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## **Minutes of the July 9-10, 2007** **Meeting of the Ohio State Board of Pharmacy**

### **Monday, July 9, 2007**

8:35 a.m. The Ohio State Board of Pharmacy convened at Deer Creek Resort and Conference Center, in the Scarlett Oak Room, Mt. Sterling, Ohio, with the following members present:

Gregory Braylock, R.Ph., *President*; Nathan S. Lipsyc, R.Ph.; *Vice-President*; Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph., Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph., and Jerome J. Wiesenhahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; David Rowland, *Legal Affairs Administrator*; Robert Cole, *Compliance Supervisor*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Sally Ann Steuk, *Assistant Attorney General*.

President Braylock administered the new Board Member Oath of Office to Richard Kolezynski, R.Ph. and Jerome Wiesenhahn, R.Ph.

### **OATH OF NEW MEMBER**

I, Richard Kolezynski, as a Member of the Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the State of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

### **OATH OF NEW MEMBER**

I, Jerome Wiesenhahn, as a Member of the Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the State of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

Mrs. Droz presented an update on the Prescription Drug Monitoring Program.

Mr. Keeley discussed the Legislative Report with the Board.

Mr. McMillen reported that he had met with the candidates for Licensure by Reciprocity on July 5, 2007, in Room 1948 of the Vern Riffe Center for the Arts and Government. After a discussion of pharmacy laws and rules, the following candidates were presented with their pharmacist identification cards

Eva Aviv	03-2-28054	Pennsylvania
Kimberly Anne Blanco	03-2-28060	South Carolina
Thomas W. Carr	03-2-28082	Pennsylvania
Julie Marie Cosmello	03-2-27896	Illinois
Elizabeth Lorraine Downing	03-2-28132	Pennsylvania
Douglas Vincent Duda	03-2-28219	Wisconsin
Denise Aileen Espendez	03-2-27869	Missouri
Kimberly Ann Hall	03-2-27747	Illinois
Waqar Ahmed Idrees	03-2-28251	Texas
Laura Ostrowski Kessell	03-2-28153	North Carolina
Erin Lynn Kettlewell	03-2-28039	West Virginia
Valerie W. Ku	03-2-27785	Colorado
Thuy Doan Pham	03-2-27723	Texas
Lisa Anne Rene	03-2-28079	North Carolina
Karen Marie Schmitt	03-2-28129	West Virginia
Angela Womack Yaniv	03-2-28062	North Carolina

Mr. McMillen then discussed his licensing report with the Board.

President Braylock distributed the Board Member committee assignments for FY 2008 as follows:

**BOARD MEMBER RESPONSIBILITIES ~ FY 2008**

(P)	Braylock	Compliance/Enforcement
	Kolezynski	Administration/Probationary Reports
	Gregg	Personnel
(VP)	Lipsyc	Budget/Finance
	Mitchell	Legislation/Rules; Ad Hoc Advisory Committee on Rule Review (Chair); Medical Board Physician Assistant Policy Committee
	Pasquale	Continuing Education
	Teater	Consumer Affairs/Public Relations
	Turner	Licensure/Registration
	Wiesenhahn	Exams/Internship/Reciprocity; Ad Hoc Advisory Committee on Rule Review

11:40 a.m. The Board recessed for lunch.

1:00 p.m. The Board reconvened with all members present.

The Board met with Bill Hughson, President, **Davita Pharmacy**, (02-1586150) Orlando, Florida and Michelle Griffiths, **Albers & Company**, to discuss a pick-up station waiver request.

1:45 p.m. The meeting ended and President Braylock thanked the participants and said the Board would consider the proposal.

The Board discussed the November 14-16, 2007, District IV National Association of Boards of Pharmacy/American Association of Colleges of Pharmacy meeting in Indianapolis, Indiana.

The Board discussed the NABP Fall Legislative Conference, September 16-18, 2007.

**R-2008-001**

The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

- ID Consultants Pharmacy** (02-1440050), Beachwood, Ohio
- I.D. Consultants, Inc.** (02-1475600), Beachwood, Ohio

After discussion, Mrs. Gregg moved that the Board table the matter pending receipt of additional information. The motion was seconded by Mrs. Teater and approved by the Board: Aye – 8.

**R-2008-002**

The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**Teregen Laboratories**, Willoughby, Ohio (02-1235150)  
Various Physician Offices listed on letter of request

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Ms. Pasquale and approved by the Board: Aye – 8.

**R-2008-003**

The Board then considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**R.C. Compounding Services, L.L.C.**, Poland, Ohio (02-1678950)  
**Mahoning Anesthesia Consultants LLC**, Youngstown, Ohio (02-1558150)

After discussion, Mr. Turner moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mrs. Gregg and approved by the Board: Aye – 8.

**R-2008-004**

After discussion, Mr. Mitchell moved that the National Association of State Controlled Substance Authorities dues for 2008 be authorized for payment. Mr. Wiesenhahn seconded the motion and it was approved by the Board: Aye – 8.

Mr. Benedict reported on the **WellPoint Next RX** pharmacist Work at Home program. The Board requested that further information be provided to them before any decision could be made.

Mr. Braylock reported that the Nursing Board Committee on Prescriptive Governance did not meet in June.

Mr. Mitchell said that the Medical Board Physician Assistant Policy Committee had not met, but a meeting was scheduled for July 10, 2007.

Mr. Benedict said there was no report from the Medical Board Prescribing Committee.

Mr. Keeley began to discuss the Ad Hoc Advisory Committee on Rule Review report with the Board. He pointed out that the rules would need to be approved by Tuesday of the current Board session (July 10) if the rules were to be effective in a timely manner.

3:30 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Teater and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Teater – yes; Turner – yes; and Wiesenhahn – yes.

5:00 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2008-005**

Ms. Pasquale moved that the proposed settlement offer in the matter of **Douglas McOwen**, R.Ph., (03-2-12516) Urbana, Ohio, be denied. Mrs. Teater seconded the motion and it was approved by the Board: Aye – 8.

5:02 p.m. The Board recessed for the day.

**Tuesday, July 10, 2007**

8:40 a.m. The Ohio State Board of Pharmacy reconvened at Deer Creek Resort and Conference Center, in the Scarlett Oak Room, Mt. Sterling, Ohio, with all members present.

**R-2008-006** Mr. Turner moved that the memorandum of understanding with the Attorney General's office concerning a continuation of the services of an Assistant Attorney General for FY 2008 be accepted. Mrs. Gregg seconded the motion and it was approved by the Board: *Aye* – 8.

**R-2008-007** Mr. Mitchell moved that the Board actively support and participate in the Ohio Pharmacy Consortium. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye* – 8.

Don Haberthier of the **WellPoint Next RX** pharmacist Work at Home program attended the meeting to respond to questions from the Board. After the discussion, the Board requested more statistics on the current Work-at-Home program before considering his request to add out-of-state pharmacists to the program.

**R-2008-008** Mrs. Gregg moved that the minutes of the June, 2007 Board meeting be approved as amended. The motion was seconded by Mr. Lipsyc and approved by the Board: *Aye* – 8.

The Board met with Mary Ryan of **Medco Health** and Clayton Edwards of **Liberty Healthcare** concerning their proposal to establish a centralized prescription filling service.

The Board read and discussed a letter from Ohio Pharmacists Association Executive Director Ernie Boyd concerning endorsement of the concept that all pharmacists should have access to the internet where they work. The consensus of the members was that the Board was in agreement with the principle that all pharmacists should have access to important Internet information while at work, but the members also agreed that the Board did not have the jurisdiction to force employers to comply.

The Board then continued a discussion from previous meetings with Matt Sneller of **InstyMeds** regarding its request that the Board grant approvable status to an electronic dispensing system.

10:14 a.m. The Board recessed briefly.

10:30 a.m. The meeting resumed.

**R-2008-009** The Board completed its discussion of the following new and amended rules proposed by the Ad Hoc Committee on Rule Review and Mrs. Gregg moved that they be approved for filing, as amended. The motion was seconded by Mr. Wiesenbahn and approved by the Board: *Aye* – 8.

<u>Page</u>	<u>Rule No.</u>	<u>Rule Title</u>
	<b>4729-</b>	
		<b><u>CHAPTER 4729-1 [ADMINISTRATIVE PROCEDURES]</u></b>
1	1-02	Notice of meetings. <b>PROPOSED CHANGE</b>
		<b><u>CHAPTER 4729-5 [PHARMACY PRACTICE]</u></b>
1	5-01	Definitions. <b>RR/PROPOSED CHANGE</b>
4	5-06	Pharmacist and pharmacy intern change of address and/or employment. <b>RR/NO CHANGE</b>
4	5-08	Pharmacy intern professional functions. <b>NEW</b>
5	5-09	Prescription filing. <b>RR/NO CHANGE</b>
5	5-10	Prescription pick-up station. <b>RR/PROPOSED CHANGE</b>



## **CHAPTER-37 [DRUG DATABASE]**

- 30     **37-03**     Entities required to submit information. **PROPOSED CHANGE**
- 31     **37-04**     Information required for submission. **PROPOSED CHANGE**
- 32     **37-06**     Electronic format required for the transmission of wholesale drug sales. **PROPOSED CHANGE**
- 32     **37-07**     Frequency requirements for submitting drug database information. **PROPOSED CHANGE**

**R-2008-010**     After discussion, Mr. Turner moved that the proposal from **Advanced Pharmacy Staffing**, Las Vegas, Nevada, about its remote order entry be denied. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye – 8.*

Mr. McMillen discussed the progress of Ohio's statewide disaster response planning activities.

The Board set the meeting calendar for FY 2008.

The Board approved Executive Director William Winsley's intention to seek election as treasurer to the National Association of Boards of Pharmacy.

**R-2008-011**     After discussion, Mr. Turner moved that the Board find the proposed system from **InstyMeds**, to be approvable pending final inspection and subject to the following restrictions:

1. The InstyMeds machine may only be used in a hospital emergency room setting
2. The system must be located in a secure and professionally appropriate environment.
3. The stock of medications must be limited to acute care medications provided in short-term therapy quantities only.
4. The pharmacist at the hospital must review and approve or correct the printout of medications provided within 24 hours unless the pharmacy is closed, in which case the printout must be reviewed or corrected during the first day the pharmacy is open following the provision of the medications.
5. There must be positive identification (pursuant to 4729-5-01(N) O.A.C.) of the person obtaining the drug supply from the InstyMeds machine.

Mr. Mitchell seconded the motion and it was approved by the Board: *Aye – 6/Nay – 2.*

**R-2008-012**     After discussion, Mr. Lipsyc moved that the Board find the proposed central-fill system between **Medco Health** and **Liberty Healthcare** to be approvable pending final inspection. Mrs. Gregg seconded the motion and it was approved by the Board: *Aye – 8.*

**R-2008-013**     The Board then reconsidered the request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**Davita RX Pharmacy**, Orlando, Florida (02-1586150)  
**30 Davita Dialysis Clinics** as listed on the letter of request,

After discussion, Mrs. Gregg moved that the Board find the request approvable after the Board reviews a revised contract with prominent language notifying the patient of his/her right to switch back to the previous pharmacy and as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Turner and approved by the Board: *Aye – 8.*

Mrs. Gregg moved that the Board receive per diem as follows:

PER DIEM	6/12	7/9	7/10	Total
Braylock		1	1	2
Gregg		1	1	2
Lipsyc		1	1	2
Kolezynski		1	1	2
Mitchell	1	1	1	3
Pasquale		1	1	2
Teater		1	1	2
Turner		1	1	2
Wiesenhahn		1	1	2

The motion was seconded by Mrs. Teater and approved by the Board: Aye – 8.

12:38 p.m. Mr. Lipsyc moved that the meeting be adjourned. Mrs. Gregg seconded the motion and it was approved by the Board: Aye – 8.

<p>The Ohio State Board of Pharmacy approved these Minutes August 7, 2007</p>
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