

**A G E N D A**  
NORTH DAKOTA STATE BOARD OF PHARMACY  
**January 8-9-10, 2018**  
*Wingate by Wyndham 4429 19<sup>th</sup> Ave SW - Fargo ND 58103 (1-701-281-9133)*

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**MONDAY - JANUARY 8, 2017**

**5:00 PM**      CALL TO ORDER – Steven Irsfeld, RPh - President

FIRST BUSINESS SESSION

***Recite: Mission Statement***

Review and approval of agenda

Review and approval of Minutes of November 16, 2017

Assign members to review all paid invoices

Reconciled Bank Statements

**AGENDA TAB  
MINUTE TAB**

Grant Lifetime Licenses and Sign certificates = 12

Sign Pharmacist and RPhTech Original Licenses

**TAB 1**

**6:30 PM - Dinner- Porter Creek [1555 44th St S Fargo ND](#) 701-369-3669**

Chairperson: Diane Halvorson      [dhalvorsonrphtech@gmail.com](mailto:dhalvorsonrphtech@gmail.com)

President: Tracy Lindsey      [tlindsey101@yahoo.com](mailto:tlindsey101@yahoo.com)

Vice President: Twana Dick      [dakdrug@gmail.com](mailto:dakdrug@gmail.com)

Barbara Lacher – NDSCS      [barbara.lacher@ndscs.edu](mailto:barbara.lacher@ndscs.edu)

Discussion Items:

Expanding Role of Technicians in ND

Technician Educational Opportunities in North Dakota and Accreditation changes

Recruitment of Technicians

Discussion by NAPT Officers of items of interest to NAPT

**TUESDAY - JANUARY 9, 2018**

**8:00 AM**      CALL TO ORDER – Steven Irsfeld, RPh - President

**10:00 AM**      ACHC Compounding Pharmacy Specialist - Lori DeVito presenting

12:30- 1:30      Lunch Break - Lucky 13

Discussion Items:

Takeback Program Update

USP 800

Update on PCMA-vs - Tufte [Potential Executive Session]

*Improvements to Inspection process*

*Collaborative agreement discussion at ND Board of Medicine*

*Legislative study on administrative Boards*

Year to date Financial Report Budget comparisons

Board Member Reports

Executive Director's Report

Consider approval of all legal action of the Executive Director

Preparations for May 21-23, 2018 Exams -

**BUDGET TAB**

**3:30 PM**      **Investigating Committee Work**

**5:30 PM Dinner– Grazies 2000 44<sup>th</sup> St S Ste 102 Fargo, ND (701-492-5151) 20 total**

NDSU President Dean Bresciani; Dean Charles Peterson, Provost Beth Ingram, Mike Schwab Executive VP NDPhA, Erik Christenson, PharmD for NDSHP; Harvey Hanel, PharmD; Wanda Roden, RPh; David J. Olig, RPh; David A. Lindell, Board Attorney

Discussion Items:

Updates from the School of Pharmacy

Update from NDPhA, NDPSC, and NDSHP

Other pharmacy practice issues or concerns

**WEDNESDAY – January 10, 2018**

**8:00 AM** Breakfast

**9:00 AM** Whitney Anderson – ND Tech999

Tiara Jones – ND Tech1454

**9:20 AM** **New Pharmacy Plans**

Family Healthcare Pharmacy – New Location in Fargo

**Tab 2**

**Remodeling Floor Plans**

NDSU Concept Pharmacy for Sudro Hall Expansion

**Tab 3**

**10:00 AM** **NEW Pharmacy** Cobalt Rehabilitation Hospital Fargo, LLC

Vouchers - Adjourn

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At 5:30 PM on Monday January 8<sup>th</sup>, 2018 President Steven Irsfeld, RPh called the meeting to order in the Meadowlark Room of the Wingate by Wyndham in Fargo, ND.

Present in addition to President Irsfeld were: Public Member Fran Gronberg - Tanya L. Schmidt, PharmD - Diane M. Halvorson, RPhTech - Shane Wendel, PharmD - Gayle D Ziegler, RPh., Senior Compliance Officer Howard C Anderson, Jr, RPh and Executive Director Mark J Hardy, PharmD

Absent: Senior Member Gary W. Dewhirst, RPh.

President Irsfeld read the mission statement: *The Board of Pharmacy protects preserves and promotes the public health and welfare of the citizens of North Dakota by assuring that the highest quality pharmaceutical care is delivered and that appropriate use of pharmaceuticals is upheld through education, communication, licensing, legislation, regulation, and enforcement.*

***It was moved by Pharmacist Gayle Ziegler and seconded by Public Member Fran Gronberg to approve the printed agenda. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.***

***It was moved by Pharmacist Tanya Schmidt and seconded by Technician Diane Halvorson to approve the minutes of November 16, 2017 as printed. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.***

President Irsfeld assigned Pharmacist Tanya Schmidt and Pharmacist Gayle Ziegler to review the invoices. He assigned Pharmacist Shane Wendel and Public Member Fran Gronberg to review the bank statements.

**It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Tanya Schmidt to grant the following lifetime licenses for having paid their license fees for 50 years.**

**2018-2019 LIFETIME Pharmacists Issued June 7, 1967**

RPh2826	Barbara F Underhill, R.Ph 1619 North 33rd Street Unit #2 Bismarck ND 58501	RPh2832	Robert A Beyer, RPh 39 Legare Street Charleston SC 29401
RPh2834	E Paul Gast, R.Ph 2843 Newberry Ave Green Bay WI 54302-5214	RPh2836	Dennis Guthmueller, R.Ph 11330 Crosstown Road Grantsburg WI 54840-0216
RPh2846	Larry J Moser, R.Ph 12857 W Black Hill Road Peoria AZ 85383	RPh2847	Kenneth D Munch, R.Ph 110 W Doral Court Sioux Falls SD 57108-6413
RPh2848	DavidLRitchey, R.Ph 9633 E Superstition Lane Scottsdale AZ 85262	RPh2851	Richard B Silkey, R.Ph 478 18th Ave West Dickinson ND 58601-3714
RPh2856	Orville W Weiss, R.Ph 2733 Big Oaks Drive Garland TX 75044	RPh2858	James C Ashley, R.Ph 12431 King Court #246 Broomfield CO 80020-6047

**Issued November 17, 1967**

RPh2875	Carol J Hopp, R.Ph 206 24th Ave North Fargo ND 58102	RPh2877	RichardJHowden, R.Ph 1560 N Home Fire Drive Prescott Valley AZ 86314-1972
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***On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.***

Board members signed enough certificates to get us through the next board meeting.

**6:30 PM – Dinner– Porter Creek Fargo ND with the Technician Advisory Board**

Chairperson: Diane Halvorson

Alex Spilman Treasurer NAPT

Barbara Lacher – NDSCS Program Director

President Tracy Lindsey

Lindsey Cizak-Cribb Secretary NAPT

Dr. Hardy asked each of the Committee members and Board members to introduce themselves.

**Discussion Item: Expanding Role of Technicians in ND**

Lindsey Cizak-Cribb said the changes offer the technicians more opportunity to help the pharmacist in caring for patients.

Barb Lacher stated the changes in ND rules will add, along with accreditation changes, more communication skills, medication therapy management as well as immunization administration to the program courses.

Diane Halvorson stated there has been some push back from pharmacists who do not want this to be implemented in their practice.

Tracy Lindsey said some stores are changing their work flow to put the technician in a position to ask some open ended questions of patients and get them the information they need from the pharmacist.

Executive Director Hardy pointed out that Idaho was the first to begin immunization training for technicians and a few other states are following. The Board would need to come up with a strategy to increase immunization rates through the use of technicians to justify this practice change.

Discussion item: **Technician Educational Opportunities in North Dakota and Accreditation changes**

Board members suggested technician education at the State Pharmacy Convention focus on the new screening opportunities and "Pearls from RPh and Techs using it". Barb Lacher reported that the NDSCS courses are now all live streamed so students can view classes live while taking the courses. They can e mail questions to the instructor and get answers right away.

There was discussion of the cooperative course location at BSC, however there have not been students signing up at BSC. BSC does not promote the career track and NDSCS does not see it as an advantage over the live stream method.

Ms Lacher reported that the Accreditation Council for Pharmacy Education (ACPE) will release their new standards in 30 to 60 days. The new standards will have a two tier design with some reduced requirements for the **Basic** level 400 hours and one work experience and the **Advanced** level requiring 600 hours two work experiences and it will include USP 797 and USP 800 applications.

Discussion item: **Recruitment of Technicians**

The Northland Association of Pharmacy Technicians (NAPT) has two videos which are used for promotion of the Technician Program and recruitment at venues where potential students might gather. Video #1 "What does a technician do" and Video #2 "Expanded roles of the technician".

**Discussion by NAPT Officers of items of interest to NAPT**

Diane Halvorson asked if we should make any changes in the time of two years granted for a tech in training registration, as many are completing course work in the new programs in 8 to 9 months and then not registering for another year.

ACPE continuing education approval is becoming more difficult and expensive to obtain for their fall conference. The cost has gone from \$1200 to \$2500 and now with NDSU has giving up their program, a contract service wants \$3500 to accredit the CE for their conference.

NAPT reported that their Basket Raffle to raise money for Scholarships at the fall conference raised \$1100 in 2017.

Dr. Hardy thanked everyone for attendance and for a good discussion of the issues.

On Tuesday January 9, 2019 President Irsfeld called the meeting back to order at 8:30 AM.

Dr. Eric Seda and Dr, Yin Li, Pennsylvania and Massachusetts graduates now doing residencies at Thrifty White joined the meeting. Dr. Li gave North Dakota a nice compliment in saying that she thought we were the quickest state to respond for her to get licensed.

Dr. Hardy reported we have 101 pharmacy locations in the Take Back program. We are spending \$5000 per month and have \$70,000 budget for the year. Our contractor, Sharps Compliance, is doing a good job for us. According to a Government Accountability Office Report to Congress, we are, by far, the top state for percent of our pharmacies offering this service to the public.

Dr. Hardy reviewed Pharmacist Tim Carlson's letter asking for a change in rules to allow nursing home professionals to destroy controlled drugs dispensed to patients using policies developed between the home and the consultant pharmacist. As a follow up to the November meeting he handed a draft of the change for the board's consideration.

President Irsfeld asked for some follow-up of the technician ACPE accreditation discussion last night. Pharmacist Schmidt suggested we sit tight and wait for the new criteria. Fran Gronberg said she has a problem with the standards being “dumbed down”. Dr. Seda said he has some experience with CVS, which is one of the proponents of the reduced requirements and has their own accredited program. They do not feel they need technicians who are broadly educated and who could work in any environment, as they need a specific skill set particular to their retail operations.

Board members reported that The Turtle Mountain Community College program is not currently accredited.

Dr. Hardy reported that USP has put the new hazardous drug standards on hold until the end of December 2019. Pharmacist Ziegler said she felt we should move forward with our task force on USP 800. Pharmacist Steve Irsfeld has agreed to chair a broad scope of pharmacy professionals. Dr. Hardy will send an e mail to all pharmacists and technicians asking for volunteers to participate.

Dr. Hardy reviewed the PCMA law suit. The request for a preliminary injunction related to ERISA and Medicare Part D Plans was denied by Judge Hovland. No action has been made by the court since then.

President Irsfeld asked Executive Director Hardy to review the financials.

**It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Gayle Ziegler to approve the financials as presented. *On vote by roll call: Pharmacist Ziegler - Aye Technician Halvorson - Aye Public Member Gronberg - Aye Pharmacist Schmidt - Aye Pharmacist Wendel - Aye Pharmacist Irsfeld - Aye. Nays none - the motion carried.***

**It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Gayle Ziegler to modify the budget to include \$350,000 for legal expenses related to the law suit by PCMA. *On vote by roll call: Pharmacist Ziegler - Aye Technician Halvorson - Aye Public Member Gronberg - Aye Pharmacist Schmidt - Aye Pharmacist Wendel - Aye Pharmacist Irsfeld - Aye. Nays none - the motion carried.***

Lori DeVito representing the Accreditation Council for Health Care joined the board and gave a presentation on the Pharmacy Compounding Accreditation Board (PCAB) and Accreditation Inspection Service (AIS). She recommended we recognize their programs and license based on those services. The Pharmacies can send us their inspection reports, if requested.

Dr. Hardy pointed that we do accept home state inspection reports. However, if we request an inspection we recognize the National Association of Boards of Pharmacy (NABP) services of VPP and VIPPS.

Technician Halvorson suggested that we obtain copies of the AIS inspection form and template for review.

Pharmacist Wendel said he was comfortable if we accept the pharmacies home state inspection or an AIS inspection if that is the home state requirement.

Public Member Fran Gronberg suggested we table the issue for now.

Pharmacist Shane Wendel brought up the requirement of the PDMP program which requires a patient ID be entered and reported. Mark pointed out that this is a method to aid in matching profiles from other states as well as matching different renditions of peoples name or address in pharmacy computers. McKesson needed some work to get their program updated to report those fields to the PDMP program.

Dr. Hardy spoke about the goal to have our inspection forms online and fillable through our data base by the next inspection cycle. We also plan to start the cycle earlier, like in May or June, to avoid going into the winter. Executive Director Hardy will be working with Compliance Officers to get this moving.

The recent collaborative agreement with Medicine Shoppe pharmacies using CLIA waived tests to identify flu and strep infections and initiate therapy has been held up by the Board of Medicine, as they feel using the tests may be an expansion of scope for the pharmacist. They meet again in March and Executive Director Hardy will suggest that the physician and pharmacists attend to explain the collaboration. The Board reiterated their support of the agreements.

Executive Director Hardy reported briefly on the study of Administrative Boards being carried on by the Interim Rules Committee as a result of legislation.

**It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Tanya Schmidt to approve the invoices as paid. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.**

**It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg to approve the bank statements as presented. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.**

Dr. Hardy reported that Oakes Drug is being purchased by DLG Pharmacy, a company comprised of a pharmacist and a May 2018 graduating PharmD Student.

The Board broke for lunch at Lucky 13.

Dr. Mark Strand and Dr. Heidi Eukel arrived at the meeting to report on their study about pharmacist's engagement in the community to target opioid abuse prevention. Board Members asked questions on their findings and next steps, as it was clear this needed to be expanded to other practices

The board reviewed an online video about MedCerts and their pharmacy technician online training. The training consists of 34 lessons, hands on simulations and then an arraignment for work experience generally taking a student 9 months to complete the whole program. Since the program is ASHP accredited the Board saw no problem with it being used in ND. Individuals from MedCerts joined the meeting by phone to discuss their program.

Cobalt Medical Development is planning to open the Cobalt Rehabilitation Hospital Fargo LLC. It will be a 42 bed facility with an in house pharmacy. The compounding will be contracted with Thrifty White. Karissa Olson, CEO of the new facility attended the meeting to discuss the submitted plans for the new hospital pharmacy in Fargo.

**It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to approve the floor plans and application of Cobalt Rehabilitation Hospital Fargo, LLC located at 4671 38<sup>th</sup> Street South in Fargo, contingent on the appointment of a Pharmacist in Charge and confirmation of licensure as a hospital with the Department of Health. *On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none. Pharmacist Schmidt recused herself because of the Thrifty White contract with Cobalt. The motion carried.***

At 3:30 PM the board reviewed the Concept Pharmacy remodeling plans to be done along with the addition planned to Sudro Hall. Some questions and suggestions were raised by Board members. Dr. Hardy will discuss with the Dean plans for sterile compounding including primary engineering controls, access to the anti-room for a hallway to a classroom and possible changes in traffic flow to make the plan as realistic as possible for the students.

**It was moved by Technician Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve all legal actions of the Executive Director since the last such motion. *On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.***

Pharmacist Tanya Schmidt reported on a course she will teach at NDSU on how to study for the NAPLEX and MPJE tests for graduating students.

Pharmacist Gayle Ziegler reported that she is serving on the Committee on Law Enforcement at NABP in January 2018.

Senior Compliance Officer [Senator] Howard Anderson reported a contact from a Fargo pharmacist asking that legislation be introduced to make pseudoephedrine a Schedule V drug in North Dakota. Board Members present did not support such a change.

The state wide peer review committee is moving forward with the epidemiologist at the health department doing the administrative work, Dr. Mary Sens at UND being the chair and all the rest being volunteer or sponsored by their institution.

The Medical Marijuana rules are moving ahead. Changes have been made based on Dr. Hardy's and the AG's office comments to allow return of waste or unused marijuana to a dispensary being the only option and not to the pharmacy's MedSafe Program. Also the PDMP information will be submitted by the Health Department rather than by dispensaries.

Questions were asked about the Narcotics Coalition and Dr. Hardy reported that many of their initiatives have been accomplished including:

- Improving and simplifying registration to the PDMP

- Peer review legislation

- Immunity laws to protect those reporting an overdose

- Naloxone availability

- Education of practitioners, pharmacists and the public about how to reduce the risk of Substance Use Disorders

- Enhancing of the Take Back programs at pharmacies and law enforcement

Discussion of preparations for the May Exam commenced. Executive Director Hardy will assist with assignments for the oral questions. Other responsibilities will remain the same.

3:30 PM the board broke for Investigative Committee work

**5:30 PM Dinner– Grazies Fargo, ND Dinner with** NDSU President Dean Bresciani; Dean Charles Peterson, Provost Beth Ingram, Harvey Hanel, PharmD; David J. Olig, RPh; David A. Lindell, Board Attorney Discussion Items:

Everyone was introduced and President Bresciani began with a presentation about the importance of the visibility of NDSU nationally enhanced by our research excellence moving from one NIH level one grant 7 years ago to 7 today. The visibility of the Division 1 athletic program gets us national attention which is valuable in recruiting faculty and students for our science and engineering fields. He pointed out that our 4 year graduation rate is at 35% when other schools are setting their goals to reach 28%.

Dr. Bresciani stated that when an NDSU graduate walks across the stage they can tell you where they plan to work and what they will get paid and that is not true for many schools. He pointed out that out-of-state students are good for North Dakota, as may stay here and enhance the economy of our state both while they are in school and when they graduate.

Provost Ingram echoed the statements of President Bresciani and pointed out that it was a pleasure to work with the College of Health Professionals and watch their success.

Dean Peterson thanked the President and Provost for their help. He talked about dementia care work, immunization programs at the college, and sustainability of the programs through the planned expansion of Sudro Hall to educate practice ready professional in all disciplines through working and learning together in the team concept. Dean Peterson also talked about the cooperative effort with the Family Healthcare Center to open a new location in Fargo. The College will hold the permit much like they do at the downtown location and use it to educate students.

Jonathan Eagle has been retained through the Foundation as the development director and another 6 million needs to be raised for the complete expansion project. He reported that there are only 82 applicants for the 85 open pharmacy student slots for next fall. This is the first time we have not had enough applicants to fill all the slots. A highlight of the college is the Department of Pharmaceutical Sciences research with grants totaling 30 million.

Dr. Harvey Hanel spoke on behalf of NDPhA highlighting the About the Patient program which now has a new director. Membership is always a concern in getting pharmacists involved the the profession. There were several legislative successes this last year resulting in the PCMA vs Tufte law suit.

Pharmacist Dave Olig spoke for the NDPSC saying that it appeared that cooperation with the PBM industry is a long way off as they appear to want to control everything within their own vertically integrated structure and not let anyone else participate. He said the associations are working to get the patient back as the focus of care.

Pharmacist Shane Wendel spoke about a project he was involved to share medication reconciliation data with the local hospital and the retail community, which is working very well.



Pharmacist Ziegler spoke on behalf of NDSHP and talked about their membership offer and pointed that they have a good young group of pharmacists who put on a monthly education program over the ITV connections at the hospitals.

On Wednesday January 10, 2018 the meeting was called to order at 9 AM by President Irsfeld. Pharmacist Shane Wendel was gone this morning as he had to fly out to a meeting.

Whitney Anderson ND Tech999 and Pharm-Assist Committee member Agnes Harrington joined the board. Technician Anderson had been fired from her job for violation of the company drug free policy with Marijuana being found on a drug screen. She said she has used the drug for her medical condition, knows it was a mistake and will not do it again.

Pharm-Assist Member Harrington said she has met with Ms Anderson and feels no contract is needed as her evaluation showed no chronic substance abuse disorder. She hopes Whitney has learned from this mistake and will not repeat it in the future.

**It was moved by Technician Diane Halvorson and seconded by Pharmacist Gayle Ziegler to take no further action against the registration of Whitney Anderson ND Tech999. On vote by roll call: Pharmacist Ziegler - Aye Technician Halvorson - Aye Public Member Gronberg - Aye- Pharmacist Irsfeld - Aye. Nays none. Pharmacist Schmidt recused herself because Ms. Anderson had been employed by Thrifty White. The motion carried.**

The case of Tiara Jones ND Tech1454 has been moved to the March agenda as her evaluation has not been completed.

Pharmacist Susan Wolf-Nelson joined the board to discuss the plans for a new pharmacy location at the Family HealthCare Pharmacy South at 4025 9<sup>th</sup> Ave South in Fargo. A suggestion was made that Pharmacist Wolf-Nelson and Dean Peterson hold a meeting with the area pharmacists to explain that the pharmacy uses only 340B drugs and fills prescriptions for only their own patients or those referred for care.

**It was moved by Pharmacist Tanya Schmidt and seconded by Public Member Fran Gronberg to approve the plans and permit for the Family Healthcare Pharmacy South at 4025 9<sup>th</sup> Ave South in Fargo. On vote by roll call: Pharmacist Ziegler - Aye Technician Halvorson - Nay (as she wanted to require the meeting with local pharmacists) Public Member Gronberg - Aye Pharmacist Schmidt - Aye Pharmacist Irsfeld - Aye. Ayes -four Nays one - the motion carried.**

**President Irsfeld adjourned the meeting.**

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President  
Steven P Irsfeld, RPh.

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Gary W. Dewhirst, RPh.  
Senior Member

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Member  
Diane M. Halvorson, RPhTech

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Member  
Gayle D. Ziegler, RPh.

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Public Member  
Fran Gronberg

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Member  
Shane R. Wendel, PharmD

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Member  
Tanya L Schmidt, PharmD

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Executive Director  
Mark J. Hardy, PharmD