

MAY 15-18, 2006

ROOM 1206

RADISSON INN – FARGO

President Detwiller called the meeting to order at 5:00 PM on Monday May 15th, 2006 in Room 1206 of the Radisson Inn in Fargo, North Dakota. Present were: Rick L. Detwiller, R.Ph. – Gary D. Dewhirst, R.Ph. – Bonnie J. Thom, R.Ph. – Laurel Haroldson, R.Ph. – Executive Director Howard C. Anderson, Jr, R.Ph. Absent: Dewey Schlittenhard, MBA, R.Ph.

The Agenda was reviewed; **it was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the Agenda with the addition of items for possible Rule Changes, such as the signature on Schedule III-IV-V prescriptions and consideration of the Reciprocity Application of Kenton Lance Crowley. The motion carried.**

After review, **it was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the minutes of the January 2-4, 2006 and the April 21st, 2006 Board Meetings as printed, with one small spelling correction, which was penciled in to the minutes. All four Board Members present voted aye – motion passed.**

Pharmacist Dewey Schlittenhard arrived to joined the meeting at 6:00 PM.

President Detwiller appointed Pharmacist Haroldson and Pharmacist Schlittenhard to review the Board Office paid invoices.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve all legal actions of the Executive Director since this action was last taken. All Board Members voted aye – the motion passed unanimously.

The Board Members reviewed the Candidates for Examination files in preparation for the next two days of candidate testing. There was some discussion on the possibility of setting limitations on the time span (years?) and number of times a candidate would be allowed to retake a test, in effort to become licensed in North Dakota. Currently, we have a candidate that has already unsuccessfully taken the NAPLEX Exam four times and attempted the MPJE three times. No action was taken at this time.

Intern dossiers will be reviewed during the slack time in the lab sections of the exams, tomorrow.

The Board Members signed Original Certificates for Pharmacists and Technicians in preparation for their licensure and registration over the next several months.

Board Members had a working dinner in the Passages Café at 6:30 PM.

The Board Members met back in Room 1206 after the working dinner to continue with the Agenda.

It was moved by Pharmacist Thom and seconded by Pharmacist Schlittenhard to include in these minutes, for the record, the action taken by a round-robin mailing concerning the approval of the floor plans, Application for Pharmacy Permit and Stock Affidavit of Medical Pharmacy South in Fargo, North Dakota. Motion carried.

President Detwiler then called for nominations for President of the Board of Pharmacy for the July 1, 2006 to July 1 2007 Board Year. **It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst that Bonnie J. Thom be elected President for the July 1, 2006 to July 1 2007 Board Year. All Board Members voted aye – the motion carried. Pharmacist Thom was unanimously elected and congratulated on her new office.**

Meeting dates were reviewed:

August 24th, 2006 was set for an Examination to accommodate out-of-sync candidates for licensure. We will commence at 10:00 AM with the candidates beginning the examination process at 1:00 PM. There are two candidates at this time.

January 8-10, 2007 and May 14-17, 2007 were set for the purposes of Examination and completion of Board business.

The budget was discussed. President Detwiler asked to defer actions on the Budget until Wednesday.

President Detwiler recessed the meeting for the evening, to be resumed at the working breakfast on Tuesday May 16th at 6:30 AM.

Board Members met at NDSU College of Pharmacy for Roll Call and Orientation of the Candidates for exam at 8:00 AM. Through out Tuesday May 16th, 2006 Laboratory and Errors and Omissions examinations were conducted for 39 candidates.

The Board of Pharmacy reconvened in Room 1206 of the Radisson at 5:00 PM.

There was discussion of possible support for the NDSU College of Pharmacy Dean's Conference Room Dedication in Honor of NCPA Past President Anton P. Welder, R.Ph. – no action was taken on this item.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom that the Board of Pharmacy allow the storage of prescriptions received in the pharmacies electronically, to be stored electronically, with the exception of Controlled Substance requirements, which are fixed in the Federal Law. All Board Members voted aye – the motion carried.

Discussion followed about possible rule changes or law changes, which might facilitate patient care and streamline the pharmacy operations. These items were mentioned:

1. Eliminate the requirement for signatures on Schedule III-IV-V prescriptions
2. Eliminate the required Home Health visit every 30 days
3. Reduce North Dakota's counseling requirements to the OBRA 90 level
4. Discussion of who may call in a prescription, with perhaps veterinary technicians added to the required list
5. Authorized refills to be picked up in automated machines
6. Develop rules for a Cancer Drug repository

7. A statute authorizing the Board of Pharmacy to do background checks
8. Make the nurse an agent of the physician and authorize chart orders for hospital and nursing home patients

Board Members moved to the Sheyenne Room for dinner with NDSU Provost Craig Schnell and Dean Charles Peterson. Dean Peterson gave a nice presentation on the progress of the College of Pharmacy, the recent ACPE Accreditation visit and plans for the future. He mentioned that the Accreditation visit focused around right sizing for the current number of students at 85. There was emphasis by the Accreditation Team on providing live internships through the Concept Pharmacy where students actually work with patients. Dr. Schnell, Dean Peterson and the Board Members discussed the possibility that the Student Health Center could be brought under the auspices of the College of Pharmacy where pharmacist, pharmacy students, nursing faculty and nurse practitioner students could be utilized in the Student Health Center. It was suggested that the Board of Pharmacy write a note to President Joe Chapman reinforcing this idea.

There was a discussion on the Hospital Telepharmacy progress in North Dakota and a possible research peace between the Department of Nursing and the Department of Pharmacy in this Area.

Dean Peterson reported on the progress the Athletic Department is making in their new accountability project for prescription medications available for use at the Athletic Department.

The Dean then discussed the Dean's Conference Room remodeling and Dedication in Honor of NCPA Past President, Pharmacist Anton P. Welder.

The Board Members recessed until the working breakfast.

The Board Member met for a working breakfast at 7:30 AM on Wednesday May 17th. During the day 11 Oral Examination Sections were conducted by the Board Members.

At 4:00 PM the Board Members convened in Room 1206 for the final scoring and tabulation of the examinations.

The Board Members met with Attorney David Lindell for a working dinner at 6:30, where Attorney / Client issues were discussed in preparation for meetings scheduled for tomorrow morning.

The Board Members met at 8:00 AM on Thursday May 18th in Room 1206, also present at this time were Board Attorney David Lindell and Tom Tupa of APT Inc and Deborah Knuth, Director of Government Relations for the American Cancer Society to discuss the possibility that North Dakota might be able to develop and implement a Cancer Prescription Drug Repository Program. Legislation has passed in several states and it is possible that we could do something by rule in North Dakota, which would allow individuals, companies etc, to donate Cancer Drugs for receipt by a repository volunteer pharmacy or clinic, then in turn those drugs could be redispensed by a pharmacist to patients who needed them. Executive Director Anderson was directed to prepare some draft examples, along with Tom Tupa and Deborah Knuth, which the Board could review at a later date.

At 9:00 AM the Board met with Attorney David A. Lindell, District Manager Curt Larson, R.Ph. and John C. Kapsner of the Voegle Law Firm representing Osco Drug Stores relative to the American Drug Stores/Osco purchase by CVS. Requirements for compliance with NDCC 43-15-35 were discussed. Two different scenarios suggested by the CVS people to comply with the law and at the same time allow them to breakout the Osco Pharmacy Permits from the Illinois Corporation, which currently holds them, was presented by Attorney Kapsner. Since the Attorneys for CVS are finalizing these plans, the Board agreed to meet via conference call as soon as practical after the details are worked out, to accommodate the Osco/ CVS transition. Attorneys Lindell and Kapsner will work out the details prior to the Boards deliberation.

The Board reviewed the Application for the purchase of Grafton Drug from Dan and Mary Jo Lapp, R.Phs. by Pharmacists Kari Pastorek and Beth Wharam. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Application for Pharmacy Permit for KB Pharmacy dba Grafton Drug. All Board Members voted aye – motion carried.**

At 10:00 AM the Board Members considered a proposed action against the Registration of Deborah Ann Whorley Rahn as a Pharmacy Technician # 279 for violation of her agreement with the Board of Pharmacy. Ms. Rahn's registration was suspended by Executive Director Anderson and President Rick Detwiller, for failure to comply with the order. **It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Thom to affirm the action of the Executive Director and President and to make the action permanent. On a roll call vote: Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried. Attorney Lindell will file the necessary papers and notify Ms. Rahn.**

The Grand Forks Family Residency Pharmacy LLC was discussed. Attorney Gordon Myerchin had called Executive Director Anderson to indicate the efforts to reorganize the pharmacy were being withdrawn and the University of North Dakota would continue to hold the Pharmacy Permit under the present scenario.

Debra Kvande, PharmD and Keith Lindenberg were present representing Grafton Pharmaceutical LLC. Dr. Kvande presented the scenario that they were working on

with the Grafton Pharmaceutical LLC Application for Pharmacy Permit, explaining that she was working out the details or ownership of the pharmacy and presented a business plan, which she invited the Board Members to review. Board Members reviewed the information and discussed with Mr. Lindenberg and Dr. Kavande that with the requirements of North Dakota's Ownership Law, Dr. Kavande MUST be in ACTUAL ownership and governance control of the operation, in order for it to qualify for a Pharmacy Permit. There was some discussion as to whether or not Pharmacist Kavande could borrow the money from Vincent Cammarata, who is listed as owning the other 49% of this business, to finance her 51% ownership. Executive Director Anderson and Attorney Lindell responded that this scenario is a possibility, BUT the details of this financial arrangement MUST be reviewed before there could be a definitive answer.

A proposal of the sale of Dakota Clinic Pharmacy from the partnership to be purchased by Dakota Clinic Pharmacy LLC, a group of Pharmacists headed by Randy Skalsky, R.Ph. was reviewed.

Randy Johnson and Attorney Marshall W. McCullough representing Dakota Clinic Pharmacy LLC, arrived at the meeting. They had a nearly finalized scenario for the purchase of the Dakota Clinic partnership by Dakota Clinic Pharmacy LLC. After discussion of the proposal, there was general agreement that the proposal could move forward, with Executive Director Anderson directed to finalize the paperwork with Pharmacist Skalsky and Attorney McCullough.

Pharmacist Kenneth Strandberg, Director of the Pharmacy Technician Program at NDSCS was present to explain their request that the North Dakota State Board of Pharmacy begin accepting ONLY American Society of Health Systems Pharmacists Accredited programs for the Registration of Pharmacy Technicians. Pharmacist Strandberg explained the Wahpeton Program, that they now had the on campus program, the PATSIM or module program and that their didactic courses were now online with full accreditation within North Dakota where they arrange for on-the-job experience for the candidates. He did say about that 25% of the ASHP Accredited Programs had online capabilities at this time. However, only Wahpeton's North Dakota Students are eligible to get the full accredited program with the on-the-job experience at this time. Executive Director Anderson did distribute an email received from Pharmacist Gary Boehler, Director of Pharmacy at Thrifty White, indicating that Thrifty White was supportive of the transition to ONLY ASHP Accredited Programs as a prerequisite for registration. Board Members indicated that they would vet this question with more employers in the state of North Dakota to be certain it will not create a hardship before adopting any change.

After lunch, the board considered the Arizona disciplinary action taken against **Robby Hahn**, North Dakota Licensed Pharmacist #4360. After review of the documents received from the Arizona State Board of Pharmacy, **it was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to proceed with the Complaint and Stipulated Settlement following the disciplinary actions**

taken by the Arizona Board of Pharmacy against Pharmacist Robby Hahn. On a roll call vote: Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried.

Information forwarded to the Board Office by the United States Army concerning the termination of clinical privileges for **Jason Hoang**, PharmD, ND License #4886 was reviewed. **It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson that we obtain more specific information relative to Jason Hoang, and proceed with a Complaint and Hearing to determine appropriate action in this case. Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried.**

Actions taken by the Oregon Board of Pharmacy against Pharmacist **Eugene R. Sele** ND License #2391 was reviewed. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to proceed with a Compliant and Stipulated Settlement following the disciplinary actions taken by the Oregon Board of Pharmacy. On a roll call vote: Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried.**

The initial request for Licensure by Reciprocity for Kenton Lance Crowley was reviewed. More information will be obtained before a final decision can be made.

The plans and proposal to relocate Dakota Pharmacy and Dakota Precision Pharmacy were reviewed by the Board. **It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst to approve the pharmacy plans and the relocation of these two pharmacies into one building. At the present time the two pharmacies will have separate locations within the building and maintain separate permits. All Board Members voted aye - motion carried.**

After further review and consideration of the Budget and the proposed addition of \$7,000.00 in support of NDSU College of Pharmacy's practice and research and \$10,000.00 to hire contracted temporary office help to assist Eileen in catching up with the Pharmacy Permit and Wholesale Manufacture/Distributor Licensing and filing issues. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Budget as amended with the above additions. On a roll call vote: Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried.** [A copy of the approved budget is included as an addendum of these minutes]

It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Haroldson to approve all of the paid invoices since the last meeting - On a roll call vote: Rick L. Detwiller, R.Ph.-Yes Gary D. Dewhirst, R.Ph.-Yes Bonnie J. Thom, R.Ph.- Yes Laurel Haroldson, R.Ph.-Yes Dewey Schlittenhard, R.Ph.- Yes Nays-none - the Motion carried.

Board Members were given vouchers to submit for this meeting.

The meeting was adjourned.

President
Rick L. Detwiller, R.Ph.

Member
Gary W. Dewhirst, R.Ph.

Member
Dewey Schlittenhard, R.Ph.

Member
Bonnie J. Thom, R.Ph.

Member
Laurel A. Haroldson, R.Ph.

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