

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
September 12, 2022

ROLL CALL

Charles Tomlinson, 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 were 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:

Charles Tomlinson, R.P., Chair
Sabrina Beck, R.P., Vice-Chair (via WebEx)
Todd Larimer, R.P., Secretary
Kenneth Kester, R.P.

Absent - Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Michael Rueb, R.P., Pharmacy Inspector; 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 (via WebEx); 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.

REVIEW OF AGENDA

Adoption of Agenda

Larimer 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, Larimer, Tomlinson. Absent: Klein. Voting nay: none. Motion carried.

Tomlinson suggested moving agenda item #11 so discussion will take place after agenda item #3.

Additions, Modification, Reordering

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

Nataley Crawford – Pharmacy Technician Application

Klein joined the meeting at 9:02 a.m.

Carla Cue, Investigator, joined the meeting at 9:05 a.m.

Adoption of Consent Agenda

Larimer moved, seconded by Kester, 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

Larimer moved, seconded by Kester, 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.

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

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APPROVAL OF MINUTES

July 11, 2022

Page 1: No changes.

Page 2: No changes.

Page 3: No changes.

Page 4: No changes.

Larimer moved, seconded by Klein, to approve the July 11, 2022, minutes as presented. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: none. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (4)

Larimer moved, seconded by Klein, to recommend denying a pharmacy technician registration to Nataley Crawford. The basis for this denial is her criminal conviction history. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Pharmacist Application(s) (1) – Consent

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballot since the last meeting on May 9, 2022, into the record as follows:

- The Department reinstated Mail Service Pharmacy license #1135 (Pharmcore Inc dba Hallandale Pharmacy without probationary terms and conditions on 8/18/2022 based on the following vote from the Board – 3 members voted “Yes”, 1 member voted “No”, and 1 member recused them self from the vote.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (15) – CONSENT

LEGISLATION UPDATE

Tomlinson asked Marcia Mueting, R.P., PharmD, Nebraska Pharmacists Association (NPA) if there was any discussion on legislative issues for the next legislative session.

Name: Marcia Mueting, R.P., PharmD
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516
Business: Nebraska Pharmacists Association (NPA)

Dr. Mueting explained that the NPA Legislative Committee will be meeting on September 15, 2022, to discuss and prioritize the members legislative wishes. Two legislative topics are pharmacy technician’s administering immunizations and pharmacy benefit managers.

REGULATIONS UPDATE

172 NAC 131

Mr. Cushman provided the Board members with the hearing summary for 172 NAC 131. The Board members discussed comments. Teresa Hampton, Department Attorney will help Cushman with language regarding comments made about third party logistics providers under comment #2 of the hearing summary. Otherwise, the Department explained that the other comments required no changes.

Kester moved, seconded by Larimer, to approved 172 NAC 131 draft regulations as discussed. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

172 NAC 134

Mr. Cushman provided the Board members with the hearing summary for 172 NAC 134. The Board members discussed the comments individually. There were several comments that the Department identified will require no changes based on current statues. The Board discussed comments that identified the “consultant pharmacist” and suggested changing these to “delegating pharmacist” so the regulations would be more in-line with the current statutes. Another comment was made regarding grammatical errors, these errors

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were corrected. Section 007 will make sure any references to "continuing education" and "inactive status" be removed as these terms are not applicable to these regulations.

Larimer moved, seconded by Kester, to approved 172 NAC 134 draft regulations as discussed. Voting aye: Beck, Kester, Klein, Larimer, and Tomlinson. Voting nay: none. Motion carried.

Mr. Cushman explained that he is still waiting on feedback regarding the last draft of 175 NAC 8 regulations.

PRACTICE QUESTION(S)

Name: Marcia Mueting, R.P., PharmD
Address: 6221 S 58th Street, Suite A, Lincoln, Nebraska 68516
Business: Nebraska Pharmacists Association (NPA)

Name: Allison Dering-Anderson, R.P., PharmD
Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120
Business: UNMC, College of Pharmacy

Clarification Regarding Remote Dispensing Supervision (Marcia Mueting, RP, PharmD)

Dr. Mueting provided background to the request for clarification regarding remote dispensing supervision. Kester believed that adding a Clarification could be helpful. Dr. Dering Anderson commented that is it not correct that if language is not explicit than it is not required. Hampton explained that the intent could be that the supervising pharmacist be within the borders of Nebraska, however the law should be updated for changes in technology and scenario changes. Larimer commented that his opinion would be that the supervising pharmacist does not necessarily have to be within the confines of the supervising pharmacy but should be within the borders of Nebraska and that audio and visual connections works both ways from each location to include where the supervising pharmacist is located at. The Board asked Dr. Mueting if the NPA would be willing to create a work group to discuss this issue.

What Changes Can be Made to a Controlled Substance Prescription (Marcia Mueting, RP, PharmD)

Dr. Mueting explained that there was a newsletter from February 2009 that discussed what changes could be made to a controlled substance prescription which includes what changes could also be made after discussion with the prescriber. The Board agreed that nothing has changed since the 2009 article was written. Therefore, the Board's opinion is unchanged. Hampton commented that the State does not enforce federal law.

NALOXONE DISPENSING

Name: Amanda Pekny, R.P., PharmD, BCPS
Address: 1301 Grundman BLVD, Nebraska City, NE 68410
Business: CHI Health St. Mary's

Name: Traci Reuter, Healthy Communities/Foundation Coordinator
Address: 1301 Grundman BLVD, Nebraska City, NE 68410
Business: CHI Health St. Mary's

Dr. Pekny and Ms. Reuter provided a presentation regarding the need of Naloxone dispensing within their community. Naloxone is not a controlled substance but a prescription is still needed to dispense it. Hampton suggested revising their presentation, there is need for more specific facts, so the Department can give an opinion. There was mention that the hospital could apply for a delegating dispensing permit and Naloxone could be added to the formulary used be delegated dispensing permits. Board agreed to review Naloxone being added to formulary via email ballot.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION (MPJE)

Name: Allison Dering-Anderson, R.P., PharmD
Address: 986120 Nebraska Medical Center Omaha, Nebraska 68198-6120
Business: UNMC, College of Pharmacy

Dr. Dering Anderson explained the scenario regarding a recent student that took the Nebraska Multistate Pharmacy Jurisprudence Examination (MPJE). She provided number of calls she had received regarding the examination for the past several years. Beck mentioned that there had been discussion at the District V meeting encouraging all states to update their pool of questions for their state's MPJE. Cushman explained that the Pharmacy Inspectors are scheduled to participate in NABPs meeting for updating

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Nebraska's pool of questions for the Nebraska MPJE.

NABP – DISTRICT V MEETING (AUGUST 2022) - REPORT

District V meeting discussions included discussing needed changes to the State's MPJE. Beck explained that Accreditation Council of Pharmacy Education (ACPE) suggested that all state's stop requiring the MPJE for licensure. Other discussion included offering the state MPJE after the third year of education.

NABP – DISTRICT V MEETING – NEBRASKA TO HOST IN AUGUST 2024 – INITIAL PLANNING

The Board members decided that the meeting should be held in Omaha on the first weekend in August. Mr. Cushman and staff will begin initial planning.

The next Board of Pharmacy meeting is scheduled for November 7, 2022.

ADJOURNMENT

The Board adjourned the meeting at 1:50 p.m.

Respectfully submitted,

(signature on file with the Department)

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