



# Missouri Board of Pharmacy

PO Box 625, Jefferson City, MO 65102  
 Web site: <http://pr.mo.gov/pharmacists.asp>

Published to promote voluntary compliance of pharmacy and drug law.

## In Memoriam

It is with great sadness that the Missouri Board of Pharmacy mourns the passing of Debra C. Ringgenberg, RPh, former executive director for the Missouri Board. Ms Ringgenberg passed away at 6 AM on June 2, 2009, after an extended illness. Ms Ringgenberg obtained her bachelor of science in pharmacy in 1977 from the University of Iowa and was licensed as a pharmacist in Iowa, Nebraska, and Missouri. Prior to coming to Missouri, Ms Ringgenberg served as senior compliance officer with the Iowa Board of Pharmacy, which was preceded by one year as an investigator/inspector for that board. Ms Ringgenberg was a distinguished pharmacist and exemplary executive director. Her commitment and passion to the pharmacy profession was evident as she diligently worked to advance the profession through her governmental service. Ms Ringgenberg will always be remembered for her contributions and her service to the citizens of Missouri.

## Gold Certificates

The following pharmacists received gold certificates in honor of maintaining a license with the Board for 50 years. Each gold certificate is signed by the governor of Missouri, Board members, and the executive director. Congratulations to those who have served the public for 50 years as a licensed pharmacist.

Arbini, Eugene A. ....	St. Louis, MO
Battle, Victor .....	Kansas City, MO
Boshans, Bernhardt J. ....	Union, MO
Brasel, Ronald E. ....	Kirkwood, MO
Brockett, Thomas E. ....	Jackson, MO
Broussard, Paul D. ....	St. Louis, MO
Bruner, Merlin G.....	Monett, MO
Cooper, Orvel L. ....	El Dorado Springs, MO
Cox, James A. ....	Louisiana, MO
Devine, Thomas J. ....	St. Louis, MO
Dille, James F. ....	Poplar Bluff, MO
Edmonds, Jr, Howard R. ....	Willard, MO
Elking, Dorothy F. ....	Philadelphia, PA
Gasser, Sandra E. ....	Kansas City, MO
Gasser, William .....	Kansas City, MO
Hatcher, Roy E.....	Shelbina, MO
Herberholt, Jerome E.....	Sappington, MO
Honer, Norman R. ....	Black Jack, MO
Iliff, Stewart M.....	Warrenton, MO
James, Joseph L. ....	Sullivan, MO
Kammer, M.D. ....	Chesterfield, MO

Komar, Michael .....	Ironton, MO
Mandelbaum, Robert J. ....	Chagrin Falls, OH
Merritt, Jesse E.....	Buffalo, MO
Miller, Walter T. ....	Springfield, MO
Nathanson, Sanford G. ....	Chesterfield, MO
Pisoni, James C. ....	Arnold, MO
Price, Gordon H. ....	St. Louis, MO
Richmond, Rosalee J. ....	Shawnee Mission, KS
Richmond, William M.....	Shawnee Mission, KS
Rosenthal, Frederick H.....	St. Louis, MO
Seibert, Robert D. ....	Aurora, MO
Spainhower, Donald L.....	Bolivar, MO
Tharenos, Nicholas M. ....	Chesterfield, MO
Thomas, Charles E. ....	Moberly, MO
Thomas, Jr, Glenn F.....	Chillicothe, MO
Underwood, Donald L. ....	Independence, MO
Wightman, Thomas S.....	Waterloo, IL
Zongker, Tommy R. ....	Springfield, MO

## 2008 Annual Report Now Available!

The Missouri Board of Pharmacy has released its 2008 Annual Report. The report contains information on the Board's activities for 2007-2008, including information regarding complaint processing, disciplinary actions, and licensing totals. A complete copy of the 2008 report is located on the Board's Web site at <http://pr.mo.gov/pharmacists-annual-reports.asp>.

## Methadone Safety

On April 28, 2009, the United States Substance Abuse and Mental Health Services Administration (SAMHSA) and the US Food and Drug Administration launched an initiative to help ensure the safe use of methadone. Information about the campaign, as well as consumer safety resources for patients, pharmacists, and other health care professionals, is located on SAMHSA's Web site at [www.dpt.samhsa.gov/methadonesafety/index.aspx](http://www.dpt.samhsa.gov/methadonesafety/index.aspx).

## Important Notice for Internet Pharmacies

In 2008, the United States Congress enacted the Ryan Haight Online Pharmacy Consumer Protection Act, which amended the Controlled Substances Act (CSA) by adding several new provisions to prevent the illegal distribution of controlled substances by means of the Internet. New Drug Enforcement Administration (DEA) regulations implementing the Ryan Haight Act went into effect on Monday, April 13, 2009. The new regulations impose additional requirements on pharmacies conducting or offering designated Internet pharmacy services. The full text of the

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## Pharmaceutical Cargo Theft of Copaxone®

The Food and Drug Administration (FDA) Office of Criminal Investigations (OCI) reported that a shipment of approximately 14 pallets/994 cartons/5,962 packs of Copaxone® (glatiramer acetate) 20 mg, a non-controlled substance, was stolen during the week of April 13-17, 2009. The tractor trailer was recovered at a rest stop on the New Jersey Turnpike on April 20. Unfortunately the trailer was empty. Corporate security from Teva Pharmaceutical Industries Ltd recalled the remainder of lot #P53159, which has an expiration date of January 2011. If that particular product is found anywhere or offered for sale, it would be the stolen product.

Copaxone is a unique product and is used only to treat patients suffering from multiple sclerosis. If the product is not stored below 74° F and out of the sunlight, it becomes ineffective and may not be safe for use.

Immediately notify the FDA OCI if you are contacted by individuals offering to sell this product, if you have purchased this product, or if you know of anyone that may be involved with the theft and the distribution of this product.

Any information should be provided to Special Agent Gregg Goneconto or Special Agent Nancy Kennedy at OCI Headquarters (800/551-3989), or at [www.fda.gov/oci/contact.html](http://www.fda.gov/oci/contact.html).

## Failed Check System Leads to Pharmacist's No Contest Plea for Involuntary Manslaughter



*This column was prepared by the Institute for Safe Medication Practices (ISMP). ISMP is an independent nonprofit agency that analyzes medication errors, near misses, and potentially hazardous conditions as reported by pharmacists and other practitioners. ISMP then makes appropriate contacts with companies and regulators, gathers expert opinion about prevention measures, and publishes its recommendations. To read about the risk reduction strategies that you can put into practice today, subscribe to ISMP Medication Safety Alert!® Community/Ambulatory Care Edition by visiting [www.ismp.org](http://www.ismp.org). ISMP is a federally certified Patient Safety Organization, providing legal protection and confidentiality for submitted patient safety data and error reports. ISMP is also a FDA MedWatch partner. Call 1-800-FAIL-SAF(E) to report medication errors to the ISMP Medication Errors Reporting Program or report online at [www.ismp.org](http://www.ismp.org). ISMP address: 200 Lakeside Dr, Suite 200, Horsham, PA 19044. Phone: 215/947-7797. E-mail: [ismpinfo@ismp.org](mailto:ismpinfo@ismp.org).*

A former Ohio pharmacist will plead no contest to involuntary manslaughter of a two-year-old child who died in 2006 as a result of a chemotherapy compounding error.<sup>1</sup> The pharmacy board revoked the pharmacist's license and, after

holding a criminal investigation, a grand jury indicted him on charges of reckless homicide and involuntary manslaughter. The pharmacist faces up to five years in prison.

Prosecutors hold the pharmacist responsible for the toddler's death because he oversaw the preparation of her chemotherapy. A pharmacy technician mistakenly prepared the infusion using too much 23.4% sodium chloride. The infusion was administered to the child, who died three days later.

Though we cannot shed more light on the root causes of the error, our experiences with analyzing other errors strongly suggest that underlying system vulnerabilities played a role. Compounding the solution from scratch is error prone. Communication failures between technicians and pharmacists, IV compounding-related failures, inadequate documentation of the exact products and amounts of additives, and other system issues have contributed to numerous fatal errors. ISMP has also received reports of compounding errors and subsequent failed double-checks due to adverse performance-shaping factors such as poor lighting, clutter, noise, and interruptions. In fact, in this particular case, news reports suggest that the pharmacist felt rushed, causing him to miss any flags that may have signaled an error.<sup>2</sup>

Without minimizing the loss of life in this case, we continue to be deeply concerned about the criminalization of human errors in health care. Safety experts including ISMP advocate for a fair and just path for individuals involved in adverse events, arguing that punishment simply because the patient was harmed does not serve the public interest. Its potential impact on patient safety is enormous, sending the wrong message to health care professionals about the importance of reporting and analyzing errors. All professionals are fallible human beings destined to make mistakes and drift away from safe behaviors as perceptions of risk fade when trying to do more in resource-strapped professions. When warranted, licensing boards can protect patients from reckless or incompetent actions of health care practitioners by limiting or revoking licenses.

While the law clearly allows for the criminal indictment of health care professionals who make harmful errors, the greater good is served by focusing on system issues that allow tragedies like this to happen. Focusing on the easy target, the pharmacist, makes us wonder whether any regulatory or accreditation agency is ensuring that all hospitals learn from this event and adjust their systems to prevent the same type of error. If not, the death of this little girl is a heartbreaking commentary on health care's inability to truly learn from mistakes so that they are not destined to repeat.

## References

1. McCarty J. Eric Cropp, ex-pharmacist in case in which Emily Jerry died, is ready to plead no contest. Cleve-



land Plain Dealer. April 19, 2009. Available at: [www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/124012992221300.xml&coll=2](http://www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/124012992221300.xml&coll=2).

2. McCoy K, Brady E. *Rx for Errors: Drug error killed their little girl*. USA Today. February 25, 2008. Available at: [www.usatoday.com/money/industries/health/2008-02-24-emily\\_N.htm](http://www.usatoday.com/money/industries/health/2008-02-24-emily_N.htm).

## **NABP Wins ASAE's 2009 Associations Advance America Award of Excellence**

In recognition of its efforts for educating patients on the potential dangers of buying medications online and empowering patients to make informed choices through its Internet Drug Outlet Identification program, the National Association of Boards of Pharmacy® (NABP®) recently received the 2009 Associations Advance America (AAA) Award from the American Society of Association Executives (ASAE) and the Center for Association Leadership in Washington, DC.

Launched in May 2008, the Internet Drug Outlet Identification program reviews and monitors Web sites selling prescription medications and distinguishes those sites that do and do not meet state and federal laws and/or NABP patient safety and pharmacy practice standards. Internet drug outlets that appear to be operating in conflict with program criteria, such as dispensing drugs that are unapproved and potentially counterfeit, frequently without a valid prescription, pose a significant risk to the public health. Such findings underscore the importance of this project and other efforts to contain the Web-based distribution of prescription drugs within the appropriate legal and regulatory framework.

"NABP is honored to have been selected for this prestigious award for our efforts to bring about positive change," says NABP President Gary A. Schnabel, RN, RPh. "This program represents a strong demonstration of our commitment to the NABP mission of assisting the state boards of pharmacy in protecting the public health."

NABP is one of only 21 organizations nationally to receive an award of excellence in the first round of ASAE's 2009 AAA Award program, an award that recognizes associations that propel America forward with innovative projects in education, skills training, standards setting, business and social innovation, knowledge creation, citizenship, and community service.

## **Consumer Directed Questions and Answers about FDA's Initiative Against Contaminated Weight-Loss Products**

FDA has developed questions and answers to help consumers, health care practitioners, and the general public understand FDA's actions regarding weight-loss products contaminated with various prescription drugs and chemicals.

Many of these products are marketed as dietary supplements. Unfortunately, FDA cannot test and identify all weight-loss products on the market that have potentially harmful contaminants in order to ensure their safety. FDA laboratory tests have revealed the presence of sibutramine, fenproporex, fluoxetine, bumetanide, furosemide, phenytoin, rimonabant, cetilistat, and phenolphthalein in weight-loss products being sold over-the-counter. Enforcement actions and consumer advisories for unapproved products only cover a small fraction of the potentially hazardous weight-loss products marketed to consumers on the Internet and at some retail establishments.

Pharmacists can advise patients to help protect themselves from harm by consulting with their health care professional before taking dietary supplements to treat obesity or other diseases. Patients should be advised of the following signs of health fraud:

- ◆ Promises of an "easy" fix for problems like excess weight, hair loss, or impotency
- ◆ Claims such as "scientific breakthrough," "miraculous cure," "secret ingredient," and "ancient remedy"
- ◆ Impressive-sounding terms, such as "hunger stimulation point" and "thermogenesis" for a weight-loss product
- ◆ Claims that the product is safe because it is "natural"
- ◆ Undocumented case histories or personal testimonials by consumers or doctors claiming amazing results
- ◆ Promises of no-risk, money-back guarantees

More information is available on the FDA Web site at [www.fda.gov/Drugs/ResourcesForYou/Consumers/QuestionsAnswers/ucm136187.htm](http://www.fda.gov/Drugs/ResourcesForYou/Consumers/QuestionsAnswers/ucm136187.htm).

## **Jury Trial Set for Doctor Charged with Bringing Misbranded Foreign Cancer Drugs into US**

A jury trial to hear the case of *USA v. Vinod Chandrashekm Patwardhan, MD* was set to begin on April 21, 2009, in the US District Court for the Central District of California. Patwardhan, an Upland, CA doctor who specialized in treating cancer patients, was arrested in August 2008 by federal authorities after being charged with introducing foreign misbranded drugs into interstate commerce. These drugs reportedly were sometimes diluted when they were administered to his patients, according to a news release issued by Thomas P. O'Brien, US attorney for the Central District of California, on the day of the arrest. The charge of delivering misbranded drugs into interstate commerce with the intent to defraud or mislead carries a penalty of up to three years in federal prison.

new regulations and additional compliance information may be found at [www.usdoj.gov/dea/pubs/pressrel/pr041309.html](http://www.usdoj.gov/dea/pubs/pressrel/pr041309.html). All Missouri licensed pharmacies offering Internet services are encouraged to review the regulations to ensure compliance with federal law.

## Pharmacy and Drug Distributor Renewals

Renewal time for pharmacies and drug distributors is approaching. Licensees should make sure that all address changes are updated with the Board. Changes may be submitted to the Board on their Web site at <https://renew.pr.mo.gov/pharmacists-coa.asp>.

## New/Corrected Disciplinary Actions

### Pharmacists

**Jacqueline S. Griffin, #2000162592\*\*** – St. Louis, MO – November 20, 2008. Probation for five (5) years. Addiction to alcohol and cocaine, used ecstasy, marijuana, opium, mushrooms; used controlled substances without valid prescriptions for such products. Section 338.055.2(1), (5), (13), (15), and (17), RSMo. [\*\*Correction from February 2009 Newsletter]

**Bryan D. Harris, #42982** – Malden, MO – May 21, 2009. Censure of license. As pharmacist-in-charge, failed to ensure effective controls and procedures for the handling, dispensing, and record keeping of controlled substances that were in place to guard against drug theft and diversion at the pharmacy. Section 338.055.2(5), (6), (13), and (15), RSMo. Supp. 2002.

**Roy E. Hatcher, #26378** – Shelbina, MO – June 10, 2009. Censure of license. As pharmacist-in-charge, prescriptions dispensed without a pharmacist on duty, allowed prescriptions to be held for customer pick up and dispensed by non-pharmacy personnel outside the pharmacy area after hours. Section 338.055.2(5), (6), (13), and (15), RSMo. Supp. 2002.

**Jefferson J. McIntire, #42760** – Blue Springs, MO – June 1, 2009. Revoked, cannot reapply for seven (7) years. Court-order found McIntire totally incapacitated and totally disabled. Section 338.055.2(9), RSMo. Supp. 2008.

**Michael A. Plein, #28950** – Brentwood, MO – June 1, 2009. Suspended for six (6) months suspension, followed by probation for five (5) years. Worked as pharmacist-in-charge while under the influence of alcohol, admitted impairment. Section 338.055.2(1), (5), and (13), RSMo.

**Rebecca A. Seaman, #41940** – Blue Springs, MO – April 17, 2009. Probation for two (2) years. Practiced pharmacy as pharmacist-in-charge while license was inactive. Section 338.055.2(5), (6), (10), (12), and (13), RSMo.

**Michael L. Walker, #28605** – Jefferson City, MO – April 22, 2009. Probation for three (3) years. Entered and authorized fraudulent prescriptions for himself without consultation or authorization from a licensed prescriber. Section 338.055.2(5), (6), (13), and (15), RSMo.

**Diane Wasinger, #2000174390** – Chillicothe, MO – April 22, 2009. Voluntary surrender of license, and cannot reapply for seven (7) years. As owner and pharmacist-in-charge, dispensing errors, controlled substance audits revealed overages and shortages, dispensed post-dated Schedule II controlled substance prescriptions, accepted controlled substance prescription for return from patient, failed to maintain accurate records, failed to ensure pharmacy's compliance with all state/federal laws, and pharmacy permit entered settlement agreement with Bureau of Narcotics and Dangerous Drugs (BNDD) for five (5) years probation for record-keeping violations, inappropriate dispensing activities, and lack of security. Section 338.055.2(4), (5), (6), (8), (13), and (15), RSMo.

### Pharmacies

**Marsh's Sun Fresh, #6016** – Kansas City, MO – May 30, 2009. Probation for five (5) years. Pharmacy entered contract whereby controlled and non-controlled substances were dispensed based on telephonic or computer-based questionnaires, and where no bona fide physician-patient relationship existed. Section 338.055.2(5), (6), (13), and (15), RSMo.

**Medicine Shoppe, #2003006242** – Chillicothe, MO – April 24, 2009. Voluntary surrender of permit, and cannot reapply for seven (7) years.

Dispensing errors, controlled substance audits revealed overages and shortages, failed to maintain security to deter theft of drugs, failed to timely report controlled substance losses to BNDD, failed to notify Board of technician termination, post-dated controlled substance prescriptions dispensed, controlled substance prescription accepted for return from patient, misbranded overfilled stock bottles in inventory, failed to renew BNDD registration and dispensed controlled substances while registration was expired, multiple controlled and non-controlled substance prescriptions dispensed too soon, dispensed controlled substance prescriptions written by physician for himself in absence of an emergency, failed to maintain accurate records, could not locate/produce hard copy prescriptions when requested, and entered settlement agreement with BNDD for probation for five (5) years for various controlled substance violations. Section 338.055.2(5), (6), (8), (13), and (15), RSMo.

**Overturf Drug Stores, Inc, #005218** – Malden, MO – May 21, 2009. Censure of permit. Failed to ensure effective controls and procedures for the handling, dispensing, and record keeping of controlled substances were in place to guard against drug theft and diversion at the pharmacy. Section 338.055.2(5), (6), (13), and (15), RSMo. Supp. 2002.

**Senior Scripts, #1999135462** – Chesterfield, MO – May 7, 2009. Probation for three (3) years. Accepted return of Schedule II controlled substances from nursing homes, unlabeled vial of half-tablet methadone found in the pharmacy, pharmacists and pharmacy technicians did not wear gloves when filling nursing home prescriptions, failed to timely take controlled substance inventory, controlled substance losses revealed during audit, unlicensed individual worked as a pharmacy technician. Section 338.055.2(5), (6), (10), (13), and (15), RSMo.

**Wal-Mart Pharmacy #10-0044, #2002009306** – Eldon, MO – June 27, 2009. Censure of permit. Loss of controlled substances; failed to maintain adequate security to deter loss, diversion or theft of drugs; failed to keep accurate records and inventories of controlled substances; failed to report lost/stolen controlled substances to BNDD and entered settlement agreement with BNDD. Section 338.055.2(5), (6), (13), and (15), RSMo. Supp. 2002.

**Wal-Mart Pharmacy #10-1188, #2002009518** – St. Ann, MO – May 21, 2009. Censure of permit. Pharmacy technicians working without registration or pending applications, and controlled substance losses. Section 338.055.2(5), (6), (10), (13), and (15), RSMo.

### Drug Distributors

**Albers Medical Distributors, Inc, #900306** – Kansas City, MO – April 24, 2009. Voluntary surrender of drug distributor license, cannot reapply for seven (7) years. Purchased counterfeit and misbranded drugs from an unlicensed distributor, and then sold the drugs to another company; as a result, owner pled guilty to knowingly selling a counterfeit drug and knowingly selling a misbranded drug. Section 338.055.2(4), (5), (6), (13), (14), and (15), RSMo.

**Lincare, Inc, #2009006130** – Hannibal, MO – June 1, 2009. Restricted license issued on probation for four (4) years. Distributed into Missouri without first obtaining a Missouri drug distributor license. Section 338.055.2(6), RSMo.