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Missouri Board of Pharmacy

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

New at the Board

The Missouri Board of Pharmacy is revising its Web site to make information more accessible and to add additional resources for consumers and licensees. As part of this revision, the Board recently added three important resources.

- ◆ **The 2009 Statute and Rule Index:** This index includes an alphabetical listing of the major provisions of Missouri pharmacy law, including Chapter 338, RSMo, the Board's rules, and relevant Bureau of Narcotics and Dangerous Drugs statutes. The searchable index is located at <http://pr.mo.gov/pharmacists-rules-statutes.asp>.
- ◆ **Immunization Information:** The Board's new Immunization Information page contains important information and updates for pharmacists administering vaccines. Resources include updates from the Board, notification of rule changes, Centers for Disease Control and Prevention alerts, a new Board Immunization FAQ page, and advisories and updates from other state and federal agencies. The Immunization Information page is updated regularly and can be found at <http://pr.mo.gov/pharmacists-immunization-information.asp>.
- ◆ **Board Immunization FAQ:** This new guide contains frequently asked questions and answers for licensees providing or seeking to qualify for immunization services. The FAQ is located on the new Immunization Information page, available at <http://pr.mo.gov/pharmacists-immunization-information.asp>.

Please continue to check the Board's Web site at <http://pr.mo.gov/pharmacists.asp> for future updates and additional resources.

Compliance Advisory

The Board continues to see noncompliance issues relating to technician registrations. The pharmacist-in-charge (PIC) should ensure that all technicians are properly registered. Pharmacies cannot employ a technician whose name appears on the Board's Employment Disqualification List. Licensees are encouraged to regularly check the current Employment Disqualification List at <http://pr.mo.gov/boards/pharmacy/disqlist.pdf>. The Board also

issues e-mail alert notifications when new technicians are added to the Employment Disqualification List. Licensees can register for the Board's e-alerts by e-mailing MissouriBOPNewsletter@nabp.net.

In addition to verifying registration, the PIC must maintain a **current** list of pharmacy technicians and their job descriptions. Besides those assisting in the practice of pharmacy, any person other than a pharmacist or permit holder who has independent access to legend drug stock on a routine basis in a pharmacy **must** register as a pharmacy technician.

Pharmacies and hospitals are also reminded that they are **required** under §338.013.10, RSMo, to report any final disciplinary action taken against a technician based on any complaints or reports involving activity that may constitute grounds for discipline under §338.055.2. Such activity may include, **but is not limited to**, action taken based on alleged diversion, forgery, or theft or stealing of drug or non-drug related items. Please note that a report must be filed with the Board even if the technician is allowed to voluntarily resign in lieu of formal discipline or termination. The full text of Chapter 338, RSMo, and the rules of the Board can be found at <http://pr.mo.gov/pharmacists-rules-statutes.asp>.

Reminder

All licensees are reminded that failure to provide full and truthful information to the Board during the course of an investigation or inspection constitutes grounds for discipline under §338.055.2(5). Discipline may include, but is not limited to, **revocation, suspension, or probation** of a license. The Board appreciates your continued cooperation with the Board's inspectors and designated staff.

New Disciplinary Actions

Pharmacists

Kenneth V. Applegate, #40253 – Kingsville, MO – October 23, 2009. Censure of license. Dispensing error. Section 338.055.2(5) and (13), RSMo Supp. 2002.

James L. Cave, #43867 – Overland Park, KS – October 6, 2009. Revoked, cannot reapply for five (5) years. Disci-

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plinary action in another state based on taking prescription drugs without a prescription from employer. Section 338.055.2(8), RSMo.

Michael C. Gravatt, #42203 – St. Louis, MO – September 12, 2009. Probation for five (5) years. Possessed and consumed controlled substances without a current prescription. Section 338.055.2(15) and (17), RSMo.

Michelle H. Mai, #1999140347 – Fountain Hills, AZ – September 24, 2009. Suspension for one (1) year followed by probation for five (5) years. Disciplinary action in another state involving processing fictitious prescription claims and prescription refills to submit rebate requests to several pharmaceutical manufacturers and increase the apparent volume of the pharmacy business; pled and was found guilty of felony mail fraud. Section 338.055.2(2), (5), (8), and (13), RSMo Cum. Supp. 2008.

Zachary P. McMahan, #2009020204 – Newton, IA – July 22, 2009. Restricted license issued on probation for five (5) years. Disciplinary action in Iowa involving theft of drugs from employer, submitted false renewal application, and violation of Iowa discipline involving purchase of phentermine through illegal Internet source without a valid prescription. Section 338.055.2(1), (8), (15), and (17), RSMo.

Pamela Jill Mitchell, #28287 – Marshall, MO – August 7, 2009. Censure of license for failure to provide documentation and to maintain records demonstrating completion of required continuing education hours. Section 338.055.2(6) and (13), RSMo 2000.

Jonathan M. Poynter, #2003010532 – Kansas City, MO – July 2, 2009. Probation for five (5) years. Violation of previous discipline. Failure to timely take and pass law examination and did not complete internship hours as required. Section 338.055.2(1), (5), (6), (13), (15), and (17), RSMo.

Alicia T. Stricklin, #2001004310 – Rolla, MO – September 24, 2009. Probation for two (2) years. As pharmacist-in-charge, could not account for missing controlled substances, and pharmacy's electronic data processing system did not correctly identify dispensing pharmacist on refills. Section 338.055.2(6), RSMo.

Chad L. Westbay, #2009030094 – Centralia, MO – October 2, 2009. Restricted license issued on probation for five (5) years. Previous disciplinary action in Missouri due to impairment. Section 338.055.2(1), (8), (15), and (17), RSMo.

Wendy Young-Guffey, #2005007715 – St. James, MO – September 26, 2009. Suspension for nine (9) months followed by probation for five (5) years. Fraudulently obtained controlled substances for personal use without legitimate prescriptions, as pharmacist-in-charge failed to properly complete Drug Enforcement Administration forms, and failed to maintain original prescription order, pled guilty to felony attempting to obtain a controlled

substance, failed to complete required continuing education. Section 338.055.2(1), (3), (5), (6), (13), (15), and (17), RSMo.

Pharmacies

Best Buy Pharmacy of Shelbina, #2007016983 – Shelbina, MO – July 2, 2009. Censure of permit. Allowed pharmacy technicians to receive, prepare, process, and fill prescription medications without direct supervision of a licensed pharmacist, failed to display a "no pharmacist on duty" sign, allowed unlicensed/unsupervised grocery store employees to dispense prescriptions to patients outside the pharmacy premises and after hours, without a pharmacist on duty. Section 338.055.2(5), (6), (13), and (15), RSMo Supp. 2002.

United Scripts, Inc, #2009030565 – Fairview Heights, IL – September 29, 2009. Permit issued on probation for five (5) years. Shipped medications to Missouri customers or businesses without first obtaining a permit. Section 338.055.2(6), RSMo.

Drug Distributors

MED-E-QUIP Locators, Inc, #2003026499 – Maryland Heights, MO – September 28, 2009. Probation for five (5) years. Violation of previous discipline regarding conducted business at a new location prior to notifying the Board of its change of location, purchased products from unlicensed drug distributors, failure to maintain equipment to monitor temperature and humidity, failure to maintain an alarm system. Section 338.055.3, RSMo.

Wintec Pharmaceutical, Inc, #900078 – Pacific, MO – October 13, 2009. Voluntary surrender of license effective October 31, 2009. Drugs not stored under appropriate conditions/temperatures, thermometers never calibrated and no written procedures for their calibration, no humidity recording equipment and no documentation to show humidity had ever been recorded, inadequate lighting, cluttered facility, no alarm system or other security policies/procedures to detect after hours access, no written policies/procedures, no documentation of pest control treatments. Section 338.055.2(5), (6), (13), and (15), RSMo.