



Iowa Board of Pharmacy

January 11, 2022 Minutes

Members Present

Kathy Stone, Chair Elect
Gayle Mayer, Vice-Chair
Erik Maki
Jim Mennen
Dane Nealson
Joan Skogstrom
Sherill Whisenand

Melissa Carstens, PMP Associate Administrator
Becky Carlson, IMP3 Case Manager
Amanda Woltz, Administrative Assistant
Emily Albers, Pharmacist-Intern
Vy Nguyen, Pharmacist-Intern

Staff Present

Andrew Funk, Executive Director
Laura Steffensmeier, Assistant Attorney General
Therese Witkowski, Executive Officer
Mitchell Barnett, Associate Director of PMP

Compliance Officers

Christie Carlson
Curt Gerhold
Mark Mather
Sue Mears
Jean Rhodes
Maggie Phelps
Jennifer Tiffany
Jim Wolfe

Call to Order

At 9:00 a.m., on Tuesday, January 11, 2022, Gayle Mayer, called the meeting of the Iowa Board of Pharmacy to order.

Public Comment Period

Executive Director, Andrew Funk, acknowledged Brett Barker's service to the Board.

Brett Barker has joined the Iowa Pharmacy Association (IPA) as their Vice President of Government Affairs and introduced Damian Thompson, IPA's new Director of Public Affairs.

Election of Officers

Motion by Dane Nealson, second by Joan Skogstrom, to elect Kathy Stone as Chairperson of the Iowa Board of Pharmacy. Motion passed unanimously.

Motion by Kathy Stone, second by Sherill Whisenand, to elect Gayle Mayer as Vice-Chairperson of the Iowa Board of Pharmacy. Motion passed unanimously.

Approval of Minutes

1. November 10, 2021 Open Session Minutes

Motion by Dane Neelson, second by Kathy Stone, to approve the open session minutes of the November 10, 2021 meeting as presented. Motion passed unanimously.

Requests

1. Request to waive 657 IAC 37.8 requiring the submission to the PMP a record of each reportable prescription dispensed during a reporting period – Dr. David Stilley, License 22603, Des Moines

Motion by Kathy Stone, second by Dane Neelson, to approve the request as presented. Motion passed unanimously.

2. Request to waive 657 IAC 17.3(1)"c" requiring evidence of current drug distributor accreditation as a condition of licensure
 - a. Jubilant HollisterStier LLC, Wholesale Distributor license 5465, Spokane, WA

Motion by Dane Neelson, second by Jim Mennen, to approve the request for two years so long as the business activity is limited to distribution of the products they directly manufacture or products which are distributed directly to practitioners for professional use relating to allergen extracts and they provide all copies of any FDA EIRs going forward. Sherill Whisenand opposed. Motion passed with the other six members voting in favor.

3. Request to waive 657 IAC 8.35(6)"c" requiring that a change in pharmacy ownership occurs when the majority ownership interest of the owner changes
 - a. Bennett Pharmacy, Pharmacy license 770, New Hampton

Motion by Kathy Stone, second by Sherill Whisenand to approve the request so long as proper notification is made to the public and pharmacy staff. Motion passed unanimously.

Petition for Exemption from the Mandate for Electronic Transmission of Prescriptions

1. Dr. Kenneth Hunziker, MD

Motion by Kathy Stone, second by Dane Neelson, to approve the petition for a maximum of 50 non-controlled substances and schedules IV and V annually. Motion passed unanimously.

Licensure/Registration Applications

1. Demetria Simpson, PSP Applicant, Iowa City

Motion by Kathy Stone, second by Dane Neelson, to approve the Registration by Consent Agreement. Motion passed unanimously.

2. LeAnne Hicks, Technician Trainee Applicant, Ventura

Motion by Kathy Stone, second by Jim Mennen, to approve the Registration by Consent Agreement. Motion passed unanimously.

3. Request to grant the Executive Director authority to administratively approve registrations by consent agreement.

Motion by Sherill Whisenand, second by Dane Nealson, to grant the Executive Director authority to approve registrations for technicians and pharmacy support persons by Consent Agreement. Motion passed unanimously.

4. Erica Evans, DPM, CSA Applicant, Clive

Motion by Kathy Stone, second by Sherill Whisenand, to approve the Registration by Consent Agreement. Motion passed unanimously.

5. Timothy Card, RPh, Pharmacist License Applicant, Liverpool, NY

Motion by Sherill Whisenand, second by Dane Nealson, to approve the License by Consent Agreement. Motion passed unanimously.

6. Randy Nicosko, RPh, Pharmacist License Applicant, Sioux Falls, SD

Motion by Kathy Stone, second by Dane Nealson, to approve the License by Consent Agreement. Motion passed unanimously.

Reports & Informational Items

1. Executive Director's Report

Staffing

- The Board office is currently fully staffed. There are no updates at this time.

Staff Anniversaries

- Compliance officer Sue Mears is celebrating 9 years of dedicated service to the Board.
- Compliance officer Curt Gerhold is celebrating 10 years of dedicated service to the Board.
- Licensing specialist, Cassie Lee, is responsible for wholesale distributors, 3PLs and limited distributors and is celebrating 10 years of dedicated service to the Board.
- Executive Officer, Terry Witkowski, is celebrating 35 years of service with the State.

Nominations, Appointments, Presentations

- Brett Barker has resigned his position on the Board. Brett will now serve as Vice President of Regulatory Affairs for the Iowa Pharmacy Association. The position was previously held by Casey Ficek. Director Funk encouraged any community pharmacists who may be interested in serving on the Board to apply via Iowa Talent Bank.
- Board members Dane Nealson, Joan Skogstrom, and Kathy Stone's first terms will expire on April 30, 2022. Board members should have received emails from the Governor's Office with information on how to reapply for a second term.
- With Brett's resignation from the Board, Jim Mennen has been appointed to the Board's Rules Committee.

Licensing

• Pharmacists:	
○ Total Current/Active Status	6,666
○ Probation/Restricted.....	6
○ Renewed in 2022	3,049
▪ Online Renewals	2,946
▪ Paper Renewals.....	103
○ New Licenses in 2021	330
• Interns:	
○ Total Current/Active status	978
○ New Registrations in 2021	235
• Certified Pharmacy Technicians:	
○ Total Current/Active Status	6,432
○ Probation/Restricted.....	1
○ Renewed in 2021	1,914
▪ Online Renewals	1,477
▪ Paper Renewals	437
• Technician Trainees:	
○ Total Current/Active Status	2,360
○ New Registrations in 2021	2,444
• Total Pharmacy Support Persons:	
○ Total Current/Active Status	3,004
○ Renewed in 2021	497
▪ Online Renewals	251
▪ Paper Renewals.....	246
• PIC-Nonresident Pharmacies:	
○ Total Current/Active Status	900
○ Renewed in 2021	747
▪ Online Renewals	678
▪ Paper Renewals.....	69
• CSA-Individuals:	
○ Total Current/Active Status	19,224
○ Probation/Restricted.....	1
○ Renewed in 2021	11,974
▪ Online Renewals	11,491
▪ Paper Renewals.....	483
• CSA-Businesses:	
○ Total Current/Active Status	2,870
○ Probation/Restricted.....	8
○ Renewed in 2021	1,402
▪ Online Renewals	1,207
▪ Paper Renewals.....	195
• Pharmacies-Instate:	
○ Total Current/Active Status	881
○ Probation/Restricted.....	9
• Pharmacies-Nonresident:	
○ Total Current/Active Status	832
• All Pharmacies Renewed in 2021	
○ Total Renewed	1,549
▪ Online Renewals	1,466
▪ Paper Renewals.....	83

- **Wholesale Distributors:**
 - Total Current/Active Status 370
 - Renewed in 2021 285
 - Online Renewals 256
 - Paper Renewals..... 29
- **Limited Distributors:**
 - Total Current/Active Status 1,323
 - Renewed in 2021 1,155
 - Online Renewals 1,096
 - Paper Renewals..... 59
- **3PLs:**
 - Total Current/Active Status 139
 - Renewed in 2021 109
 - Online Renewals 99
 - Paper Renewals..... 9
- **Total Outsourcing Facilities:**
 - Total Current/Active Status 40
 - Renewed in 2021 32
 - Online Renewals 29
 - Paper Renewals..... 3
- **Total Precursor Substances Permits:**
 - Total Current/Active Status 7
 - Renewed in 2021 8
 - Online Renewals 6
 - Paper Renewals..... 2

2. Meetings and Travel

- IPA Pharmacy Stakeholder Meeting January 25, 2022
- IPA Legislative Day January 26, 2022
- NABP Interactive Member Forum January 26, 2022
- IPA Expo February 4-6, 2022
- Iowa Board of Pharmacy Meeting..... March 1-2, 2022
- Opioid Regulatory Collaborative Summit (DC)..... March 7-8, 2022

3. Legal Update

The District Court issued a decision in the Empower Pharmacy appeal that has been pending. The Board’s Order was upheld. Empower Pharmacy has filed an appeal with the Iowa Supreme Court.

4. Prescription Monitoring Program (PMP) Update

Mitch Barnett provided a program update.

PMP Integrations

- In state chain pharmacies 6
- In state independent pharmacies..... 23
- Nonresident pharmacies 97
- Clinics/physician offices within Iowa 233

- Clinics/physician offices outside of Iowa..... 230
- Iowa hospitals..... 56
- Hospitals outside of Iowa..... 73

Pharmacist Narcan® Dispensing Program

- From July 1, 2021 to December 31, 2021 the Pharmacist Narcan® Dispensing Program has had 2,113 fills with 2,062 unique patients.

Pharmacist Disposal Kit Dispensing Program

- From July 1, 2021 to December 31, 2021 the Pharmacist Disposal Kit Dispensing Program has had 4,917 fills for 4,260 unique patients.

5. Board-Sponsored Medication Disposal Update

Melissa Carstens provided a program update.

The Board-Sponsored Medication Disposal has placed 6 new units since November, which brings the total number of units in Iowa to 308 and has destroyed 84,120 lbs of medication.

6. Iowa Monitoring Program for Pharmacy Professionals (IMP3) Update

Becky Carlson provided a program update. The last meeting of 2021 was December 1, 2021 and the next meeting is scheduled for March 9, 2022.

Total program participants: 17

7. Compliance Update

Christie Carlson provided a compliance update. Since November 1, 2021, some of the items that compliance staff have been working on are the new compliance officer training, QI Council, investigations, rule writing training, NABP Interactive CO/Legal Counsel Forum, UPS revision online forums, FDA-Environmental monitoring training, NABP Wholesale inspection observation, and new CSA inspections projects with dentists.

- Inspections completed from November 1, 2021 to December 31, 2021 total 54.
- Controlled Substance Act inventory verification for inspection total 126

Compliance staff are still seeing an increase in contact and feedback from licensees concerning staffing issues and how much immunizations have added to the workload. Licensees are worried about the possibility of increased errors due to staff issues.

Rules and Legislation

1. Update on the 2022 Legislative Session/89th General Assembly

The 89th General Assembly began its 2022 legislative session on January 10. The Board's proposed bills have been pre-filed.

2. IPA Legislative Priorities

Damian Thompson presented IPA's legislative priorities; PBM reform, improve protections for the 340b program, non-discrimination for pharmacist services, prescription drug reimbursement, and workforce concerns.

Motion by Kathy Stone, second by Dane Neilson, to support IPA priorities for legislation this session.

3. Proposed for adoption and filing to amend Chapter 39, "Expanded Practice Standards", to implement Senate File 296 relating to collaborative pharmacy practice agreements

The amendment updates a Board rule relating to collaborative pharmacy practice agreements between pharmacists and Iowa-licensed prescribers. The rule making identifies the minimum required elements of such agreements. The Board members were in agreement to make the revisions as suggested by the Rules Committee.

Motion by Jim Mennen, second by Dane Neilson, to adopt. Motion passed unanimously.

4. Proposed for Notice of Intended Action to amend Chapter 20, "Compounding Practices", to authorize the limited dispensing of an office stock compounded preparation by a veterinarian to the owner of an animal patient. The Board members were in agreement to include a 14 day window in the draft.

Motion by Erik Maki, second by Sherill Whisenand, to file for Notice of Intended Action. Motion passed unanimously.

5. Proposed for Amended Notice of Intended Action to amend Chapter 6, "General Pharmacy Practice," Chapter 8, "Universal Practice Standards," and Chapter 10, "Controlled Substances," to provide minimum security and monitoring system requirements for Iowa pharmacies; require an exact measure or count of all controlled substances for a controlled substances inventory count; require a program be established to monitor controlled substance accountability; require a system be established to ensure controlled substance accountability; require development and execution of a corrective action plan following a theft or loss of controlled substances; and require a controlled substances inventory to be taken with each change in pharmacist in charge. The Board members were in favor of including a public hearing.

Motion by Kathy Stone, second by Sherill Whisenand, to file for Amended Notice of Intended Action. Motion passed unanimously.

6. Statewide Protocols - Proposed for Amendment

- a. Influenza
- b. Strep

Motion by Jim Mennen, second by Sherill Whisenand, to approve the Statewide Protocols as presented. Motion passed unanimously.

7. Proposed Response or Comment to Proposed DEA Regulation

a. Regulation of Telepharmacy Practice

Motion by Dane Nealson, second by Jim Mennen, to approve comments and submit. Motion approved unanimously.

b. Transfer of Electronic Prescriptions for Schedules II-V Controlled Substances Between Pharmacies for Initial Filling

Motion by Sherill Whisenand, second by Jim Mennen, to approve comments and submit. Motion approved unanimously.

Closed Session

At 11:19 a.m., on a motion by Dane Nealson, second by Jim Mennen, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A.

At 3:35 p.m., the Board returned to open session. In open session the following actions were taken:

1. November 10, 2021 Closed Session Minutes

Motion by Dane Nealson, second by Sherill Whisenand, to approve the closed session minutes from the November 10, 2021 meeting as presented. Motion passed unanimously.

2. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Sherill Whisenand, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion passed unanimously.

- A. 2021-0171 Precision Direct Rx, Nonresident Pharmacy, License 5426, Omaha, NE
- B. 2021-0023 & 2021-0135 Five Star Compounding Pharmacy, License 1185, Clive

3. Notice of Hearing and Statement of Charges

Motion by Dane Nealson, second by Sherill Whisenand, to approve the Notice of Hearing and Statement of Charges in the following cases. Motion passed unanimously.

- A. 2021-0134 Arnold Beukelman, DVM, CSA, Registration 1500550, Sioux City
- B. 2021-0035 Heather Oberg, CPhT, Registration 9678, Jefferson, SD

4. Voluntary Surrender

Motion by Dane Nealson, second by Sherill Whisenand, to approve the Voluntary Surrender in the following case. Motion passed unanimously.

- A. 2021-0061 Kindra Kruse, RPh, License 18225, Des Moines

5. Notice of Intent to Deny Renewal

Motion by Dane Nealson, second by Sherill Whisenand, to approve the Notice of Intent to Deny Renewal in the following case. Motion passed unanimously.

A. 2021-0112 Cheveux, Nonresident Pharmacy, License 5366, Phoenix, AZ

6. Closed with No Further Action

Motion by Dane Nealson, second by Sherill Whisenand, to close with no further action the following investigative files in complaint numbers: 2021-0077, 2021-0188, 2021-0207, 2021-0225, 2021-0264, 2018-0127, 2021-0216, 2021-0257, 2021-0279, 2021-0249, 2021-0251, 2021-0260, 2021-0244, 2021-0238, 2021-0254, and 2021-0226. Motion passed unanimously.

7. Closed with No Further Action

Motion by Dane Nealson, second by Sherill Whisenand, to close with no further action the following investigative files in complaint numbers: 2021-0167, 2021-0168, 2021-0169, 2021-0170, 2021-0250, 2021-0218, 2021-0273, 2021-0228, 2021-0265, 2021-0253, 2021-0232, 2021-0233, and 2021-0234. Jim Mennen abstained. Motion passed unanimously.

8. Administrative Warning

Motion by Dane Nealson, second by Sherill Whisenand, to issue Administrative Warnings to the respondents in the following investigative files in complaint numbers: 2021-0243 and 2021-0246. Motion passed unanimously.

9. Administrative Warning

Motion by Dane Nealson, second by Sherill Whisenand, to issue Administrative Warnings to the respondents in the following investigative files in complaint number: 2021-0219. Jim Mennen abstained. Motion passed unanimously.

10. Letter of Education

Motion by Dane Nealson, second by Sherill Whisenand, to issue letters of education to the respondents in the following investigative files in complaint numbers: 2021-0266, 2021-0149, 2021-0194, 2021-0231, and 2021-0252. Motion passed unanimously.

At 3:42 p.m., motion by Dane Nealson, second by Sherill Whisenand, to adjourn. Motion approved unanimously.

Amanda Woltz, Administrative Assistant and Recording Secretary

Andrew Funk
Executive Director

Kathy Stone
Board Chair

APPROVED THIS DAY OF , 2022