

AGENDA
July 13, 2017
Board of Pharmacy Office – 1906 E Broadway Ave - Bismarck, ND
[701-328-9535]

9:30 AM – Call to Order – Steven Irsfeld, RPh, President

AGENDA

Recite Mission Statement

Review and sign May 15-17, 2017 Board Minutes

MINUTES

Sign original Pharmacist and Technician Certificates

10:00 AM Follow up discussion of proposed NDAC 61-04-13 based on legislative Rules Committee Meeting

TAB 1

CE for Board approval - Tana Triepke RPh5019

TAB 2

Application for Pharmacy Permit – Class L – LTC dispensing device

Heart of America Clinic Pharmacy Inc - Rugby, ND - Tallie Schneider-RPh5379

NABP/AACP District V Meeting Des Moines IA August 3-5, 2017

Reciprocity Policy – not require Original State License

FARB Regulatory Training July 17th, 2017

Drug Disposal Program Update

12: 00 Lunch Break

2016-2017 Financials to Date

Budget Tab

THURSDAY - July 13, 2017 Exam Schedule - 5

Candidates

12:40 - 1:00 PM Roll Call and Orientation of all Candidates - Video

1:00 - 2:00 PM Laboratory Section 1

2:15 - 2:45 PM Errors and Omissions 1

2:45 - 3:25 PM Oral Examination - 1

2:15 - 3:15 PM Laboratory Section 2

1:00 – 1:30 PM Errors and Omissions 2

1:30 - 2:10 PM Oral Examination - 2

President Steven Irsfeld called the meeting to order on Thursday March 23, 2017 at 9:31 AM in the Conference Room of the Board of Pharmacy Office, 1906 East Broadway in Bismarck, ND.

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.*

Present in addition to President Irsfeld were: Public Member Fran Gronberg -Gary W. Dewhirst, R.Ph. - Tanya L. Schmidt, PharmD - Diane M. Halvorson, R.Ph. Tech, - Gayle D Ziegler, RPh – Shane Wendel, PharmD –Executive Director Mark J Hardy, PharmD and Board Attorney David Lindell.

Also present: Elizabeth Able PharmD Student on rotation with Board Member Tanya Schmidt; John Peabody, PharmD Student on rotation with Board Member Shane Wendel and Melissa Halvorson, PharmD Student on rotation in Bismarck. Also present were, Dennis McAlister, Pharm D, RPh and Pat Ward, JD representing Express Scripts; John Long RPh with CVS Caremark and LuGina Mendez-Harper, PharmD and Jack McDonald, JD representing Prime Therapeutics.

The Board Members signed Original Certificates for Pharmacists to be used at a later date.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve the agenda as printed. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Gayle Ziegler to approve the minutes of May 15-17, 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 Dewhirst – Aye Pharmacist Irsfeld – Aye The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Gayle Ziegler to approve 15 hours of continuing education credit for Tana Triepke RPh5019 for attendance at The 24th Annual Nicotine Dependence Conference- Individualized Treatment for Tobacco Use and Dependence 2017 approved for 15 AMA PRA Category 1 Credits. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Nay Pharmacist Irsfeld – Aye. The motion carried.

It was moved by Pharmacist Gary Dewhirst and seconded by Public Member Fran Gronberg to approve the Class L-LTC dispensing device license for Heart of America Clinic Pharmacy Inc - Rugby, ND - Tallie Schneider-RPh5379, contingent on receipt of floor plans and identification of the specific device to be used to the board office. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye Nays none - the motion carried.

Dr. Hardy reminded all Board members of the upcoming District V meeting in West Des Moines, IA August 3-5, 2017 and invited them all to register and attend.

Dr. Hardy reminded the Board members of the FARB training sponsored in part by our Board and being held at the Capitol in the Pioneer Room, July 17th, 2017.

Dr. Hardy reported that we have changed Drug Disposal contractors from Yellow Jugs Old Drugs to Sharps Compliance and are working on transitioning all participating pharmacies to Sharps.

It being 10:00 AM President Irsfeld asked for a report on the proposed rules in NDAC 61-04-13 which were held over by the Administrative Rules Committee.

Board members reviewed the Administrative Rules Committee minutes.

Dr. Hardy explained that the two main questions of the committee were; more clarity about who would be responsible for making the “attempt” to contact a patient, what methods could be used and how should the attempt be documented. Secondly, a legislator expressed concern of a conflict between the law in NDCC 43-15-32.1 where it clearly says, “for those prescriptions delivered outside the confines of the pharmacy the explanation must be by telephone or in writing” and the rule which would require an attempt to reach the patient by telephone.

Pat Ward, JD spoke to this apparent conflict, said he had raised it at prior rule discussions with the board and to the Administrative Rules Committee.

Dr. Hardy pointed out that the Attorney General had approved the legality of the rules as being within the scope of authority of the Board of Pharmacy and that the Committee expressed a wish that the Board and the stakeholders come together and compromise on the language.

Dennis McAlister, Pharm D expressed that he felt the rule was unnecessary and that patients received good service from Express Scripts.

Pharmacist Dewhirst said the Board is here to protect the patient and not someone’s pocketbook.

Pharmacist Ziegler pointed out that the pharmacist’s role is to assess the need for information and counseling for each patient.

Pharmacist Wendel pointed out that we do require each patient in our pharmacies to be counseled, or assessed for counseling and he does not like a double standard for mailing out prescriptions from his pharmacy or from an out of state mail order pharmacy, which might disadvantage any particular patient. Also the AG has said it is within our purview to adopt the rule as it was sent to the committee. He will not vote for a double standard.

The four visitors left the room to discuss the two proposed changes to the rule among themselves. After returning Pat Ward spoke for them saying they could accept the July 2017 suggested revision to the rule.

Pharmacist Schmidt said their pharmacies could give all their patients a telephone number to call and save money on pharmacists and technicians if we continue with the way things are.

Chief Compliance Officer Howard C Anderson gave the history of the law, including the fact the provision of mailing / delivering prescriptions, in the law, was intended for a different purpose than how services are being delivered today. With patients not having the ability to choose their pharmacy, they may be required to utilize a mail order service, which does not have proactive consultations.

Pharmacist Irsfeld pointed out that this discussion started 18 months ago with the patient in mind and he is disappointed that we are discussing going backwards to the original language.

Technician Member Halvorson said dual standard results in some patients being disadvantaged.

Pharmacist Ziegler said we are trying to solve the issue because our inspectors were finding that our in-state pharmacies were not always counseling patients, as required and using the excuse that mail order was not held to the same standard.

It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to approve the July revision language as an alternative for the Administrative Rules Committee to review and determine if they wished to modify the rule to include that language. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Nay Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Nay. The motion carried.

After the vote Dr. Wendel expressed that he was disappointed. If retail is required to counsel patients and that is enforced, many stores will need to change their model and work flow as well, but the bottom line is what is best for the patient. A legislative bill may be needed to address this in a future session.

It was moved by Pharmacist Wendel and seconded by Public Member Gronberg to change the Board Policy that a Reciprocity Candidate into North Dakota must reciprocate off of a license by examination from another state. The candidate may now license transfer [reciprocate] off any license held in an NABP member state, where any disciplinary action will be recorded and reported to us by NABP upon application to reciprocate. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye The motion carried.

Dr. Hardy provided the Board with the Year-to-Date Balance sheet; financials for fiscal year ending June 30th, 2017. It was noted that the current fiscal year began with minimal entries record to date.

It was moved by Pharmacist Schmidt and seconded by Pharmacist Dewhirst to approve the financial report as presented. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye The motion carried.

At noon lunch was distributed to the Board Members and Executive Director Hardy called an Investigative Committee Meeting to review cases occurring since the last meeting.

Board Members prepared for the examinations scheduled for after lunch.

At 12:45 PM the following five candidates were introduced at Orientation:

Katherine Albright – Heidi [Jeongha] Chung – Catherine Meining Fu - Erik Mattson - Eric Seda

The candidates completed the ND portion of the Examination for licensure with the Oral Examination by 3:30 and were dismissed. All five candidates were successful.

President Irsfeld called for any further business. None forthcoming, he adjourned the meeting at 3:45 PM.

President
Steven P Irsfeld, RPh.

Gary W. Dewhirst, RPh.
Senior Member

Member
Diane M. Halvorson, RPhTech

Member
Gayle D. Ziegler, RPh.

Public Member
Fran Gronberg

Member
Shane R. Wendel, PharmD

Member
Tanya L Schmidt, PharmD

Executive Director
Mark J. Hardy, PharmD