



Iowa Board of Pharmacy

June 28, 2022 Minutes

Members Present

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

Melissa Carstens, PMP Associate Administrator
Amanda Woltz, Administrative Assistant
Becky Carlson, Administrative Assistant
Sharon Smith, Licensing Specialist

Compliance Officers

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

Staff Present

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

Call to Order

At 9:00 a.m., on Tuesday, June 28, 2022, Kathy Stone, called the meeting of the Iowa Board of Pharmacy to order.

Public Comment Period

None

Approval of Minutes

1. May 3, 2022 Open Session Minutes

Motion by Dane Nealson, second by Sherill Whisenand, to approve the open session minutes of the May 3, 2022 meeting as presented. Motion passed unanimously.

Requests

1. Request for delayed compliance with 657 IAC 10.18(4)"a" and 10.20 (effective July 6, 2022) requiring reconciliation of schedule II perpetual inventory following each transaction and implementation of at least one measure to ensure schedule III-V accountability – Main Healthcare Services, License 152, Bettendorf; Main Healthcare Pharmacy, License 1367, North Liberty

Motion by Sherill Whisenand, second by Gayle Mayer, to deny the request. Motion passed unanimously.

2. Request to waive 657 IAC 8.35(6)"c", 8.35(7)"a" and 8.35(7)"d" requiring a new application and fee and notifications for change of ownership – MercyOne Medical Center, License 321, Des Moines; MercyOne Des Moines Pharmacy, License 593, Des Moines; MercyOne Clive Pharmacy, License 1193, Clive; MercyOne Ankeny Pharmacy, License 1261, Ankeny; MercyOne West Des Moines Medical Center Pharmacy, License 1363, West Des Moines

Motion by Gayle Mayer, second by Dane Neelson, to approve the request as presented. Motion passed unanimously.

3. Request to waive 657 IAC 2.6 to extend the timeframe that internship hours remain valid and 657 IAC 4.6(3) to allow for continued registration as a pharmacist intern – Mariam Wanis, Registration 7169, Coralville

Motion by Sherill Whisenand, second by Gayle Mayer to approve the request to August 31, 2023. Motion passed unanimously.

4. Request to waive 657 IAC 21.10(3)"b" requiring pharmacist final verification on prescriptions filled utilizing an automated medication dispensing system – Walgreen Co, License "Pending", Liberty, MO

Motion by Gayle Mayer, second by Jim Mennen, to approve the request with the addition of the submission of quarterly reports to the Board. Motion passed unanimously.

Petition for Exemption from the Mandate for Electronic Transmission of Prescriptions

1. Iowa Dental Foundation

Motion by Gayle Mayer, second by Erik Maki, to approve the request as presented for one year. Motion passed unanimously.

Licensure/Registration Applications

1. Sydney McNertney, Technician Trainee Application, Mason City, IA

Motion by Sherill Whisenand, second by Gayle Mayer to deny the application for registration. Sherill Whisenand, Gayle Mayer, Erik Maki, and Kathy Stone voted in favor of the motion. Dane Neelson, Bob Egeland, and Joan Skogstrom opposed. Jim Mennen abstained. Motion passed 4-3-1.

Reports & Informational Items

1. **Executive Director's Report**

Staffing

- Amanda Woltz has returned to the Board in her previous capacity as an administrative assistant.
- Director Funk offered a special thank you to Sharon Smith and Becky Carlson for their assistance with organizing this meeting and facilitating administrative activities during Amanda's absence.

- Compliance Officer Christie Carlson has resigned her position as of Friday, June 24, 2022. Christie served nearly five years with the Board and offered staff and the Board her expert knowledge in compounding. Christie is pursuing other interests unrelated to the practice of pharmacy. Director Funk is in the process of filling that position.

Staff Anniversaries

- Melanie Givens – 3 years as a licensing specialist for the Board of Pharmacy.
- Becky Carlson – 4 years as the program coordinator for IMP3.

Licensing

- The pharmacist renewal period opened on May 1, 2022 and will continue without penalty until June 30, 2022. As a reminder, pharmacist CE must be reported to the NABP CPE Monitor. Renewals will be audited by licensing staff. We have 3,302 pharmacists due to renew this year.
 - 2,744 licensees have renewed, 2,670 (97%) of those have renewed online, and an additional 41 have opted not to renew.

NABP 118th Annual Meeting Passed Resolutions

Delegates from the member boards of pharmacy adopted seven resolutions during the 118th National Association of Boards of Pharmacy® (NABP®) Annual Meeting, held in Phoenix, AZ, on May 19-21, 2022. The resolutions addressed the following:

- Convening a task force to amend the *Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy* to include a foundational definition of pharmacists as health care providers;
- Conducting a survey of states and United States jurisdictions to collect data regarding pharmacy e-prescribing concerns and, if appropriate, convene a task force to further study the issue and make recommendations for improving e-prescribing functionality;
- Examining the development of a national standardized pharmacy jurisprudence examination for the state boards of pharmacy to assess competence for licensure;
- Requesting that Food and Drug Administration (FDA) provide timely guidance to states regarding how the agency intends to assess state licensing statutes, regulations, and processes for consistency with the agency’s *National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers* and that FDA focuses on issues impacting patient safety; and encouraging boards of pharmacy to provide public comment on the proposed rule;
- Communicating with Drug Enforcement Administration (DEA) and Congress about the importance of state regulation of telepharmacy and the potential impact that DEA regulation could have on patient access to medications; and
- Examining the feasibility of creating a system to allow efficient interstate portability through a multistate licensure compact.

2. Meetings and Travel

- A. Pharmacy Stakeholder Meeting..... July 20, 2022
 - i. Kathy Stone, Gayle Mayer, Erik Maki, and Bob Egeland will attend.
- B. NABP District V, Custer State Park, SD August 3-5, 2022
 - i. Director Funk will attend

- C. Next Board Meeting..... August 23-24, 2022
- D. IPA Annual Meeting, Cedar RapidsSeptember 22-23, 2022
 - i. Director Funk, Maggie Phelps, and Kathy Stone will attend.

3. Budget Review and Fee Review and Approval

Terry Witkowski presented Board finances for the current fiscal year and proposed budget for FY23. The proposed budget for FY 2023 will have an anticipated \$1.5 million in carry over which will help cover costs for the remainder of the calendar year. This amount has historically been the same amount.

Discussion and Vote on FY 2023 Fee Schedule

Terry Witkowski provided details on the FY 2023 Fee Schedule and recommended to approve with no changes to fees.

Motion by Gayle Mayer, second by Dane Neilson, to approve the fee schedule as presented. Motion passed unanimously.

4. Legal Update

Laura Steffensmeier provided an update regarding open cases. Judicial review pending for the Empower case.

5. Prescription Monitoring Program (PMP) Update

Mitch Barnett provided a program update.

PMP Integrations

- In state chain pharmacies 172
- In state independent pharmacies..... 31
- Nonresident pharmacies 112
- Clinics/physician offices within Iowa 254
- Clinics/physician offices outside of Iowa..... 299
- Iowa hospitals..... 61
- Hospitals outside of Iowa 78

Statewide Integration Initiative

- The Statewide Integration Initiative launched June 15, 2022. The initiative provides funding for a statewide PMP integration option that is available to Iowa prescribers and pharmacists. 14 new entities signed up in the first week. Addition information concerning the Statewide Integration Initiative can be found at <https://pharmacy.iowa.gov/prescription-monitoring-program>.

Quarterly Prescriber Activity Reports

- 11,110 reports were sent this quarter.

Pharmacist Narcan® Dispensing Program

- From July 1, 2020 to May 31, 2022 the Pharmacist Narcan® Dispensing Program has had 3,211 fills with 3,084 unique patients.

Pharmacist Disposal Kit Dispensing Program

- From July 1, 2021 to May 31, 2022 the Pharmacist Disposal Kit Dispensing Program has had 12,105 fills for 9,781 unique patients.

6. Board-Sponsored Medication Disposal Update

Melissa Carstens provided a program update.

According to the last report from Sharps Inc., there are 318 permanent collection receptacle sites in Iowa. Overall, there are 514 pharmacies participating in the program (collection receptacles and non-controlled sites combined)

Pharmacies have the option of installing either a 38 or 18 gallon DEA-compliant permanent receptacle. The Board provides liners for receptacles that were previously place by a prior vendor.

In May 2022 the Board serviced 144 twenty-two gallon, 19 twenty gallon, 4 eighteen gallon, and 11 thirty-eight gallon liners. One new 38 gallon controlled receptacle was placed at the Medicap in Red Oak. The Board has have destroyed 9872.32 pounds more than last report bringing the total as of May 31, 2022 to 106,939.32 pounds of pharmaceutical waste destroyed.

The Board had used 77% of the allocated funding for the drug disposal program which left just under \$70,000 for the months of May and June 2022. Program expenditures for the current fiscal year appear to be coming in right at or a hair over budget.

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

Becky Carlson provided a program update. The last meeting was June 1, 2022 and the next meeting is scheduled for September 7, 2022.

Total program participants: 19

8. Compliance Update

Maggie Phelps provided a compliance update. Since May 1, 2022, some of the items that compliance staff have been working on are staff meetings, IPA Pharmacy EXPO, NABP, DEA and FDA webinars, staff interviews, NASCSA Finance, Informa Connect-Compounding Pharmacy Compliance course, and the NABP National Conference.

- Inspections completed from May 1, 2022 to June 30, 2022 total 68.
- Controlled Substance Act inventory verification for inspection total 146.

9. Well-being Index for Pharmacy Personnel Reports

Informational Item.

Review of Proposed Edits to the Board's Statewide Protocols

1. Naloxone Statewide Protocol

Motion by Dane Nealson, second by Gayle Mayer, to approve the Naloxone Statewide Protocol as presented. Motion passed unanimously.

2. Immunizations Statewide Protocol

Motion by Dane Nealson, second by Jim Mennen, to approve the Immunizations Statewide Protocol as presented. Motion passed unanimously.

3. Nicotine Replacement Tobacco Cessation Statewide Protocol

Motion by Dane Nealson, second by Erik Maki, to approve the Nicotine Replacement Tobacco Cessation Statewide Protocol as presented. Motion passed unanimously.

Rules and Legislation

1. Legislative Update

Sue Mears provided an update on the Board's bills.

2. Proposed for adoption and filing to amend Chapter 3, "Pharmacy Technicians," and Chapter 6, "General Pharmacy Practice," to provide for pharmacist delegation of technical functions relating to prescription processing activities under specific conditions to an Iowa-registered certified pharmacy technician who is performing the delegated functions at a location other than where the supervising pharmacist is physically present (ARC 6279C).

Motion by Dane Nealson, second by Sherill Whisenand, to adopt. Motion passed unanimously.

3. Proposed for adoption and filing to amend Chapter 12, "Precursor Substances," to temporarily amend Iowa Code section 124B.2(1) to add one chemical as a precursor substance in response to similar action taken by the federal DEA (ARC 6280C).

Motion by Dane Nealson, second by Sherill Whisenand, to adopt. Motion passed unanimously.

4. Proposed for adoption and filing to amend Chapter 8, "Universal Practice Standards," and Chapter 19, "Nonresident Pharmacy Practice," to modify handling of ownership changes for resident and nonresident pharmacies, require nonresident pharmacies that directly dispense to Iowa patients to provide evidence of a toll-free telephone number with access to a pharmacist who has access to the patient's records during the pharmacy's regular business hours, and provide a process by which a pharmacy can temporarily relocate pharmacy operations in response to an exceptional circumstance or disaster rendering the pharmacy unsafe (ARC 6182C).

Motion by Dane Nealson, second by Erik Maki, to adopt. Motion passed unanimously.

5. Proposed for notice of intended action to amend Chapter 12, "Precursor Substances," to provide updated application processes and correct a reference.

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

6. Proposed for notice of intended action to amend Chapter 14, "Public Information and Inspection of Records," to update the manner in which records are maintained by the board and correct Iowa Code references.

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

7. Proposed for notice of intended action to amend Chapter 10, "Controlled Substances," to temporarily amend Iowa Code to add one schedule V substance in response to similar action taken by the federal DEA.

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

8. Proposed for notice of intended action to amend Chapter 23, "Care Facility Pharmacy Practice," to provide a time frame for a care facility to provide documentation back to a provider pharmacy relating to the administration of vaccines provided by the pharmacy for an immunization or screening program.

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

9. Proposed for notice of intended action to amend Chapter 41, "Outsourcing Facilities," to provide additional information for applicants relating to the inspection requirement provided in Iowa Code, clarification on when a change of ownership is determined to have occurred, assessment of late penalty fees when an outsourcing facility fails to timely submit a license change application, and assessment of a fee for written verification of a license.

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

Closed Session

At 11:01 a.m., on a motion by Dane Nealson, second by Erik Maki, 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 1:32 p.m., the Board returned to open session. In open session the following actions were taken:

1. May 3, 2022 Closed Session Minutes

Motion by Sherill Whisenand, second by Dane Nealson, to approve the closed session minutes from the May 3, 2022 meeting as presented. Motion passed unanimously.

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

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

A. 2022-0089 Gregory Judas, Pharmacy Support Person, Registration 7861, Grimes

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. 2022-0008 John Daniel, License 19184, Fort Dodge

B. 2021-0083 Mint Pharmacy & Skin Clinic, License 4635, North Palm Beach, FL

4. Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order

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

A. 2022-0007 Daniel Pharmacy, License 752, Fort Dodge

5. Closed with No Further Action

Motion by Sherill Whisenand, second by Dane Nealson, to close with no further action the following investigative files in complaint numbers: 2020-0158, 2022-0059, 2022-0078, 2022-0092, 2020-0065, 2022-0088, 2022-0083, and 2021-0182. Motion passed unanimously.

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: 2022-0079. Jim Mennen and Erik Maki abstained. 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: 2021-0280, 2022-0011, 2021-0281, 2021-0282, 2022-0073, 2022-0090, and 2022-0057. Jim Mennen abstained. Motion passed unanimously.

8. Letter of Education

Motion by Sherill Whisenand, second by Gayle Mayer, to issue letters of education to the respondents in the following investigative files in complaint numbers: 2022-0075 and 2022-0091. Jim Mennen abstained. Motion passed unanimously.

At 1:34 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 24th OF August ,2022