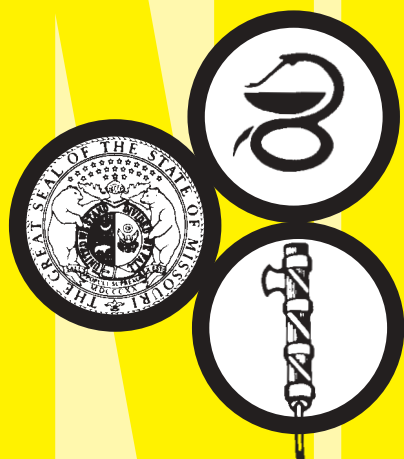


February 2003



# Missouri Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

PO Box 625, Jefferson City, MO 65102

## Special Notice

The Missouri Board of Pharmacy's *Newsletters* are considered one of the Board's official methods of notification to pharmacists and pharmacies. They have been, and will continue to be, used in hearings as proof of notification. It is important to read the *Newsletters* carefully and to retain them for future reference.

## Rule Update

The following amendments to rules went into effect on January 30, 2003.

**4CSR 220-2.030 Educational and Licensing Requirements** was amended to remove the restriction on interns receiving no more than 500 hours concurrent with school attendance of practical experience credit not to exceed 10 hours per week. Based on this amendment, there is now no difference between hours obtained concurrent with school attendance versus hours gained while not attending school (non-concurrent) hours. There is still a limit of 40 hours' credit per week that can be obtained toward the 1,500-hour requirement to qualify as an applicant for the licensing examination. **4CSR 220-2.100 Continuing Pharmacy Education** was amended to allow the executive director of the Board to approve or deny applications for providers of continuing education. If an application is received by the Board office sixty days or more prior to the date it is scheduled to be offered and the program is denied, the applicant may request an appeal to further review the application by the continuing education committee of the Board. If an application is received at least ten days but less than sixty days prior to the program being offered, the applicant will have no right of appeal if denied. Any application received less than 10 days prior to the program being offered will not be accepted or reviewed. Any application received less than 30 days from the scheduled time to be offered cannot be guaranteed notification of application status prior to the date the program is offered.

## Return and Reuse of Medications by Out-of-State Pharmacies

The change in rules concerning what types of packaged medications can be reused by pharmacies has generated many questions as concerns the appropriate type of packaging that can be returned as well as whether this law is to be enforced on out-of-state pharmacies that provide repackaged medications to nursing homes or other licensed facilities within the state of Missouri. It is the intent of the Board to enforce this change in requirements on all pharmacies licensed with the Board regardless of their location. Since some out-of-state pharmacies are processing prescriptions for various licensed facilities that are responsible for the overall care of residents, the standard of care in these facilities must be the same regardless of

where the provider is located. Variances in medication distribution, return, and reuse will not be considered legal if such practices prove to provide a different standard of care by not following all Missouri requirements. While the Board cannot routinely inspect out-of-state pharmacies, staff do intend to spot-check patient care facilities for any drug packaging violations and will also fully investigate any complaints received concerning the practices of out-of-state pharmacies on repackaging and returned drugs.

## Canadian Drug Importation

Federal law does not allow for the importation of prescription drugs by individual citizens. An exception to this is made when a United States citizen obtains a small supply of a drug while outside the country and chooses to bring it back into this country. Even then, it is only legal to bring the drug back when it is a drug that is not available within the US. Obtaining any controlled substance and returning such substances into this country is also illegal. Recently a number of citizens have started to use Canadian pharmacies to have their prescriptions filled. Methods for acquiring such drugs continue to grow. Avenues used currently include, but are not limited to, the Internet, middlemen who advertise their services for facilitating the transfer of prescriptions to Canada for a fee, and some employers and insurance companies that advertise or promote this activity. All of this is made attractive by the fact that goods in Canada are generally cheaper due to the relationship of the Canadian dollar to the US dollar and the fact that prescription drugs are provided at a cheaper price from manufacturers associated with the Canadian health system. While Food and Drug Administration (FDA) and US Customs are stepping up some enforcement actions, there is no way these agencies can begin to review, intercept, and embargo a significant amount from the total amount of drugs presently coming across the border. Authority of states can be limited due to the international jurisdiction of the practice. Some of the methods being used to acquire drugs are illegal under Canadian law as well. There is some cooperation evident now between US and Canadian agencies, but based on information the Board is aware of, efforts are still limited. The Board has decided to field complaints from any consumer that may feel he or she has experienced harm or fraud of some kind from a Canadian pharmacy or any facilitators involved in the process. Pharmacists may wish to recommend the filing of a complaint to a consumer when made aware of problems associated with Canadian pharmacies. Pharmacists need to advise consumers that complaints must be in writing and signed. Complaints can then be sent to the Board using the address PO Box 625, Jefferson City, MO 65102. Once received, efforts will be made to investigate and take appropriate actions in order to protect Missouri consumers.

## Internet Prescriptions Dispensed by Missouri Pharmacies

There are now Web sites that offer prescribing over the Internet for emergency contraception and there may be others that are offering prescribing services for other types of prescription drugs. The procedure is the same as has been observed with other sites, in which an individual completes an online questionnaire with the result, in this case, being the issuance of a prescription by phoning or faxing the individual's local pharmacy. The online service then charges a separate fee for the "consultation" that is completed. Local pharmacies should be aware that this practice exists and that it is illegal under Missouri law since the mere completion of a questionnaire does not satisfy the physician/patient relationship for a bonafide prescription to exist. Pharmacists who are approached to dispense such prescriptions should refrain from doing so and report such attempts to State Board of Pharmacy or healing arts authorities.

### Filling of Prescriptions

A reminder to pharmacists and pharmacies that all prescription records must be "readily retrievable" according to state law. There are requirements for some records to be available at the time of inspection, while other record searches are given longer time periods for compliance. Review Board rules for clarification of these requirements. In addition, the Board has allowed for "unique identifiers" to be used to store and retrieve records. It is important to note that any identifier used must be directly linked to a prescription number in order for the record system to remain in compliance with Board standards.

### Licensing Actions

#### Pharmacists:

**Frederick G. Dietzler**, #40265, Manchester, MO – November 21, 2002. Suspension for two weeks until December 5, 2002, followed by probation for five years until December 5, 2007. Alcohol impairment. Section 338.055.2(1), RSMo Supp. 2001.

**Mark A. Hollinger**, #2000145973, Springfield, MO – November 8, 2002. Revoked, cannot reapply for licensure for seven years. Diversion of non-controlled and controlled substances for himself and others, falsified prescriptions, fraudulent insurance billings, and impairment. Section 338.055.2(1), (4), (5), (13), (15), and (17), RSMo Supp. 2001.

**Jeffrey L. Kettelhut**, #2002030459, Valley Park, MO – December 6, 2002. Restricted license issued on Probation for five years, until December 5, 2007. Pled guilty to misdemeanor charges of driving while intoxicated, unlawful use of drug paraphernalia, and possession of up to 35 grams of marijuana. Section 338.055.1 and .2(2), RSMo Supp. 2001.

**Timothy C. Kyburz**, #41497, Inverness, FL – October 25, 2002. Probation for five years, until October 24, 2007. Diversion of controlled substances, impairment, arrested for driving under the influence, felony charge of possession of a loaded firearm in his vehicle, disciplinary action in Florida. Section 338.055.2(1), (5), (6), (8), (13), (15), and (17), RSMo Supp. 2001.

**Victoria L. Pierson**, #45273, Helena, MO – October 7, 2002. Probation for two years, until October 6, 2004. Misappropriated controlled substance for personal use. Section 338.055.2(5), (13), (15), and (17), RSMo Supp. 2001.

**Daniel S. Williams**, #29455, Belleville, IL – November 7, 2002. Probation for five years, until November 6, 2007. Theft of controlled substances from employer for self-administration. Section 338.055.2(1), (5), (6), (13), and (15), RSMo.

#### Pharmacies:

**Petscriptions Pharmacy**, #2002030407, Louisville, KY – December 5, 2002. Restricted license issued on Probation for two years, until December 4, 2004. Practicing pharmacy before licensed in Missouri. Section 338.055.1 and .2(6) and (7), RSMo Supp. 2001.

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