

OKLAHOMA BOARD OF NURSING
2915 North Classen Boulevard, Suite 524
Oklahoma City, OK 73106
(405) 962-1800

FORMULARY ADVISORY COUNCIL
Minutes – August 14, 2008

The Formulary Advisory Council to the Oklahoma Board of Nursing met on August 14, 2008. Written notice of the meeting was filed with the Secretary of State's Office. Notice was posted on the Oklahoma Board of Nursing web site. A notice/agenda was also posted on the Cameron Building front entrance at 2915 North Classen Boulevard, Oklahoma City, Oklahoma, as well as the Board office, Suite 524, 24 hours prior to the meeting, setting forward thereon the date, time, place and agenda for the meeting.

Place of Meeting: Basement Conference Room, Cameron Building

Time of Meeting: 1:15 PM

Members Present:

Leanna Harkess, R.N., CNM
Bill Holland, R.N., ARNP
Ragina Holiman, R.N., CNS
Elizabeth Schultz, R.N., CRNA, M.S.
Dorothy Gourley, D.Ph.
Josh Sheffield, D.Ph.
Gerald Wootan, D.O.
R. Kevin Moore, M.D.

Appointing Authority:

Oklahoma Board of Nursing
Oklahoma Board of Nursing
Oklahoma Board of Nursing
Oklahoma Board of Nursing
Oklahoma Pharmacists Association
Oklahoma Pharmacists Association
Oklahoma Osteopathic Association
Oklahoma State Medical Association

Members Absent:

Gara Wilsie, D.Ph.
Dale Metzler, D.Ph.
Donald K. Rahhal, M.D.
Vacant

Appointing Authority:

Oklahoma Pharmacists Association
Oklahoma Pharmacists Association
Oklahoma State Medical Association
Oklahoma State Medical Association

Guests:

Amanda Knott, Pharmacy Student

Board Staff Representatives:

L. Louise Drake, M.H.R., R.N.
Gayle McNish, Ed.D, R.N.
Helen Rangel, MS, R.N.

1.0 Call to Order: The meeting was called to order by Ragina Holiman, Chairperson, at 1:15 PM.

1.1 Declaration of a quorum: A quorum was declared present.

1.2 Introductions: Introductions were made. Helen Rangel, R.N., M.S., has been hired to replace Carla Petty as the Licensing Manager for the Oklahoma Board of Nursing (“Board”). Josh Sheffield has been appointed to the Council by the Oklahoma Pharmacists Association to replace Mark Deevers, R. Ph.

1.3 Announcements: None

2.0 Council decision regarding approval of council meeting minutes for August 2, 2007.

It was moved (R. K. Moore) and seconded to approve the minutes of August 2, 2007.

Voting:

Yes: (8) L. Harkess, B. Holland, E. Schultz, R. Holiman, D. Gourley, J. Sheffield, G. Wootan, R. K. Moore
No: (0)
Absent: (3) G. Wilsie, D. Metzler, D. Rahhal,

Motion carried.

3.0 Verbal reports requiring no action by committee

3.1 Board of Nursing update - L. Drake reported the following:

3.1.1 *Advanced Practice Nurses with Prescriptive Authority Exclusionary Formulary Policy - 2007 revisions:* The Board approved the review of the *Advanced Practice Nurses with Prescriptive Authority Exclusionary Formulary* without revisions at the September 2007 meeting.

3.1.2. Revisions to the Rules of the Board regarding the 7-day supply of Schedules III – V controlled drugs: The legislature did not disapprove the Rule change, and the Governor approved the Rule change. Therefore, it became effective on July 1, 2008.

3.1.3 Revisions to CRNA Inclusionary Formulary: Revisions to the CRNA Inclusionary Formulary were approved by the Board at its May 2008 meeting. Several drugs that are no longer listed in the *AHFS Drug Information Manual* and are no longer available in the United States were removed from the formulary.

3.2 Council Member list and update: Members were asked to review and update their membership information. L. Drake recently received notification from Dr. Hamaker he submitted his resignation from the Council to the President of the Oklahoma State Medical Association (“OSMA”) last year following the Council meeting; however, the Board office has not received notification of an appointment to fill the vacancy. A letter has been sent to the Executive Director of OSMA requesting another physician be appointed to the Council.

4.0 Review and Council recommendations to the Oklahoma Board of Nursing on revisions to *Advanced Practice Nurses with Prescriptive Authority Exclusionary Formulary – #P-50B*: L. Drake reported the *Advanced Practice Nurses With Prescriptive Authority Exclusionary Formulary –#P-50B* policy has a discrepancy in the fourth paragraph on Page 2 that conflicts with the Oklahoma Nursing Practice Act (“ONPA”). This paragraph indicates an Advanced Practice Nurse (“APN”) with prescriptive authority may submit to the Council a written request for an **exception** to the Exclusionary Formulary with documentation submitted by the APN and the supervising physician. In the ONPA, specifically 59 O.S. § 567.4a, the law does not provide for an **individual exception** to the Exclusionary Formulary. In addition, other formatting, editorial and content changes are recommended.

It was moved (R. Holiman) and seconded to recommend to the Board that the Exclusionary Formulary be revisions for congruence with the statute and to approve other editorial and content changes.

Voting:

Yes:	(8)	L. Harkess, B. Holland, E. Schultz, R. Holiman, D. Gourley, J. Sheffield, G. Wootan, R. K. Moore
No:	(0)	
Absent:	(3)	G. Wilsie, D. Metzler, D. Rahhal,

Motion carried.

5.0 Review and Council recommendations to the Oklahoma Board of Nursing on revisions to *Formulary Advisory Council Procedure for Amending the Formulary - #P50*: L. Drake reported the procedure for amending Inclusionary Formulary and Exclusionary Formulary states requests and supporting documentation have to be received at least 16 calendar days prior to a scheduled meeting for the Council. The timeframe needs to be revised for consistency with when agenda with attachments routinely are mailed at least three weeks prior to the meeting. In addition, other formatting and minor editorial changes are recommended.

It was moved (B. Holland) and seconded to recommend approval of the revisions to the *Formulary Advisory Council Procedure for Amending the Formulary* to the Board.

Voting:

Yes: (8) L. Harkess, B. Holland, E. Schultz, R. Holiman, D. Gourley, J. Sheffield, G. Wootan, R. K. Moore
No: (0)
Absent: (3) G. Wilsie, D. Metzler, D. Rahhal,

Motion carried.

6.0 Discussion on prescriptive practices - [requiring no action]

6.1 APNs not permitted to purchase drugs in bulk to dispense to patients:

L. Drake stated several pharmaceutical companies have called to inquiry and to validate if advanced practice nurses can purchase medicines in bulk supply to dispense to patients in their care. Advanced practice nurses (“APNs”) engaging in this practice violate the Oklahoma Nursing Practice Act, specifically 59 O.S. § 567.3.a.6, 7c., and 8, which provides for the authorization to prescribe *but “...shall not include the dispensing of drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.”* Therefore, APNs can only dispense samples and not purchase a bulk supply of any drugs. In addition, the Oklahoma Pharmacy Act [59 O.S. § 355 & 355.1] identifies only licensed practitioners - (defined as an allopathic physician, osteopathic physician, podiatric physician, dentist, veterinarian or optometrist licensed to practice and prescribe medications) - can dispense drugs to the practitioner’s patients. The licensed practitioners must register annually with the appropriate licensing board as a dispenser. Advanced practice nurses are not defined as licensed practitioners authorized to dispense in this section of the Pharmacy Act. L. Drake reported she verified the accuracy of this information with the Oklahoma Board of Pharmacy and requested members share with information with their peers.

6.2 Required information on prescriptions: L. Drake has received calls from pharmacists who are having problems with prescriptions from some advanced practice nurses, such as no supervising physician name on the prescription and refusal to provide such name to the pharmacists, ordering Schedule II drugs and ordering schedule drugs without a DEA number. Members discussed the Rules of the Board which list required information for all prescriptions.

6.3 Update on checklist/evaluation tool to verify appropriateness of continuing education/contact hours documentation for meeting requirements for prescriptive authority: L. Drake reported the *Prescriptive Authority Continuing Education Tracking Form* discussed during the meeting on February 2008 is now on the Board’s web site on the Forms/Applications Page under the **Prescriptive Authority (ARNP, CNM, CNS) and Prescriptive Authority (CRNA)** sections.

This form is for an **independent** review of continuing education/contact hours by the advanced practice nurse rather than submitting the *Request for Review of Pharmacology Contact Hours* form to the Board office for review staff and paying a fee.

7.0 Council decision regarding election of chairperson and vice-chairperson:

It was moved (R. K. Moore) and seconded to re-elect Ragina Holiman as chairperson and Bill Holland as Vice Chairperson for the next Formulary Advisory Council meeting.

Voting:

Yes: (8) L. Harkess, B. Holland, E. Schultz, R. Holiman, D. Gourley, J. Sheffield, G. Wootan, R. K. Moore
No: (0)
Absent: (3) G. Wilsie, D. Metzler, D. Rahhal,

Motion carried.

8.0 Date for next meeting: The next meeting for the Formulary Advisory Council is set for *Thursday, August 13, 2009, at 1:00 PM*, based on availability of the Basement Conference Room.

9.0 Adjournment: There being no further business, the meeting was adjourned at 2:10 PM.