

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
September 13, 2021

ROLL CALL

Todd Larimer, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 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.

Absent: Charlene Dunbar

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; and 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; Teresa Hampton, Department Attorney; and Jeff Newman, 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

Adoption of Agenda

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

Additions, Modification, Reordering

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

Triad Rx, Inc – Mail Service Pharmacy Application
Buy-Rite Drugs – Mail Service Pharmacy Reinstatement Application
Injured Workers Pharmacy LLC (#486) – Mail Service Pharmacy Renewal Application
OptumRx (#304) – Mail Service Pharmacy Renewal Application
Pacifico National, Inc dba AmEx Pharmacy (#659) – Mail Service Pharmacy Renewal Application
CAPWN – Pharmaceutical Care Agreement
Walmart (Nebraska City) – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Beck moved, seconded by Borchert, to approve the consent agenda as amended. Voting aye: Beck, Borchert, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. 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 9:03 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, Borchert, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Hampton left the meeting at 9:03 a.m.

Borchert recused herself from the meeting at 9:11 a.m.
Hampton rejoined the meeting at 9:11 a.m.

Borchert rejoined the meeting at 9:27 a.m.

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

APPROVAL OF MINUTES

July 26, 2021

Page 1: No change

Page 2: Under Mail Service Pharmacy Application(s) (2), add the name of the pharmacy in the motion.

Page 3: Under CE APPROVAL QUESTION BASED ON 172 NAC 128-005.01(D), second sentence, add the word "They" before the word "requested".

Page 4: Under MOVING THE NOVEMBER 2021 BOARD MEETING DATE, first sentence, change toe word "fate" to "date".

Borcher moved, seconded by Tomlinson, to approve the July 26, 2021 minutes as corrected. Voting aye: Beck, Borcher, and Tomlinson. Voting nay: none. Absent: Dunbar. Abstain: Larimer. Motion carried.

August 16, 2021 – conference call

Page 1: Under Review 172 NAC 134, fourth line, change the word "determine" to "determined".

Beck moved, seconded by Tomlinson, to approve the August 16, 2021 minutes as corrected. Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) (2) – Consent

Mail Service Pharmacy Application(s) (2)

Beck moved, seconded by Tomlinson, moved to issue a mail service pharmacy license to Triad Rx, Inc. Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Mail Service Pharmacy Renewal Application(s) (6)

Tomlinson moved, seconded by Beck, to recommend renewing the mail service pharmacy license of Injured Workers Pharmacy LLC (#486). Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Borcher moved, seconded by Tomlinson, to recommend renewing the mail service pharmacy license of OptumRx (#304). Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Beck moved, seconded by Borcher, to recommend renewing the mail service pharmacy license of Pacifico National, Inc dba AmEx Pharmacy (#659) on probation for two (2) years. The basis of this recommendation is action in another state. Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Mail Service Pharmacy Reinstatement Application(s) (1)

Beck moved, seconded by Tomlinson, to table the mail service pharmacy reinstatement application of Buy-Rite Drugs for additional information. Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Mail Service Pharmacy Reinstatement After Discipline Application(s) (1)

Borcher moved, seconded by Tomlinson, to table the mail service pharmacy reinstatement after discipline application Hallandale Pharmacy for additional information. Voting aye: Beck, Borcher, Larimer, and Tomlinson. Voting nay: none. Absent: Dunbar. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

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

- Renewed the Mail Service Pharmacy license #244 for Diamond Pharmacy Services on 8/5/2021.
- Renewed the Mail Service Pharmacy license #716 for Diabetes Corporation of America on 8/5/2021.
- Renewed the Mail Service Pharmacy license #912 for Pharmacy Innovations on 8/6/2021.
- Renewed the Mail Service Pharmacy license #481 for Costco Wholesale Corp dba Costco Pharmacy #581 on 8/6/2021.
- Renewed the Mail Service Pharmacy license #740 for Mandell's Clinical Pharmacy on 8/6/2021.

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- Renewed the Mail Service Pharmacy license #74 for Coram CVS Specialty Infusion Services on 8/12/2021.
- Renewed the Mail Service Pharmacy license #845 for Henry Ford Pharmacy Advantage Southfield on 8/12/2021.
- Renewed the Mail Service Pharmacy license #308 for Hook-SupeRx LLC dba Pharmacy #11114 on 9/3/2021.
- Issued a mail service pharmacy license to Adelaide Apothecary LLC on 8/17/2021.
- Issued a pharmacy technician registration to Antoinette Inda. Pharmacy Technician Registration #12232 was issued on 8/25/2021.
- Issued a pharmacy technician registration to DeShauna Starks. Pharmacy Technician Registration #12233 was issued on 8/26/2021.
- Issued a pharmacy technician registration to Jasmine Morris. Pharmacy Technician Registration #12234 was issued on 8/26/2021.
- Issued a pharmacy technician registration to Sarah Coffey. Pharmacy Technician Registration #12246 was issued on 9/2/2021.

The Board mentioned that e-mail ballots should be majority vote unless someone wants to discuss it at the next meeting. Staff can develop guidelines for discipline against mail service pharmacy applications and renewals.

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

The Board requested clarification of the pharmaceutical care agreement submitted by CAPWN and requested that the pharmaceutical care agreement submitted by Walmart located in Nebraska City include the signature of the pharmacist(s).

REGULATIONS UPDATE

Review 172 NAC 134, 172 NAC 128, and 172 NAC 131

Jesse Cushman, Program Manager, explained that 172 NAC 134 will be set for public hearing. Please keep an eye on the Secretary of States website for additional information regarding regulations. 172 NAC 128 will bring to Board once finalized language regarding LB 390 regarding reciprocity language. 172 NAC 131 is held up to stay with 172 NAC 134 so they are kept together in the approval process.

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

Jesse Cushman, Program Manager, explained that there was an extension but other than that there is no new information available.

DISCUSSION ABOUT SUGGESTED REVISIONS TO THE PHARMACIST TO PHARMACY TECHNICIANS/PHARMACIST INTERN RATIO

The Board discussed drafting a letter to the Governor requesting to reissue the Executive order that suspends the pharmacy technician/pharmacist intern ratio until February or March due to public safety concerns surrounding COVID variants and booster shots, and providing COVID vaccines to children, and the flu season. Pharmacy technicians can be utilized to provide immunizations or testing should not be included in the ratio. Larimer volunteered to draft the letter and staff will send it out via e-mail ballot to the Board members.

DISCUSSION ON COVID-19 ISSUES

The Board discussed allowing pharmacy technicians to provide immunizations. Testing is of concern because of the federal mandate. It was mentioned that people are quitting at record rates. Nebraska statutes require adequate staffing of a pharmacy. In these types of situations the pharmacy profession is wondering how to navigate the statutes such as "What does it mean?" and "What is the enforcement?".

The next scheduled Board meeting will be held on November 8, 2021.

ADJOURNMENT

The Board adjourned the meeting at 11:45 a.m.

Respectfully submitted,

(signature on file with the Department)

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