

October 29, 2009

Board of Pharmacy Office

Bismarck, ND

A G E N D A - CONFERENCE CALL MEETING

10:00 AM - THURSDAY – OCTOBER 29TH, 2009

**CALL – 1-800-423-1988 Under the Name: HOWARD Conference
1397576**

10:00 AM – Call to order - President Gayle Ziegler

Final Adoption of the following Rule Revisions:

61-02-07.1-10 Pharmacy technician continuing education.

2. There may be no carryover or extension of continuing education units with the exception that continuing education units obtained twelve months prior to the beginning of each ~~two-year annual~~ reporting period may be used in the current ~~two-year annual~~ reporting period which begins March 1st of each year and ends the last day of February, or the previous reporting period, however, they may not be counted as credit in both reporting periods. The failure to obtain the required ~~twenty ten~~ hours of continuing education by the renewal date may result in a suspension for a minimum of thirty days, or a maximum of the period ending the date the continuing education is completed.

61-03-04-02. Requirements for continuing pharmaceutical education.

1. Each pharmacist shall complete at least ~~thirty fifteen~~ hours (~~three 1.5~~ c.e.u.) of approved continuing pharmaceutical education every ~~two-years~~ year as a condition of renewal of a certificate of licensure as a pharmacist in the state of North Dakota.
2. There may be no carryover or extension of continuing education units with the exception that continuing education units obtained twelve months prior to the beginning of each ~~two-year annual~~ reporting period which begins March 1st of each year and ends the last day of February, may be used in the current ~~two-year annual~~ reporting period or the previous reporting period, however, they may not be counted as credit in both reporting periods. The failure to obtain the required ~~thirty fifteen~~ hours of continuing education by the renewal date may result in a suspension for the minimum of thirty days or a maximum of the period ending the date the continuing education is completed.

*** 11: 00 AM Ms. Nusrat Sultana – Foreign Pharmacy Grad –
Requesting Intern License

** 11: 00 AM H1N1 Planning – Merit Care – Robert Biberdorf, R.Ph.

Floor Plans for:

Hillsboro Medical Center

CVS (south) Bismarck [relocation from Kirkwood Mall to own bldg]

Request for Subclass K – Telepharmacy Permit
Nelson County Health System Pharmacy - McVille
Mercy Hospital of Valley City

*** Trinity Hospital – Minot

Change of Owner/Name

*** Altru Clinic Pharmacy Application & Lease – Kelly Hulst, R.Ph.

Confirm relocation of Professional Pharmacy to Edgewood Vista
Approved plans on a round robin in August

*** CE Provider Review

*** Yekarina Berg – Intern – TOEFL iBT – variance request

*** In-office Infusion Centers on behalf of physicians as an extension of their practice

*** Nurse Practitioners Ordering Drugs

*** Collaborative Agreement – Mercy Medical Center Williston
Wendy Baisch, PharmD Robert G. Kemp, MD
Katie Smith, PharmD William C Small, MD

*** Collaborative Agreement – St Alexius Medical Center
Mayer, Dawn Duncan B Ackerman, MD
McPherson, Daniel Timothy Bopp, MD
McPherson, Debra Joseph W Carlson, MD
Monger, Sandra Charles P. Dahl, MD
Richards, Benjamin J Mark B. Hart, MD
Sorenson, Carrie L David H. Larsen, MD
Troy D. Pierce, MD

Audit Draft – [Emailed]

Adjournment

President Gayle Ziegler called the Board of Pharmacy Meeting to order at 10:00 AM in the Conference Room of the Board of Pharmacy Office at 1906 E Broadway Ave in Bismarck, ND. Present in the room were: Gayle D. Ziegler, R.Ph.; Gary W. Dewhirst, R.Ph.; Rick L. Detwiller, R.Ph.; Laurel Haroldson, R.Ph.; Board Attorney David A. Lindell; Christine M. Johnson, PharmD Student; Michael Schwab, NDPhA Vice President and Executive Director Howard Anderson, Jr., R.Ph. Present on the telephone were: Board Member Bonnie J. Thom, R.Ph.; Robert Biberdorf, R.Ph. Amy Noeske, PharmD, R.Ph.; CVS Regional Manager Curt Larson, R.Ph.,; Tara Schmitz, PharmD and Professor Don Miller of NDSU College of Pharmacy.

It was moved by Laurel Haroldson, R.Ph. and seconded by Gary Dewhirst, R.Ph. to approve the Agenda as printed and distributed at this meeting. All Board Members voted aye the motion carried.

President Ziegler opened the meeting for discussion about the final adoption of the proposed rule revisions. The approval letter from the Attorney General's Office was passed around. She asked if there were any additional comments since the hearing, Executive Director Anderson reported that no additional comments had been received.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to adopt revised Rules 61-02-07.1-10 Pharmacy technician continuing education and 61-03-04-02 Requirements for continuing pharmaceutical education. On vote by Roll call: Pharmacist Detwiller – Aye Pharmacist Dewhirst – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

Ms. Nusrat Sultana joined the Board meeting to discuss her Application for Licensure as an Intern. Ms. Sultana is a foreign pharmacy graduate who currently holds a Foreign Pharmacy Graduate Equivalency Certificate from NABP. She indicated to the Board Members that she had been looking for work in and around the Fargo area, but had been unable to secure any. She asked that an Intern License be granted to her, as she felt this might facilitate her finding a paid or volunteer position to work toward her 1,500 hours of required internship.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst that Nusrat Sultana be issued an Intern License and that she obtain at least 1,000 hours internship, file those affidavits along with feed back from her preceptors, before coming back to the Board to request additional credit for her experience working as a pharmacist and teaching prior to coming to North Dakota. The motion carried.

At 10:15 AM Tara Schmitz, PharmD and Professor Don Miller of NDSU College of Pharmacy joined by telephone to discuss the continuing education accreditation for NDSU College of Pharmacy through the Accreditation Council for Pharmacy Education [ACPE]. The costs for the ACPE accreditation were approximately \$4,000 a year and the out-of-pocket cost for the College to run the program are about \$5,000 a year. This and other costs for putting on the presentations have in the past been off-set by continuing education revenues, from registrations and issuing certificates for attendees at programs. The College has found that attendance at live programs has declined considerably with more pharmacists and technicians using online programs to fulfill their CE requirements. Dr. Schmitz proposed a survey that would be sent out to pharmacists and technicians asking for their opinion about CE.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom that the Board participate in a needs assessment and survey, that would be sent out along with our annual renewal notices. In addition, an advisory council will be formed to be participated in by the Board of Pharmacy, NDPHA Executive Vice President Michael Schwab or his designee, and the College of Pharmacy. The College will develop the needs assessment and survey and the Board of Pharmacy will include it with our renewal notices. All Board Members voted aye – the motion carried.

Dr. Schmitz will prepare this survey and submit it to the Board Office no later than December 1st so that the Board Office has sufficient time to prepare the renewal notices for mailing.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst that since Mark Pajala, ND Pharmacist #3988 was now present at the Board Meeting and had signed a Stipulated Agreement, that the Agenda be modified to consider his proposed Stipulated Settlement at this time. All Board Members voted aye – the motion carried and the Agenda was amended to include him.

At 11:00 AM Pharmacist Robert Biberdorf, Executive Partner for Pharmacy at Merit Care joined the Board Meeting by telephone. Pharmacist Biberdorf presented a plan to effect social distancing and relieve the usual clinic sites and pharmacies by establishing a location, attended by one of their staff pharmacists, where they would dispense only antivirals to patients who have been prescribed them or authorized to receive them through the state's antiviral prescribing program, at an old clinic location. Pharmacist Biberdorf was receptive to pharmacists being able to prescribe the antivirals in an emergency situation. His original email communication and Executive Director Anderson's response are as follows:

From: Robert Biberdorf [mailto:Robert.Biberdorf@meritcare.com]

Sent: Wednesday, October 14, 2009 9:30 PM

To: ndboph@btinet.net

Subject: H1N1 Planning

Howard:

We at MeritCare are planning for the escalation of the H1N1 virus and its impact on our community. As part of the planning we are going to try to segregate our potential flu patients from the rest of our population of patients to try to meet the needs of the flu patients while also meeting the needs of the other clinic patients.

Phase one of the plan would use our Southwest Pediatric Clinic as the preferred clinic for the flu patients with the pediatric population going to one part of the clinic and adults to another area of the clinic. The need for the prescription drugs being dispensed for those patients wanting to receive them at this clinic would be met by the Prescription Center Pharmacy. Our planning staff of the clinic and I have been in contact with Dave Olig and he is working with us on meeting those needs.

If the pandemic grows beyond the capability of the southwest clinic to treat these patients, MeritCare will open a clinic in our former dialysis center which is located across from our south campus hospital. This area is designed to meet the expanded needs of our patients and would give us an area away from our other clinics to meet the specific needs of those flu patients. To meet the needs of these patients on receiving their Tamiflu prescriptions we would like to dispense "Tamiflu" from this site. If allowed by the Board of Pharmacy I am prepared to have a pharmacist assigned to this site and install our computer pharmacy information system to meet the needs of the patients which would like their Tamiflu prescriptions filled at this site. I would like to discuss this or other options you may have to meet the needs of this special population.

Thank you -Robert I. Biberdorf R.Ph., M.S. - Executive Partner Pharmacy

REPLY:

Pharmacist Biberdorf:

This sounds like a reasonable plan for an emergency situation of a flu epidemic, much like the pharmacist delivering prescriptions to the site and counseling the patients there. One difference is that you would be keeping inventory at this site and preparing the prescription there.

With a remote terminal on your pharmacy system you will have access to all the patient information available. Billing will be done as though the prescription was filled at the central site.

You will inevitably get requests from patients to fill their other prescriptions at the new clinic site, and will need to make arrangements to have them mailed to the patient or delivered to the new clinic and picked up by the flu patients.

I have copied the board for their comments. We will have a meeting on October 29th and will add this to the agenda.

This is certainly better than some of the plans I have seen where the emergency planners want to dispense from remote sites with nursing staff, or volunteers and no patient profile information.

It has been the position of the board to accommodate most reasonable requests for emergency situations, and we will assume you can go ahead with planning for this scenario, unless I hear an outcry in the next couple of days. We can formalize a position paper at the October 29th meeting, which may help others in their planning. I would like to see this scenario, or at least a telepharmacy hook-up with one of our pharmacies, for each of our out of pharmacy dispensing sites, used in the state.

Sincerely, Howard Anderson, Jr, R.Ph. - Executive Director

It was moved by Pharmacist Detwiler and seconded by Pharmacist Thom to approve MeritCare's plans for antiviral dispensing in an emergency. All Board Members votes aye – the motion carried.

Carol Christianson, R.Ph. Pharmacist-In-Charge of Hillsboro Medical Center Pharmacy joined the meeting by telephone to discuss the remodeling and new pharmacy location within the Hillsboro Medical Center. Upon questioning, Pharmacist Christianson indicated that telepharmacy might be a future option, but was not planned at this time. The pharmacy area utilized at present was indicated as sparse and Pharmacist Christianson indicated that the new location would be a significant improvement over what they had right now. No IVs are going to be prepared except for immediate administration, at the bedside.

It was moved by Pharmacist Detwiler and seconded by Pharmacist Dewhirst to approve the submitted floor plans for the new location of the Hillsboro Medical center Pharmacy. All Board Members votes aye – the motion carried.

It was moved by Gary Dewhirst, R.Ph. and seconded by Laurel Haroldson, R.Ph. to approve the submitted floor plans for the new location of CVS #8628 at South 3rd Street & Indiana Ave from its present location in Kirkwood Mall, with the intent that this new location would be occupied the end of January 2010. All Board Members votes aye – the motion carried.

At this time Amy Noeske, PharmD, Pharmacist-In-Charge of the Mercy Hospital Pharmacy in Valley City joined the meeting by telephone to discuss the Application requesting a subclass K be added to their present Class B Hospital Pharmacy Permit, and to discuss the hospital telepharmacy project.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to Approve the Applications for the addition of a Subclass K Telepharmacy to be added to the current Class B Hospital Pharmacy Permits of Mercy Hospital Pharmacy in Valley City, Nelson County Health System Pharmacy in McVile and Trinity Hospital Pharmacy in Minot. All Board Members votes aye – the motion carried.

Mr. Michael Schwab, Executive Vice President of the ND Pharmacist's Association asked if there was any progress on the questions the DEA seemed to have about issuing DEA Registration Numbers to Telepharmacies in Montana. Executive Director Anderson indicated that he had not heard anything more definitive than what we had been working with in the past.

President Gayle Ziegler reported on the Central Site Telepharmacy Project, where she is active on their advisory group.

At 11:30 AM Pharmacist Mark Pajala was invited in to visit with the members of the Board of Pharmacy. Pharmacist Pajala had requested that the Board consider his case today. He has been served with his Compliant, Statement of Charges, signed the Admission of Service and has signed a Stipulated Agreement earlier this morning after traveling here from Fargo.

President Ziegler asked Pharmacist Pajala to describe his case for the Board Members. Pharmacist Pajala had a long description of his case and history for the Board and I have not included it in the minutes, but is available in Pharmacist Pajala's administrative file, much like a hearing record, which might be available but the details are not included in the minutes.

It was moved by Pharmacist Dewhirst to accept the signed proposed Stipulated Settlement with the addition of the requirement that the Board must approve him going back to work in a pharmacy before that can occur. The motion was seconded by Pharmacist Haroldson, all Board Members votes aye – the motion carried.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson to approve the New Pharmacy Permit Application for Altru Clinic – Family Medicine Center Inc located at 1380 Columbia Road South in Grand Forks, ND effective immediately. All Board Members votes aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to confirm the round-robin action taken to approve the floor plans for the relocation of Professional Pharmacy to Edgewood Vista 3124 Colorado Lane #400 in north Bismarck. All Board Members votes aye – the motion carried.

Discussion followed relative to Yekarina Berg. Mrs. Berg is a licensed Intern in North Dakota and has completed her Internship Hours requirement. Mrs Berg is a Russian born foreign pharmacy graduate and has had difficulty with the TOEFL iBT test of spoken English portion. The Board recommended that she ask for special accommodations to re-take the TOEFL iBT and return to us at our January 2010 Meeting.

It was moved by Pharmacist Detwiler and seconded by Pharmacist Haroldson to approve the following:

Collaborative Agreement – Mercy Medical Center Williston

Wendy Baisch, PharmD

Robert G. Kemp, MD

Katie Smith, PharmD

William C Small, MD

Collaborative Agreement – St Alexius Medical Center

Mayer, Dawn

Duncan B Ackerman, MD

McPherson, Daniel

Timothy Bopp, MD

McPherson, Debra

Joseph W Carlson, MD

Monger, Sandra

Charles P. Dahl, MD

Richards, Benjamin J

Mark B. Hart, MD

Sorenson, Carrie L

David H. Larsen, MD

Troy D. Pierce, MD

Pharmacist Detwiler disclosed that he was employed with St Alexius Medical Center and he intended to vote – no objections were voiced. All Board Members votes aye – the motion approving the Collaborative Agreements carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to accept the accountant's Draft along with modifications recommended by Executive Director Anderson. All Board Members votes aye – the motion carried.

At this time the Board Members went for a working lunch where topics of interest were discussed:

In-office Infusion Centers on behalf of physicians as an extension of their practice;

Nurse Practitioners Ordering Drugs

The meeting Adjourned.

President
Gayle D. Ziegler, R.Ph.

Member
Gary W. Dewhirst, R.Ph.

Member
Laurel A. Haroldson, R.Ph.

Member
Bonnie J. Thom, R.Ph.

Member
Rick L. Detwiller, R.Ph.

Executive Director
Howard C. Anderson Jr. R.Ph.