

President Ziegler called the Board Meeting to order at 5:00 PM on Tuesday January 5th, 2010 in the Board Room of the Candlewood Suites in Fargo, North Dakota.

Present were: Pharmacist Rick L. Detwiller; Pharmacist Gary W. Dewhirst; Pharmacist Laurel A. Haroldson; Pharmacist Bonnie J. Thom; Pharmacist Gayle D. Ziegler and Executive Director Howard C. Anderson, Jr, R.Ph.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to approve the Agenda as printed. The motion carried unanimously.

Since Pharmacist Chad Nelson was present representing Metro Drug, President Ziegler asked him to present the floor plans for remodeling at this time. ***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the floor plans for the remodeling of Metro Drug located at 123 Broadway in Fargo, ND. All Board Members voted aye – the motion carried.***

Pharmacist Nelson also wanted to discuss with the Board a remote dispensing machine manufactured by a company named Talyst. Pharmacist Nelson indicated that he was looking at this for utilization in nursing homes, so they would be able to eliminate medication waste. The inventory of 220-to-240 medication would be available for immediate use, once the electronic order was approved by the pharmacist and released through the dispensing machine. Board Members offered that they were a little uncomfortable with sending medication cassettes to a nursing home to be installed by the nursing home staff. Pharmacist Nelson indicated that he would obtain additional information and continue to review the options for such a remote dispensing machine in long-term-care. It was pointed out to him that North Dakota does have rules facilitating placing remote dispensing machines in long-term-care and that DEA does allow dispensing from them if the provider pharmacy has a DEA registration for that specific location. There was also discussion about development of Policies and Procedures and whether these Policies and Procedures should be submitted for approval by the Board of Pharmacy. Generally, Board Members indicated that those Policies and Procedures should be in place for inspection, but not necessary submitted to the Board of Pharmacy for review and approval.

Board Members went to the Lone Star Steakhouse, where dinner was scheduled with the Pharmacy Technician Advisory Committee: Ken Strandberg, Barbara Lacher and Rebecca Focken joined the Board, along with Angela Buchanan President of NAPT. Vice President Josie Olson emailed to indicate she was ill and not able to attend and Past-President Jodi Hart indicated that the weather kept her from traveling from Bismarck for the dinner.

Discussion with the Technicians and Advisory Committee centered on the appointment for a Pharmacy Technician to the Board, for which nominations are due anytime, with the appoint being made by the Governor by May 8th, 2010.

NAPT President Buchanan indicated that she knew of at least two pharmacy technicians that had been nominated. Transition to the 10 hours per year of Continuing Education for pharmacy technicians was discussed. Several indicated that they were still getting questions about carry-over and when the technician's year began.

Barbara Lacher reported that she has 16 on-campus students graduating this year, 30 total on-campus students, and 6 online students are in the group of 16 graduating this year. She reported that there are approximately 120 students enrolled in the PATSIM Program, with the modules, at this time.

Barbara Lacher and Ken Strandberg discussed the curriculum review, which was going to be conducted March 10th, for the pharmacy technician program.

Dr. Rebecca Focken of NDSU College of Pharmacy discussed preceptor training. She pointed out that District V NABP/AACP has developed a consistent internship program across the District to facilitate movement of students within our District. She passed out the preceptor guidelines based on the ACPE 2007 Guide. The printed material distributed also indicates the evidence that NDSU will use for these criteria when evaluating preceptors. Professional experience program preceptor self-evaluation forms were passed out, as well as quality assurance documentation, experiential site and preceptor evaluations.

Dr. Focken indicated that at this time the College of Pharmacy was conducting training for each preceptor, but, did not want to require any specific training, as they did not want this to become a barrier. We will not be granting certificates at this time, as criteria for the certificate would need to be furnished by the College before the certificates or preceptor licenses could be issued by, the Board of Pharmacy.

It was moved by Pharmacist Dewhirst that the Board propose a modification to our rule, to accept technicians for registration who have successfully completed an Accredited Technician Training Program approved by the Board of Pharmacy and that the technician obtain and maintain certification by an agency approved by the Board of Pharmacy. This will include a three-year time period for current Registered Technicians to get certified if they became registered after January 1st 1995. The motion was seconded by Pharmacist Haroldson. All Board Members voted aye – the motion carried.

President Zeigler recessed the meeting until 7:30 AM on Wednesday January 6, 2010.

President Ziegler called the Board into session for a working breakfast. The Board discussed a pharmaceutical take-back program. Board Members reminded the Board of our motion at the July 30th, 2009 meeting which states: *It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to put tools into the*

hands of each of our pharmacies allowing them to participate in an environmentally friendly drug destruction program. The Board will cover the initial cost of this program and provide the pharmacies with alternatives to follow up on their own. All Board Members present voted aye – the motion carried.”

Board Members indicated that they had heard Ted Scherr of Dakota Drug is thinking of doing a drug-take-back program. Executive Director Anderson called Mr. Scherr who happened to be at his Fargo facility today and he came over to the meeting to discuss this with the Board of Pharmacy. Ted indicated they had purchased a return company and were operating it at present, mostly in Minnesota. He was very interested in doing a drug-take-back program, was provided with some information that the Board has been considering, and promised to get back to the Board after Thursday of next week, once his company met relative to the issue. We did discuss using the Sharps Compliance program, and Ted Scherr indicated that if he did not have a program of his own up and running by time the Pharmacists Convention was held in April 2010, he would be willing to work with the Board in distributing the Sharps Compliance take-back containers to pharmacies, on behalf of both the Association and the Board. Executive Director Anderson pointed out that the above mentioned motion did not contain a specific appropriation or modification in the Board’s Budget, and he felt that this program might be somewhat expensive and thought that the Board should make that decision before we move ahead.

It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve the minutes of the July 30th, 2009 and October 29th, 2009 meetings as printed. All Board Members voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to grant Lifetime Licenses to the 12 individuals, as listed below: Originally issued on June 5, 1959

- | | |
|--|--|
| 2453 Robert L Beutler, R.Ph.
1217 Kirk Drive
Moscow ID 83843 | 2743 Jerome K. Sayler, R.Ph.
520 Ave F
Ft Madison IA 52627 |
| 2458 John B. Fox, R.Ph.
9743 SE 173 rd Lane
Summerfield FL 34491-6446 | 2474 Roberta E. Southam, R.Ph.
2701 E Allred Ave #200
Mesa AZ 85204-1604 |
| 2459 Charles F. Frisch, R.Ph.
4367 47 th Ave S
Fargo ND 58104-4248 | 2476 Darrell Thorsell, R.Ph.
P O Box 854
Meade KS 67864-0854 |
| 2469 Delbert Nelson, MD, R.Ph.
P O Box 220
Ellendale ND 58436-0220 | 2480 Paul E. Boehm, R.Ph.
5471 Castle Manor Drive
San Jose CA 95129-4167 |
| 2472 Ervin A. Reuther, R.Ph
29790 Lakeshore Drive
Breezy Point MN 56472-3205 | 2488 Vernon V. Nichols, R.Ph.
277 Samantha Way
Windsor CA 95492-8735 |

Originally issued on June 5, 1959

Originally issued on November 12, 1959

2492 Warren J. Samuelson, R.Ph.
1000 8th Ave #1-1310
Seattle WA 98104

2499 Raymond K. Vellenga, R.Ph.
7617 172nd Ave N
Forest Lake MN 55025-8873

All Board Members voted aye – the motion carried.

Board Members signed the Lifetime Certificates and a supply of original pharmacist and pharmacy technician certificates to be used until the next meeting.

Discussion followed about the issue of the ND State Hospital using a retail system for labeling plastic bags, in which they placed patient's medications for a week's supply at a time. After extensive discussion of the issue, consensus was reached that if a label was to be used, which contained a dispensing date, then that date should be accurate. Executive Director Anderson was directed to explain the situation to Pharmacist-In-Charge Joan Slusser at the ND State Hospital Pharmacy, and suggest that they transition to a hospital base program for their labeling and dispensing of medication to their patients, which might save both the pharmacy and the nursing staff considerable time and improve the accuracy by going to a hospital based system. Board Members Ziegler and Haroldson volunteered to consult with the State Hospital, if requested.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller that with the approval of the Legislative Council, which has already been received, we approve the following changes in the Board Membership Rule: CHAPTER 61-01-01 ORGANIZATION OF BOARD

2. Board membership. The board consists of seven members appointed by the governor. Five members of the board must be licensed pharmacists, one member must be a registered pharmacy technician, and one member must represent the public and may not be affiliated with any group or profession that provides or regulates any type of health care. Board members serve five-year terms, with one of the pharmacist's term's expiring each year. The term of the public member and registered pharmacy technician member will expire five years from May 8 in the year of their appointment.

All Board Members voted aye – the motion carried.

Yekaterina Berg, ND Intern #199, was present to request a variance from the Board's requirement that all foreign pharmacists must successfully complete the TOEFL iBT before being allowed to sit for the Board's state examinations and the NAPLEX Examination.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom that as Yekaterina Berg is a North Dakota and US citizen and has documented hearing loss, which effects her ability to hear the spoken questions and answer in an appropriate period of time, that we certify her

to sit for the NAPLEX and MPJE Examinations, without requiring the TOEFL iBT – four Board Members voted aye – one voted nay – the motion carried.

President Ziegler assigned all of the Board Members to review paid invoices.

Executive Director Anderson presented Compounding Rules as suggested by Joel Aukes, PharmD for review. He also presented a Positive Identification Required Rule, which was not well received in it's current form.

It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve all legal actions taken by Executive Director Anderson, since this was last done. All Board Members voted aye – the motion carried.

Year to date financials and budget comparisons were reviewed, along with the Auditor's Report that Executive Director Anderson distributed.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to accept the Auditor's Report. All Board Members voted aye – the motion carried.

After a lunch at the local Chinese Restaurant the Board Members resumed the meeting.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom to approve all the paid invoices through the current date. All Board Members voted aye – the motion carried.

President Ziegler asked for Board Member Reports. Board Members suggested that perhaps we need a "frequently asked questions" section, which would explain the carry-over on continuing education, as well as the renewal requirements for Immunization Certificates. It is time to get our frequently asked question section up on our website.

Pharmacist Thom indicated that she had no issues to report. President Ziegler reported on the recent meeting that she attended at the American Society of Health Systems Pharmacists [ASHP] Mid-Year for members of Boards of Pharmacy. Accreditation programs for community pharmacies were discussed. Patient safety was a big issue, along with error reporting and quality assurance. The question of to whom electronic prescribing problems should be reported was discussed. Both the ISMP and the Medmarks program could be used. President Ziegler suggested that we do a review of our e-prescribing rules.

Board Members reviewed the examination protocols for the May 2010 Meeting and selected patient scenarios for use.

Electronic Pedigree Date Assignment, the board reviewed actions from the state of California and reviewed the wholesale distributor workgroup report prepared for

the Maryland Board of Pharmacy: For Implementation of Electronic Track and Trace Pedigree Technology Across the entire Prescription Pharmaceutical Supply Chain. This was provided to us by Daniel Bellingham, Director, State Government Affairs, Healthcare Distribution Management Association.

The Board was mandated by NDCC 43-15.3-06 subsection 1b:

- b. The board shall determine by July 1, 2009, a targeted implementation date for electronic track and trace pedigree technology. The determination must be based on consultation with manufacturers, distributors, and pharmacies responsible for the sale and distribution of prescription drug products in this state. After consultation with interested stakeholders and before implementation of the electronic track and trace pedigree technology, the board must determine that the technology is universally available across the entire prescription pharmaceutical supply chain. The implementation date for the mandated electronic track and trace pedigree technology may not be before July 1, 2010, and may be extended by the board in one year increments if it appears the technology is not universally available across the entire prescription pharmaceutical supply chain.

It was moved and seconded to adopt the following:

Definitions:

"Pedigree" means a document or an electronic file containing information that records each distribution of any given prescription drug.

NDCC 43-15.3-01. subsection 11

Trace

The capability to identify the historical locations, the records of ownership, and the packaging hierarchy for a particular traceable item. "Trace" answers questions such as "where has the item been", "who previously owned the item", and "in what packaging hierarchy did the product exist at various locations".

Track

The capability to identify the current (and at the time of shipment the intended future) location, ownership, and packaging hierarchy of a traceable item through the supply chain as it moves between parties.

"Track addresses both forward-and-reverse logistics operations. "Track" answers questions such as "where is the item currently", "who is the next intended recipient", and "what is the current packaging hierarchy of this item".

And, these implementation dates for Electronic Track and Trace Pedigree

Technology: Manufacturers – July 1, 2016

Distributors - July 1, 2017

Pharmacies - July 1, 2018

All Board Members voted aye – the motion carried.

Board Attorney David Lindell joined the Board at 5:00 PM as they conducted Investigative Committee Meetings on the evening of Wednesday – January 6th, 2010.

At 8:00 AM on Thursday January 7th, 2010 the Board Meet for breakfast.

At 9:00 Am a Hearing was held for Jason T. Holt, ND Pharmacy Technician #731. President Ziegler acted as the Hearing Officer for this hearing. This hearing was tape recorded and will be preserved until the time period for filing an appeal has passed.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom that the Registration as a North Dakota Pharmacy Technician #731 of Mr. Jason T. Holt be revoked. All Board Members voted aye – the motion carried.

Attorney David Lindell presented the signed Stipulated Settlement for Pharmacist Scott Bainbridge – ND License #4128 and suggested Findings of Fact and Conclusions of Law.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom to accept the Stipulated Settlement as signed by pharmacist Scott Bainbridge and have Attorney Lindell prepare the Final Order. All Board Members voted aye – the motion carried.

Active cases were reviewed:

Dr. David Belluck reported having once again received frozen medication from Medco Pharmacy Services. Executive Director Anderson has been working with Medco on a resolution to the specific problem for Dr. Belluck. Executive Director Anderson suggested that all of Dr. Belluck's medications be reviewed for temperature sensitive shipping requirements and that a customer service representative be assigned to be sure that Dr. Belluck can receive his medications in a timely manner, should they be received frozen.

The case of Pharmacist Keith Kjelland – ND License #3269 was reviewed. Pharmacist Kjelland is continuing to work in his pharmacy and has secured George "Skip" Birkmaier as his Pharmacist-In-Charge. At this time, Pharmacist Kjelland has not made any specific plans to sell Drayton Drug.

The case of Pharmacist Laren Meadows – The Medicine Shoppe in Dickinson, continues to serve his probation and has not encountered any further problems.

Pharmacist Mark Pajala – ND License #3988 arrived at the meeting along with his sponsor, Dr. Barry March and Pharm-Assist Committee representative, Agnes Harrington. Pharmacist Pajala explained his situation, progress and recovery. The Board listened to comments from Agnes Harrington and Dr. March. Dr. March indicated that in his opinion, Pharmacist Pajala was doing very well in recovery and that he thought him going back to work, in a part-time position would be beneficial to Pharmacist Pajala's recovery.

It was moved by Pharmacist Thom and seconded by Pharmacist Detwiller to approve Pharmacist Mark Pajala's part-time employment in a pharmacy where another pharmacist would be present. He would need to have a minimum of 6 random urine screens per month to be monitored and scheduled by Pharm-Assist representative Agnes Harrington. He is to make written monthly reports to the Board of Pharmacy and ask his employer to make monthly report as well. These requirements will continue for at least 6 months or until modified by the Board. All Board Members voted aye – the motion carried.

The case of Ryan Sannes – ND License #4917 was reviewed and discussed. At this time, Ryan is out of compliance with his Board Order and with the Pharm-Assist Committee.

The case of Kyle Schwandt, a May 2007 PharmD graduation from NDSU College of Pharmacy was discussed. The Pharm-Assist Committee reported that Kyle is doing better and at this time is in compliance with their requests.

Suspended P-1 student Nathan Wilson has not responded to any overtures made by the Pharm-Assist Committee representative Agnes Harrington.

P-1 PharmD Student Steven Rosenfeld has been compliant with his monthly reports to the Board of Pharmacy and is meeting with Agnes Harrington of the Pharm-Assist Committee on a regular basis.

At 11:00 AM ND Pharmacy Technician Registration #587 Brandy L. Aadnes was scheduled to appear before the Board of Pharmacy to explain why she filed and signed the Application for Reinstatement certifying "*she had not been convicted of any felony or misdemeanor*". It came to Executive Director Anderson's attention, through conversation with a potential employer, that she had been convicted of a misdemeanor while living in Iowa. Ms. Aadnes did not appear at this meeting as directed. A letter of enquiry will be written to her.

ND Pharmacy Technician Registration #536 Chad W. Hartje was present and discussed his case with the Board Members.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to issue a letter to Pharmacy Technician Hartje indicating that we needed no further evaluation and that the Board expected no further incidents and wished him well in the future. All Board Members voted aye – the motion carried.

ND Pharmacist Technician Registration #817 Heidi A. Sinkler discussed her case with the Board of Pharmacy.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to accept Pharmacy Technician Sinkler’s explanation of why she had answered “No” on her applications for registration, when in fact she had had a previous DUI conviction. All Board Members voted aye – the motion carried.

Pharmacist Bonnie Thom reported on Gregory B. Ziegler, a 4th year PharmD student at NDSU College of Pharmacy, who had recently done an intern rotation with her. Intern Ziegler is currently doing a rotation in Malta, Montana.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst. that Executive Director Anderson should issue a letter to Intern Ziegler indicating that we would need no further evaluation, he should keep his record clean and discuss the issue with the Board of Pharmacy in May when he come to get licensed. All Board Members voted aye – the motion carried.

Executive Director Anderson asked that the Board Members complete vouchers and give them to him.

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.