

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
November 8, 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
Charlene Dunbar
Kevin Borchert, R.P.

Absent: Charles Tomlinson, R.P., Secretary

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; Larry Wiehn, Investigator; 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

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

Additions, Modification, Reordering

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

Meds for Vets – Mail Service Pharmacy Application
Walgreens (#1093) – Mail Service Pharmacy Renewal Application
Jonathan Cole – Pharmacy Technician Application
Melanie Monaghan – Pharmacy Technician Application
Abby Buss – Pharmacy Technician Application
Raymond Lau, R.P. – Pharmacist Application
Amanda Whitman, R.P. – Pharmacist Application

Adoption of Consent Agenda

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

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

Dunbar moved, seconded by Beck, 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, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Lester left the meeting at 10:20 a.m.
Lester rejoined the meeting at 10:45 a.m.

The Board return to open the session at 10:46 a.m.

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APPROVAL OF MINUTES

September 26, 2021

Page 1: Under INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS, & APPLICATION, line 5, change “herself” to “himself”.

Page 2: Under July 26, 2021, under page 4, change “toe” to “the”.

Page 3: Under DISCUSSION ABOUT SUGGESTED REVISIONS TO THE PHARMACIST TO PHARMACY TECHNICIAN/PHARMACIST INTERN RATIO, line 1, change “order” to “Order”.

Beck moved, seconded by Borcher, to approve the September 13, 2021 minutes as corrected. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) (4)

Borcher moved, seconded by Dunbar, to recommend issuing a pharmacist license to Raymond Lau. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Dunbar moved, seconded by Borcher, to postpone the pharmacist application for Amanda Whitman to gather additional information. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Mail Service Pharmacy Application(s) (1)

Beck moved, seconded by Tomlinson, moved to recommend issuing a mail service pharmacy license to Meds for Vets. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Mail Service Pharmacy Renewal Application(s) (1)

Beck moved, seconded by Borcher, to recommend renewing the mail service pharmacy license of Walgreens (#1093). Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

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

Borcher moved, seconded by Tomlinson, to recommend denying the mail service pharmacy reinstatement after discipline application Hallandale Pharmacy. The basis for the denial is that the information provided does not justify lifting the probationary terms and conditions. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Pharmacy Technician Application(s) (4)

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

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

Borcher moved, seconded by Beck, to recommend issuing a pharmacy technician registration to Melanie Monaghan on probation for 3 years. The basis for the offer on probation is her recent criminal conviction and history of alcohol abuse disorder. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Pharmacist Reinstatement After Disciplinary Action Application (1)

Borcher moved, seconded by Beck, to recommend denying the pharmacist reinstatement after disciplinary action application of Mary Dvorak. The basis for this denial is that the applicant’s failure to provide accurate and sufficient information to justify reinstating her license. Voting aye: Beck, Borcher, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballots since the last meeting on September 13, 2021 into the record as follows:

- Approved the letter to the Governor regarding the Technician and Intern Ratio. Approved and sent on 9/16/2021
- Issued the Mail Service Pharmacy license #1515 to Valor Compounding Pharmacy on 10/4/2021.

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- Issued a pharmacy technician registration to Sandra Garcia. Pharmacy Technician Registration #12384 was issued on 10/18/2021.
- Issued a pharmacy technician registration to Retha Moore. Pharmacy Technician Registration #12386 was issued on 10/19/2021.
- Issued a pharmacy technician registration to Natalie Wallage. Pharmacy Technician Registration #12387 was issued on 10/19/2021.
- Issued a pharmacy technician registration to Charlotte Hall. Pharmacy Technician Registration #12388 was issued on 10/19/2021.
- Issued a pharmacy intern registration to Shane Spurlock. Pharmacy Intern Registration #10197 was issued on 10/19/2021.
- Issued a pharmacy technician registration to Seth Avila. Pharmacy Technician Registration #12404 was issued on 10/21/2021.
- Issued a pharmacy technician registration to Scott Ellis. Pharmacy Technician Registration #12406 was issued on 10/21/2021.
- Issued a pharmacy technician registration to Daquasia Holloway. Pharmacy Technician Registration #12454 was issued on 10/29/2021.
- Issued a pharmacy technician registration to Madison Miller. Pharmacy Technician Registration #12456 was issued on 11/1/2021.

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).

E-MAIL BALLOT FRAMEWORK FOR PEOPLE AND FACILITY LICENSURE

The Board mentioned that e-mail ballots should be majority vote unless someone wants to discuss it at the next meeting similar to how the Board processes the consent agenda. Dunbar moved, seconded by Beck, to handle email ballots similar to consent agenda items as the majority vote passes unless one Board wishes to wait and discuss the issue at the next Board meeting. Voting aye: Beck, Borchert, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

LEGISLATION UPDATE

Larimer asked Jenny Minchow, Nebraska Pharmacists Association (NPA) if she had anything to report from the NPA. She informed him she did not. Nothing else to discuss at this time.

Name: Jenny Minchow, R.P.
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516
Business: Nebraska Pharmacy Association (NPA)

REGULATIONS UPDATE

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

Jesse Cushman, Program Manager, explained that 172 NAC 131 and 172 NAC 134 still need to be set for public hearing. Mr. Cushman informed the Board that 172 NAC 128 is being revised to include reciprocity language from LB 390 and will be brought back to the Board for review before being set for public hearing.

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

Jesse Cushman, Program Manager, explained that the comment period was extended and Department leadership has not sent any update. This agenda item will continue to appear on the Board's meeting agenda.

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PRACTICE QUESTION – CAN SYRINGES THAT INDICATE A PHYSICIANS ORDER IS NEEDED TO BE DISPENSED, BE SOLD WITHOUT A CORRESPONDING PHYSICIANS ORDER? – TODD LARIMER, R.P.

The Board discussed the different Nebraska statutes regarding the sale of syringes (medical devices). Teresa Hampton, Department Legal suggested postponing the discussion until she had time to research other laws that could affect the sale of syringes such as federal laws. Board will postpone this discussion for Department Legal research on the issue.

DISCUSSION ON COVID-19 ISSUES

The Board discussed the Executive Order 21-15 that the Governor signed on October 13, 2021 which addressed the pharmacy technician/pharmacist intern ratio. The Board also discussed requesting to extend the ratio suspension until December 31, 2022 due to the Covid vaccine mandate and the availability of vaccinations for young children. Todd Larimer, R.P. offered to draft a letter to the Governor requesting a further extension suspending the pharmacy technician/pharmacist intern ratio. Borchert moved, seconded by Beck, to draft a letter requesting to extend the suspension of the pharmacy technician/pharmacist intern ratio. Voting aye: Beck, Borchert, Dunbar, and Larimer. Voting nay: none. Absent: Tomlinson. Motion carried.

The Board also discussed the issue of the inability to find employees to fill vacant positions including all levels of the pharmacy profession. It starting to become a public safety issue. Mr. Cushman offered to look at licensure data. Brad Trojanowski, R.P., Walgreens explained that it is not just an issue in Nebraska and that Walgreens is having to change the hours their pharmacies are open across the state. Walgreens no longer have 24 hour pharmacies in Nebraska due to the inability to find pharmacists. Sara Dennis, UNMC Pharmacy Student, also explained that the shortage has changed how learning experiences are changing because of the difference in hours of operation and the shortage has caused the lack of pharmacists that provide supervision to pharmacist interns. Michael Rueb, Pharmacy Inspector, explained that he has noticed some pharmacies in rural Nebraska has decided to switch pharmacy licensure from community pharmacy to remote pharmacy because they can staff a remote pharmacy with just a pharmacy technician. These shortages will soon become if not already a public safety concern. Kelly Nystrom, R.P., Creighton University, explained that on campus enrollment in the pharmacy program has decreased significantly.

Name: Brad Trojanowski, R.P.
Address: 830 hidden hills dr Bellevue 68005
Business: Walgreens

Name: Sara Dennis, UNMC Pharmacy Student
Address: 5910 Norfolk Dr. APT 208 Lincoln 68505
Business: Pharmacy Student – UNMC

Name: Kelly Nystrom, R.P.
Address: 2500 California Plaza Omaha 68178
Business: Creighton University

The Board also discussed the Executive Order 21-12, suspended the continuing education requirement for this renewal period. Mr. Cushman confirmed that there is no provision allowing any carryover of continuing education for the next renewal period. Mr. Cushman also explained that the Board of Medicine & Surgery sent thank you to Nebraska pharmacists for their support with Covid issues. The Board suggested asking the Board of Medicine & Surgery for their support regarding the new request to suspend the ration until December 31, 2022. Mindy Lester, Assistant Attorney General, explained the Attorney General's opinion regarding the off label use of certain medications for treating Covid. She also mentioned there has been worldwide support this opinion. There was discussion regarding adverse events in the off label usage of these certain medications. Physicians prescribing the off label use of these medication still have to make sure their patients are informed and pharmacists are still able to use their professional judgment when dispensing the medications for off label use.

FUTURE MEETING DATES

The Board discussed the proposed future meeting dates as the following:

- January 10, 2022 (already scheduled)
- March 7, 2022
- May 9, 2022
- July 11, 2022
- September 12, 2022
- November 7, 2022
- January 9, 2023

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The thanked Charlene Dunbar for her service to the Board of Pharmacy for the past 5 years and presented her with an award. The Department present Ms. Dunbar with a certificate of service and the Governor provided her with an Admiralship in the Great Nebraska Navy.

The next scheduled Board meeting will be held on January 10, 2022.

ADJOURNMENT

The Board adjourned the meeting at 12:15 p.m.

Respectfully submitted,

(signature on file with the Department)

Sabrina Beck, R.P., Vice-Chair
Board of Pharmacy