

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

**NEBRASKA BOARD OF PHARMACY
CONFERENCE CALL MEETING MINUTES
March 22, 2021**

ROLL CALL

Todd Larimer, Vice-Chair, called the meeting of the Board of Pharmacy to order at 9:05 a.m. in the Staybridge Room at the Staybridge Suites, located at 2701 Fletcher Avenue, Lincoln, Nebraska. The agenda was 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:

Todd Larimer, R.P., Chair
Sabrina Beck, R.P., Vice-Chair
Charles Tomlinson, R.P., Secretary
Kevin Borchert, R.P.
Charlene Dunbar

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector (via WebEx); and Dean Willson, R.P., Pharmacy Inspector (via WebEx); Melissa Pollard, R.P., Pharmacy Inspector; Jesse Cushman, Program Manager (via WebEx); Vonda Apking, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Teresa Hampton, Department Attorney; Anna Harrison, RN, Compliance Monitor (via WebEx); Jeff Newman, Investigator; and Carla Cue, Investigator.

Larimer 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

Additions, Modification, Reordering

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

Alexis Peters – Pharmacy Technician Application
Bryon Rowley – Pharmacy Technician Application
Caitlyn Combs – Pharmacy Technician Application
Erin Maw – Pharmacy Technician Application
Jennifer Wondercheck – Pharmacy Technician Application
Tailore Bass-Jones – Pharmacy Technician Application
Express Rx LLC dba Carepharm Pharmacy - Mail Service Pharmacy Application
Accredo Health Group (#188) – Mail Service Pharmacy Renewal Application
Caremark AZ Mail Service Pharmacy dba CVS Caremark (#1021) – Mail Service Pharmacy Renewal Application
Curexa (#1022) – Mail Service Pharmacy Renewal Application
Foothills Professional Pharmacy – Mail Service Pharmacy Renewal Application
Healthwarehouse.com (#1024) – Mail Service Pharmacy Renewal Application
SP2LLC Smart Pharmacy (#1118) – Mail Service Pharmacy Renewal Application
Wells Pharmacy Network LLC (#283) – Mail Service Pharmacy Renewal Application
Walmart (Seward) – Pharmaceutical Care Agreement
Walmart (Crete) – Pharmaceutical Care Agreement
Walmart (Beatrice) – Pharmaceutical Care Agreement
Westfield Pharmacy – Pharmaceutical Care Agreement

Adoption of Consent Agenda

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

Adoption of Agenda

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

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REGULATIONS UPDATE

Jesse Cushman explained that he is finalizing the hearing summaries for 172 NAC 131 and 172 NAC 134. He is also looking into how to update the public health worker training videos.

LEGISLATION UPDATE

Marcia Mueiting, PharmD, RP, Chief Executive Officer, Nebraska Pharmacists Association (NPA), provided a legislative update. She discussed legislative bills pertaining to e-prescribing, pharmacy benefit managers, harmonizing the Nebraska controlled substances schedules with the federal controlled substances schedules, and she also explained (after surveying NPAs membership) the NPA supported the medical marijuana bill with recommendation for a small revision that there needs to be pharmacist involvement either by employment or consultation. Borchert mentioned legislation requiring mandatory participation in the Prescription Drug Monitoring Program (PDMP).

DISCUSSION REGARDING THE FOOD AND DRUG ADMINISTRATION (FDA) MEMORANDUM OF UNDERSTANDING (MOU) - COMPOUNDING

Jesse Cushman mentioned that he continues to forward information onto Department leadership. He make sure that the Department's is aware of the deadline of October 2021. Marcia Mueiting (NPA) offered to have discussions with Department leadership regarding this issue. Board suggested this be included as a recurring agenda item.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP)

NABPs Annual Meeting will be virtual. If any of the Board members plan on attending please pay the registration fee and provide the Department with the invoice and staff will submit the invoice for reimbursement.

HEARING BEFORE THE BOARD – REINSTATEMENT AFTER DISCIPLINE – LEAN CONGTANG, PHARMD

Court Reporter was used for transcribing the hearing.

Board went into Closed Session to discuss at 11:35 a.m.
Board returned to Open Session to make recommendation at 11:55 a.m.

Borchert moved, seconded by Tomlinson, to deny reinstatement based on the following: 1) prior felony convictions, 2) failure to report disciplinary actions in other states, and 3) the actions taken by the applicant since the revocation do not rise to the level of responsibility and accountability to necessary to practice safely as a pharmacist in the State of Nebraska. Voting aye: Beck, Borchert, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

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

Beck moved, seconded by Tomlinson, to go into closed session at 12:00 p.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, Borchert, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Apking, Cushman, Lester, Hampton and Newman left the meeting at 12:50 p.m.
Apking, Cushman, Lester, Hampton and Newman rejoined the meeting at 1:25 p.m.

Pollard left the meeting at 2:00 p.m.
Pollard rejoined the meeting at 2:10 p.m.

The Board return to open the session at 3:31 p.m.

APPROVAL OF MINUTES

January 11, 2021

Page 1: Under ROLL CALL, Sabrina Beck attended the meeting in person..

Page 2: Under Pharmacist Reinstatement After Discipline Application(s), line 3, change "your" to "his".

Page 3: Under HOW TO RAISE AWARENESS OF REQUIREMENT FOR PATIENT COUNSELING, line 1, change "other" to "offer"; under DISCUSSION ON COVID-19 ISSUES, the first sentence should read "Issues identified were getting vaccines supply to pharmacies so they can start administering the vaccine to citizens".

Page 4: Under ELECTION OF OFFICERS, 4 paragraph, delete first sentence.

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Tomlinson moved, seconded by Beck, to approve the January 11, 2021 minutes as corrected. Voting aye: Beck, Dunbar, Larimer, and Tomlinson. Voting nay: none. Abstain: Borcher. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (7)

Beck moved, seconded by Tomlinson, to postpone the pharmacy technician registration application of Alexis Peters for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Borcher moved, seconded by Beck, to postpone the pharmacy technician registration application of Bryon Rowley for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Dunbar, to recommend issuing a pharmacy technician registration to Jennifer Wondercheck. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Tomlinson, to postpone the pharmacy technician registration application of Tailore Bass-Jones for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Borcher moved, seconded by Tomlinson, to recommend issuing a pharmacy technician registration to Erin Maw. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Tomlinson moved, seconded by Borcher, to recommend denying the pharmacy technician registration application of Caitlyn Combs. The basis of this denial is misdemeanor conviction and lack of good character pursuant to Neb. Rev. Stat. §38-178(5) and §38-129. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Mail Service Pharmacy Application(s) (2)

Borcher moved, seconded by Beck, to recommend issuing a mail service pharmacy license to Express Rx, LLC dba Carepharm Pharmacy. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Mail Service Pharmacy Renewal Application(s) (10)

Beck moved, seconded by Tomlinson, to postpone the renewal application of Curexa (Mail Service Permit #1022) for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Dunbar, to postpone the renewal application of Accredo Health Group (Mail Service Permit #188) for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Borcher moved, seconded by Tomlinson, to recommend renewing the mail service pharmacy license of Caremark AZ Mail Pharmacy dba CVS Caremark (Mail Service Permit #1021). Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Tomlinson, to postpone the renewal application of Foothills Professional Pharmacy (Mail Service Permit #739) for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Dunbar, to postpone the renewal application of Healthwarehouse.com (Mail Service Permit #1024) for additional information. Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Borcher moved, seconded by Tomlinson, to recommend renewing the mail service pharmacy license of SP2 LLC Smart Pharmacy (Mail Service Permit #1118). Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Beck moved, seconded by Borcher, to recommend renewing the mail service pharmacy license of Wells Pharmacy Network LLC (Mail Service Permit #283). Voting aye: Beck, Borcher, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballots into the record as follows:

- Renewed Mail Service Pharmacy license #532 for Foundation Care on 1/22/2021.
- Renewed Mail Service Pharmacy license #688 for Orsini Pharmaceutical Services, LLC on 1/25/2021.
- Renewed Mail Service Pharmacy license #1277 for PharmMedRx dba Mint Pharmacy and Skin Care on 2/8/2021.
- Renewed Mail Service Pharmacy license #1012 for Heritage Biologics on 2/8/2021.
- Issued a pharmacy technician registration to Michaela Jackson. Pharmacy Technician Registration #11698 was

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issued on 1/21/2021.

- Issued a pharmacy technician registration to Lauren Vinston. Pharmacy Technician Registration #11699 was issued on 1/21/2021.
- Issued a pharmacy technician registration to Autumn Givehand. Pharmacy Technician Registration #11700 was issued on 1/21/2021.
- Issued a pharmacy technician registration to Terri Phelps. Pharmacy Technician Registration #11718 was issued on 2/1/2021.
- Issued a pharmacy technician registration to Brandi Finley. Pharmacy Technician Registration #11783 was issued on 3/2/2021.

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

The Board reviewed the pharmaceutical care agreements that were submitted. The Board discussed that the three Walmart and the Westfield Pharmacy pharmaceutical care agreements. Staff will make sure that the agreement contain the appropriate signatures and proper paperwork for the specific pharmacy. Staff send correspondence to the pharmacy regarding the Board's concerns.

PHARMACY PRACTICE QUESTION(S) – CAN A PHARMACIST REPACKAGE CONTROLLED SUBSTANCES FILLED AT ANOTHER PHARMACY FOR A PATIENT AT A LONG-TERM CARE FACILITY?

The Board commented that based on Neb. Rev. Stat. §38-28,107(1)(d)(i) it is clear that pharmacies are not allowed to accept controlled substances back into the pharmacy. In order to do this there would need to be a statutory change.

QUESTION REGARDING RESPIRATORY CARE PRACTITIONER'S CAN HAVE ACCESS TO A PYXIS MACHINE

The Board discussed and determined that under Neb. Rev. Stat. §71-2445 any individual credentialed under the Uniform Credentialing Act could have access to an automated dispensing machine and that under Neb. Rev. Stat. §71-2447 which explains that any hospital, long-term care facility, or pharmacy that uses an automated medication system shall develop, maintain, and comply with policies and procedures developed in consultation with the pharmacist responsible for pharmacist care for that hospital, long-term care facility, or pharmacy. The Board specified that allowing access doesn't mean allowing administration.

ACCREDITATION COUNCIL FOR PHARMACY EDUCATION (ACPE) INVITATION FOR VIRTUAL EVALUATION OF THE CREIGHTON UNIVERSITY SCHOOL OF PHARMACY (STATE BOARD OBERVER)

Sabrina Beck volunteered to be the Board's representative. Larimer moved, seconded by Tomlinson, to nominate Sabrina Beck as the Nebraska Board of Pharmacy's representative for the ACPE Virtual Evaluation of Creighton University's School of Pharmacy program. Voting aye: Beck, Borchert, Dunbar, Larimer, and Tomlinson. Voting nay: none. Motion carried.

DISCUSSION ON COVID-19 ISSUES

The Board discussed Phase 2, utilizing the State's reservation system versus a different system, and hopeful for a fourth approved vaccine soon.

The next scheduled Board meeting is May 24, 2021.

ADJOURNMENT

The Board adjourned the meeting at 4:10 p.m.

Respectfully submitted,

(signature on file with the Department)

Charles Tomlinson, R.P., Secretary
Board of Pharmacy