

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
January 10, 2022

ROLL CALL

Todd Larimer, 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 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
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; 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; Anna Harrison, B.S.N., Compliance Monitor; 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.

Kenneth Kester, R.P. and Darrel Klein, J.D. introduced themselves and provided background information to the Board and staff.

REVIEW OF AGENDA

Adoption of Agenda

Beck moved, seconded by Kester, 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.

Additions, Modification, Reordering

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

Jasma Williams – Pharmacy Technician Application
John Sweeney – Pharmacy Technician Application
Abby Buss – Pharmacy Technician Application
Brandon Knapp, R.P. – Pharmacist Application
Amanda Whitman, R.P. – Pharmacist Application
Pharmaceutical Care Agreement – O'Neill Family Pharmacy

Adoption of Consent Agenda

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

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

Kester moved, seconded by Beck, to go into closed session at 9:04 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.

Hampton left the meeting at 9:04 a.m.
Hampton rejoined the meeting at 9:45 a.m.

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Hampton and Pollard left the meeting at 10:54 a.m.
Hampton and Pollard rejoined the meeting at 11:22 a.m.

The Board return to open the session at 11:35 a.m.

APPROVAL OF MINUTES

November 8, 2021

Page 1: No changes.
Page 2: No changes.
Page 3: No changes.
Page 4: No changes.
Page 5: No changes.

Beck moved, seconded by Tomlinson, to approve the November 8, 2021 minutes as presented. Voting aye: Beck and Larimer. Voting nay: none. Abstain: Kester, Klein, and Tomlinson. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacist Application(s) (4)

Beck moved, seconded by Tomlinson, to recommend denying a pharmacist license to Amanda Whitman. The basis for the denial is pending action in another state, failure to cooperate with a State investigator, and lack of good character. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Tomlinson moved, seconded by Beck, to recommend issuing a pharmacist license to Brandon Knapp. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacy Technician Application(s) (4)

Tomlinson moved, seconded by Kester, to recommend issuing a pharmacy technician registration to Abby Buss on probation for 2 years. The basis for the offer on probation is her recent criminal conviction and diagnosis of substance use disorder. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

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

Beck moved, seconded by Kester, to recommend issuing a pharmacy technician registration to John Sweeney. 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 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 11/17/2021
- Issued a pharmacy technician registration to Renita Wright. Pharmacy Technician Registration #12520 was issued on 11/18/2021.

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

The Board reviewed the pharmaceutical care agreement provided from O'Neill Family Pharmacy, found the signature of the prescribing practitioner. Nothing else discussed.

LEGISLATION UPDATE

Larimer asked Jenny Minchow, Nebraska Pharmacists Association (NPA) to update the Board members on legislative bills that the NPA is keeping an eye on.

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

The following legislative bills are being watched:

- LB 767 – Pharmacy Benefit Managers
- LB 718 – cost sharing
- LB 808 – controlled substances clean-up bill
- LB 812 – ability for pharmacy technicians to administer immunizations

There could be a legislative bill introduced for “white bagging”. Bill introduction period ends on January 20, 2022.

REGULATIONS UPDATE

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

Jesse Cushman, Program Manager, explained that 172 NAC 128 will be opened up to add language from LB 390 regarding reciprocity licensure.

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

The Board and Department are watching to see what happens with this agenda item.

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 that syringes are a device and can be dispensed with a physician’s order. Federal law has three classifications 1) prescription required (needles not included), 2) Nebraska not enforcing unless another law requires a prescription, and 3) federal law requires a prescription and is enforceable. Pharmacists need to make sure they are following the stricter law.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) MEETING UPDATE

Larimer will virtually attend the NABP’s Interactive Member Forum on January 26, 2022. NABP’s Annual meeting will be held in Arizona on May 19-21, 2022. District V meeting will be on August 3-5, 2022 in South Dakota. Nebraska will be hosting the District V meeting in August of 2024. Beck and Tomlinson volunteered to help plan the event with help from Department staff and the two Nebraska pharmacy programs.

DISCUSSION ON COVID-19 ISSUES

The Board discussed COVID issues. The Board members thanked the Governor for extending the Executive Order suspending the pharmacy technician ratio. The Board would like to discuss the increase in pharmacists requesting to place their license on inactive status at their next meeting.

ELECTION OF OFFICERS

Larimer moved, seconded by Beck, to nominate Tomlinson as Chair. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Larimer moved, seconded by Kester, to nominate Beck as Vice-Chair. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Tomlinson moved, seconded by Beck, to nominate Larimer as Secretary. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

Larimer moved, seconded by Beck, to designate Tomlinson as the consultant to investigations. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

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The next scheduled Board meeting will be held on March 7, 2022.

ADJOURNMENT

The Board adjourned the meeting at 12:48 p.m.

Respectfully submitted,

(signature on file with the Department)

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