

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

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
March 4, 2024

ROLL CALL

Charles Tomlinson, R.P., Chairperson, 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 meeting was conducted In-Person and by WebEx. The following Board members answered the roll call:

Todd Larimer, R.P., Chairperson – via WebEx
Sabrina Beck, R.P., Vice-Chairperson – via WebEx
Charles Tomlinson, R.P., Secretary
Kenneth Kester, R.P., J.D.
Darrell Klein, J.D.

A quorum was present, and the meeting convened.

Also present were: Dean Willson, R.P., Pharmacy Inspector; Melissa Pollard, R.P., Pharmacy Inspector; Vonda Apking, Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Teresa Hampton, Department Attorney; Danielle Sund, Department Attorney, via WebEx; Anna Harrison, RN, BSN, Compliance Monitor, via WebEx; 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted on the Bulletin Board at the main entrance of the NSOB (Nebraska State Office Building) 14th & M Streets on February 22, 2024 and revision posted February 29, 2024.

REVIEW OF AGENDA

Adoption of Agenda

Kester moved, seconded by Klein, 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. Absent: None. Abstain: None. Motion carried.

Additions, Modification, Reordering

Adoption of Consent Agenda(s)

The Board requested that the following applications be removed from the Consent Agenda:

Perrin, Hollie – Pharmacy Technician Application
Riek, Nyanyak – Pharmacy Technician Application

Kester moved, seconded by Klein, to approve the adoption of the Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board requested that the following applications be removed from the Pharmaceutical Care Agreements Consent Agenda:

Nebraska Medicine - Pharmaceutical Care Agreement
CVS – Rebecca Schainost – Pharmaceutical Care Agreement
CVS – Alicia Van DeWalle – Pharmaceutical Care Agreement

Kester moved, seconded by Klein, to approve the Pharmaceutical Care Agreement Consent Agenda as amended. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

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

Kester moved, seconded by Klein, to go into closed session at 9:05 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. Absent: None. Abstain: None. Motion carried.

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Board Break 10:27 a.m.
Board Returned 10:53 a.m.

The Board returned to open the session at 10:53 a.m.

APPROVAL OF MINUTES – OPEN SESSION

Klein moved, seconded by Tomlinson, to approve the January 8, 2024, minutes as presented. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Kester moved, seconded by Tomlinson, to approve the February 6, 2024, minutes as presented. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Registration Application(s) (2)

PERRIN, HOLLIE - Application to practice as a Pharmacy Technician - Kester moved, seconded by Klein to table the application of the Pharmacy Technician Registration for additional information. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

RIEK, NYANYAK - Application to practice as a Pharmacy Technician - Klein moved, seconded by Beck to table the application of the Pharmacy Technician Registration for a Pre-Licensure Investigation. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Ratification of E-Mail Ballots Since the Last Meeting

Staff read the e-mail ballots since the last meeting on February 6, 2024, into the record as follows:

- Board Letter of Support was approved on February 12, 2024, to send to the Legislature regarding LB778.
- Board Letter of Opposition was approved on February 12, 2024, to send to the Legislature regarding LB833.
- Board Letter of Support was approved on February 12, 2024, to send to the Legislature regarding LB984.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (3)

- Nebraska Medicine - pharmaceutical care agreements cannot contain physician assistants.
- CVS – Rebecca Schainost – pharmaceutical care agreement mentions that pharmacist prescribe, and a pharmacist cannot prescribe.
- CVS – Alicia Van DeWalle – pharmaceutical care agreement mentions that pharmacist prescribe, and a pharmacist cannot prescribe.

PRESENTATION ON SAFENETRX

Marcia Mueting, PharmD, and Amy Holman, Project Coordinator with the NE Pharmacist Association (NPA) were present to discuss a drug donation bill with the Board.

LB1035 - Adopt the Prescription Drug Donation Program Act

Introduced on January 5, 2024: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1035.pdf>

Amendment AM2442 adopted February 14, 2024: <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2442.pdf>

Iowa has a very robust redistribution program where pharmacies and patients can donate unwanted or unused prescriptions and then the drugs would be redistributed via Federally qualified healthcare centers. Eligibility is not for anyone on Medicaid or Medicare, so basically it is for the working individual who needs extra help obtaining prescriptions due to cost or not having private insurance.

Nebraska currently has a Drug Disposal Program where unwanted or unused medications are incinerated. The basic intent of the new Drug Donation program would be to divert the medication that would otherwise be incinerated to instead go to for example SafeNetRx and then be redistributed through Federally qualified healthcare centers to go back to patients in Nebraska that would need them.

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LEGISLATION UPDATE

Marcia Mueting, PharmD, NE Pharmacist Association (NPA) was present to discuss the 108th Legislature, 2nd Regular Session with the Board.

LB204 - Provide for reimbursement for pharmacy dispensing fees under the medical assistance program
Introduced January 9, 2024: <https://nebraskalegisature.gov/FloorDocs/108/PDF/Intro/LB204.pdf>
Amendment AM1418 adopted February 7, 2024: <https://nebraskalegisature.gov/FloorDocs/108/PDF/AM/AM1418.pdf>
Advanced to Enrollment and Review March 4, 2024

LB1181 - Change requirements relating to controlled substances, prescription drugs, pharmacists, and pharmacies as prescribed
Amended into LB1215 - Change provisions relating to prescriptions, credentialing of barbers, nurses, pharmacies, pharmacy professionals, and certain health care facilities and services, treatment of individuals with communicable tuberculosis, and telehealth consultations and provide for abstracts of death

Advanced to Enrollment and Review March 4, 2024

LB1325 - Allow pharmacists and local public health departments to distribute fentanyl strips as prescribed

Amended into LB1355 - Change provisions of the Opioid Prevention and Treatment Act and provide for sale and distribution of fentanyl test strips, release of certain patient data, and immunity from liability

Advanced to Enrollment and Review March 4, 2024

COALITION FOR RESPONSIBLE COMPOUNDING

The Board indicated that they appreciate the information provided by the Coalition. Klein moved seconded by Tomlinson to have the Coalition submit any specific complaint or violation to the Board for investigation. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

MPJE (MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION) COMMITTEE

The Committee has nothing to report currently.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – ANNUAL MEETING (MAY 2024)

The meeting will be held May 14-17, 2024, in Fort Worth, TX. Larimer and Beck will be attending the meeting.

Beck moved, seconded by Kester, to nominate Larimer to represent the Board as the Voting Delegate. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) – DISTRICT V MEETING (AUGUST 2024) - PLANNING

Beck stated that the planning is wrapping up and they are solidifying the speakers for the meeting.

STATE CERTIFICATION APPROVAL – NE METHODIST COLLEGE FOR PHARMACY TECHNICIAN

Tomlinson moved, seconded by Kester, to approve the Pharmacy Technician Certification Course presented by NE Methodist College. Voting aye: Beck, Kester, Klein, Larimer, Tomlinson. Voting nay: None. Absent: None. Abstain: None. Motion carried.

FUTURE MEETING DATES

The next Board of Pharmacy meeting is scheduled for May 20, 2024. To view the projected schedule for 2024, go to: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

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