

OPEN MINUTES
September 7-9, 2005
Missouri Board of Pharmacy
Stoney Creek Inn
2601 S. Providence Road
Columbia, MO 65203

The Missouri Board of Pharmacy met in open session during the times and dates stated in the following minutes. To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed at the meeting. The regular meeting was called to order by President Doug Lang at 8:30 a.m. on September 7, 2005.

Board Members Present

Doug Lang, R. Ph., President
Tim Koch, R.Ph., Vice-President
Pamela Marshall, R. Ph., Member
Anita Parran, Public Member
Melissa Graham, R.Ph., Member
Elaina Wolzak, R. Ph., Member

Board Members Absent

Gary Sobocinski, R.Ph., Member

Staff Present

Kevin Kinkade, R. Ph., Executive Director
Tom Glenski, R. Ph., Chief Inspector
Mike Kidd, R. Ph., Inspector
Sid Werges, R. Ph., Inspector
Barbara Wood, R. Ph., Inspector

Others Present

Curtis Thompson, Atty.
Rob Angstead, Atty.
Susan McCann, BNDD

Motion was made by Melissa Graham and seconded by Pam Marshall to go into open session at 8:30 a.m. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

Kevin Kinkade introduced attorney Curtis Thompson as the Board's general counsel.

AT APPROXIMATELY 8:36 AM SUSAN MCCANN OF BNDD JOINED THE MEETING.

MOTION TO CLOSE 8:37 a.m.

Tim Koch made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14) and under Section 620.010.14 (7). Seconded by Anita Parran. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent

Melissa Graham – yes

Tim Koch - yes

Pam Marshall – yes

Elaina Wolzak – yes

Anita Parran – yes

RETURN TO OPEN 1:46 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

#B1 Brett Williams, #40486, #2002-002813 – The Board reviewed the following documents:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Brett F. Williams
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

Williams Pharmacy #4884, #2003-002441 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Williams Pharmacy, Inc
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

Prescription Plus, Inc, #5326, #2002-002812 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Prescription Plus, Inc.
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance

- Certificate of Service

Ladue Pharmacy, #6534, #2003-002443 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Ladue Pharmacy
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

A disciplinary hearing was scheduled for 2:00 p.m. A court reporter was present and the hearing began at 2:01 p.m. The hearing concluded at 2:44 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

#B2 Stanley Martka, #29464, #2002-002375 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Stanley J. Martka
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

Clarkson Square Pharmacy, #4170, #2003-002440 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Clarkson Square Pharmacy, Inc
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

A disciplinary hearing was scheduled for 2:00 p.m. A court reporter was present and the hearing began at 2:46 p.m. The hearing concluded at 3:01 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

#B3 Gerald Roberts, #29422, #2002-002805 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Gerald Roberts
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance

- Certificate of Service

Standard Drug Company, #4712, #2003-002445 - The Board reviewed the following:

- Notice of Disciplinary Hearing
- Certificate of Service
- Settlement Agreement Between Missouri Board of Pharmacy and Standard Drug Company #5
- Motion to Continue Disciplinary Hearing
- Notice of Denial of Continuance
- Certificate of Service

A disciplinary hearing was scheduled for 2:00 p.m. A court reporter was present and the hearing began at 3:05 p.m. The hearing concluded at 3:47 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

MOTION TO CLOSE 3:48 p.m.

Tim Koch made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14) and under Section 620.010.14 (7). Seconded by Anita Parran. Motion passed 5:0:0:1 with roll call vote as follows:

**Gary Sobocinski – absent
Pam Marshall – yes**

**Melissa Graham – yes
Elaina Wolzak – yes**

**Tim Koch - yes
Anita Parran – yes**

SEPTEMBER 8, 2005

RETURN TO OPEN 10:55 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

#B4 Gary Potts, #29537, #2005-001309 - The Board reviewed the following:

- Notice Of Hearing on Violation Of Disciplinary Order
- Certificate of Service
- Complaint

A disciplinary hearing was scheduled for 11:00 a.m. A court reporter was present and the hearing began at 10:57 a.m. The hearing concluded at 11:22 a.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

MOTION TO CLOSE 11:25 a.m.

Tim Koch made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14) and under Section 620.010.14 (7). Seconded by Anita Parran. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 11:50 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

#A1 Approval of Minutes:

1. July 6-8, 2005 Board Meeting
2. Telephone Conference Call – 8/19/05

Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the July 6-8 Board Meeting Open Session as printed. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

Motion was made by Tim Koch and seconded by Elaina Wolzak to approve the minutes of the August 19, 2005 Conference Call Meeting Open Session as printed. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

#A2 Agenda Additions/Corrections

Kevin Kinkade reported on various additions and corrections to the printed agenda

#A3 Board Member Report

Doug Lang presented a verbal report on his attendance at the NACDS Meeting.

Elaina Wolzak presented a verbal report on her attendance at the Midwest Pharmacy Conference.

#A4 Board Member Update to phone, address, e-mail, fax #
No changes were reported.

#A5 General Administration Report:

Kevin Kinkade presented a verbal report on the following items.

- A) FY05 Final Budget
- B) Budget Request Update
- C) Governor's Executive Order Regarding Temporary/Emergency Licensure
- D) District Six NABP Meeting

#B5 Thomas Mayer, #41915, #2002-002996 – The following were available for review by the Board:

- Notice Of Hearing On Violation Of Disciplinary Order
- Certificate of Service
- Complaint
- Entry of Appearance received 8/25/05
- Respondent's Answer To Complaint

A disciplinary hearing was scheduled for 2:30 p.m. A court reporter was present and the hearing began at 1:30 p.m. The hearing concluded at 2:58.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

#D2 Class I: Consultant Pharmacy – The following were available for review by the Board:

- Class I: Consultant Pharmacy Remote Location Checklist

Kevin Kinkade presented a verbal report. Discussion was held. It was the consensus of the Board to proceed with the rule language as presented.

#DH3 4 CSR 220-2.450 Fingerprint Requirements/4 CSR 220-5.020 DD Licensing Requirements/4 CSR 220-5.030(2) and (3)(M) Definition of Standards for Drug Distributors – The following were available for review by the Board:

- Proposed Amendments

Kevin Kinkade presented a verbal report. **Motion was made by Tim Koch and seconded by Elaina Wolzak to approve the amendment as printed with the modifications proposed by the Drug Distributor Advisory Committee. Motion passed 5:0:0:1 with roll call vote as follows:**

**Gary Sobocinski – absent
Pam Marshall – yes**

**Melissa Graham – yes
Elaina Wolzak – yes**

**Tim Koch - yes
Anita Parran – yes**

#DH4 4 CSR 220-2.100 Continuing Education/4 CSR 220-4.010 General Fees/4CSR 220-5.020 DD Licensing Requirements – The following were available for review by the Board:

- Proposed Amendments

Kevin Kinkade presented a verbal report.

Motion was made by Tim Koch and seconded by Anita Parran to accept the final order of rulemaking for 4 CSR 220-2.100. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent	Melissa Graham – yes	Tim Koch - yes
Pam Marshall – yes	Elaina Wolzak – yes	Anita Parran – yes

Motion was made by Tim Koch and seconded by Melissa Graham to accept the final order of rulemaking for 4 CSR 220-4.010. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent	Melissa Graham – yes	Tim Koch - yes
Pam Marshall – yes	Elaina Wolzak – yes	Anita Parran – yes

Motion was made by Tim Koch and seconded by Melissa Graham to accept the final order of rulemaking for 4 CSR 220-5.020. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent	Melissa Graham – yes	Tim Koch - yes
Pam Marshall – yes	Elaina Wolzak – yes	Anita Parran – yes

MOTION TO CLOSE 3:49 p.m.

Elaina Wolzak made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14) and under Section 620.010.14 (7). Seconded by Pam Marshall. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – absent	Melissa Graham – yes	Tim Koch - yes
Pam Marshall – yes	Elaina Wolzak – yes	Anita Parran – yes

RETURN TO OPEN 6:13 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

RECESS

At 6:14 p.m. the Board recessed the open session meeting for the evening.

SEPTEMBER 9, 2005

RECONVENE

The Board reconvened in open session meeting at 8:30 a.m. on Friday, September 9, 2005. All parties were present as previously noted plus attorney Rob Angstead and inspector Barbara Wood joined the meeting.

#D1 Barnes Jewish Hospital, 216 South Kingshighway Blvd, St. Louis MO 63110 – The following were available for review by the Board:

- Letter from James L. Gray, III, with attachments received 6/27/05

Amy Bricker, RPh and Sue Brooks, Senior Analyst, of BJC Health Systems gave a presentation on ScriptCenter and responded to questions by the Board.

Discussion was held. It was the consensus of the Board to gather additional information on this type of technology for future Board consideration.

#B9 Sarah Bartelt, #45277, #2001-002600

ITEMS ENCLOSED:

- Notice Of Hearing ON Violation Of Disciplinary Order
- Certificate of Service
- Complaint

A disciplinary violation hearing was scheduled for 9:30 a.m. A court reporter was present and the hearing began at 9:34 a.m. The hearing concluded at 9:58 a.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

PAM MARSHALL LEFT THE MEETING ROOM AT THE CONCLUSION OF THE HEARING

#E1 Motion Language for Rules/Amendments

#E2 Strategic Plan for 2005

MOTION TO CLOSE 10:04 a.m.

Melissa Graham made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14)

and under Section 620.010.14 (7). Seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – absent
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 10:33 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

MOTION TO ADJOURN OPEN MEETING 10:34 AM

At approximately 10:34 a.m., motion was made by Anita Parran and seconded by Pam Marshall to adjourn the September 2005 meeting. Motion passed 5:0:0:1.

Gary Sobocinski – absent
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

DATE APPROVED _____