmina Bjegovic, PharmD Senior Manager, Competency Assessment, NABP. Dr. Bjegovic has agreed to attend a meeting to better explained the MPJE question development and answer questions. Willson provided information regarding attending the last MPJE question development Webinar. There was indication that NABP might be working on a universal jurisprudence examination.

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

Kester provided a report to the Board. Some of the issues discussed were low enrollment to pharmacy programs and Canada provided a report regarding indigenous medicine. Dr. Dering-Anderson discussed grant presentations at the next District V meeting which will be held in Omaha, Nebraska a the end of July 2024.

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, in Omaha. Lodging and conference space is still being finalized.

FUTURE MEETING DATES

Ms. Apking 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 November 6, 2023.

ADJOURNMENT

The Board adjourned the meeting at 11:36 a.m.

Respectfully submitted,

(signature on file with the Department)

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