

AGENDA July 15, 2021
Board of Pharmacy Office – 1906 E Broadway Ave - Bismarck, ND
[701-328-9535] Join Zoom Meeting:
<https://us02web.zoom.us/j/86414936664>

Phone Call in: 1-312-626-6799 Meeting ID: 864 1493 6664

9:00 AM – Call to Order – Tyler Lannoye, PharmD - President

AGENDA

Recite Mission Statement

Review and approval of Agenda

Review and sign May 17-19, 2021 Board Minutes

MINUTES

Sign original Pharmacist and Technician Certificates

9:10 AM Int119 Mason A Hertz NDSU P2 Intern

RPh6088 Karter Trontvet, PharmD

RPh5746 Chase M Peterson, PharmD

** Tech943 Stephanie Hallof - Stipulated Settlement

10:00 AM Rule Hearing

61-02-07.1-07 Pharmacy Technician Registration Requirements

Tab 1

61-03-01-04 Licensure Transfer

61-04-04-01 Unprofessional conduct

61-04-11 Administration of Medications and Immunizations

61-04-14 Limited Prescription Authority for Immunizations

Tab 2

61-04-15 Limited Prescription Authority for Tobacco Cessation Therapies

Tab 3

CE Request: Natalie Koch RPh5064

Pharmacy Permit Items:

Phar211 Trinity Hospital Pharmacy (grandfathered permit) – Retail Pharmacy floor plans - Carolyn Seehafer, RPh PIC

Phar539 Sanford Pharmacy South University in Fargo - Addition of Subclass K permit to provide services to Sanford Hospital in Hillsboro and Mayville - Kristen LeClair, PharmD PIC

Phar514 Northwood Pharmacy – Addition of Subclass K permit - Bret Carlson, PharmD PIC

Phar803 Larimore Drug – Addition of Subclass K permit and remodel plans – Randy Habeck, PharmD PIC

Phar88 Walhalla Prescription Shop – Request for Class K permit to operate as Telepharmacy by NuDak Ventures of ND (Nucara)

Phar70 Mayo Pharmacy, Inc. – Remodel Plans - Kevin Martian, PharmD PIC

Phar218 White Drug #57 – Maddock – Request to modify Telepharmacy to a satellite consultation site

**** Phar608 Northwest Human Service Center in Williston relocation within same building**

12:00 Lunch Break

Tech-Check-Tech Report: Diane Halvorson, RPhTech

Tab 4

Discussion Items:

Update on PCMA-vs – Wehbi [was Tufte]

NABP/AACP District V Meeting

FDA Compounding MOU

** CE Audit Recap

2019-2020 Year End Financial Report

Budget Tab

2020-2021 Financials to Date

Exam Schedule - 4

Candidates

1:00 - 1:30 PM Errors and Omissions

1:30 PM Oral Examination

President Tyler Lannoye called the meeting to order on Thursday July 15, 2021 at 9:00 AM.

Present in the Board Conference Room were Executive Director Mark J Hardy, PharmD, Board Members: Tyler Lannoye, PharmD; Technician Member Diane Halvorson; Tanya Schmidt, PharmD; Shane Wendel, PharmD; Attorney David A. Lindell, JD; Howard C Anderson, JR, RPh, Senior Compliance Officer; and PharmD Students: Hannah Scheetz, on rotation with the Board; Madilyn Bommersbach on rotation with Pharmacist Wendel

Technician Adelle Casavant, Tech1259 Vice President of the Northland Association of Pharmacy Technicians (NAPT) was in attendance with interest in the Rule Hearing.

Present on the Zoom Meeting: Steven Irsfeld, RPh

Absent: Past Public Member Fran Gronberg chose not to attend as her term is up and Pharmacist Gayle Ziegler was attending a sterile product inspection training. Her term is up also.

President Lannoye 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.*

Executive Director Mark Hardy reported the additional Agenda items of Phar608 Northwest Human Service Center in Williston relocation plans, consideration of a stipulated settlement with Tech943 Stephanie Hallof and a discussion item of the CE Audit recap.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson to approve the meeting Agenda with the addition of Phar608 Northwest Human Service relocation, Stipulated Settlement with Tech943 Stephanie Hallof and CE Audit Recap. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Shane Wendel to approve the minutes of May 17-19, 2021 meeting as presented. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Board Members present signed original certificates for use until the next meeting.

Intern Mason A. Hertz Int119 was present and spoke about the DUI he received on April 12, 2021 and had self-reported to the Board. He set out to drive to Grand Forks from Fargo in the morning and crashed his car on I-29. He has met with Agnes Harrington and Kelly Broadsho of the PharmAssist committee and has made the decision to no longer drink alcohol. He has attended two AA meetings. The PharmAssist committee has recommended he continue meetings through the summer.

It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Steve Irsfeld that Int119 Mason A. Hertz continue to follow the recommendations of the PharmAssist

Committee and when they report no further concerns, we will consider the incident closed. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Chase M. Peterson, PharmD RPh5746 has self-reported his incident which occurred earlier this year. He called it a lapse in judgement which he will not repeat. He has worked with Mike Riepl of the PharmAssist committee and has had an evaluation done at Heartview in Bismarck. Pharmacist Tanya Schmidt, Pharmacist Shane Wendel and Pharmacist Tyler Lannoye all spoke about the fact that pharmacists represent the profession as well as themselves, how the experience could be leveraged to help other pharmacists and how they expected good things from Pharmacist Peterson in the future.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson that no further action by the Board is necessary in this case of Chase M. Peterson, PharmD RPh5746. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

The case of Karter Trontvet, Pharm D RPh6088 was discussed by Dr. Hardy. There may have been some missed communications to explain why he is not available today. He has worked with Tim Carlson of the PharmAssist committee, has had an evaluation at Agassiz Associates in Grand Forks and no further follow up is currently recommended. He will be rescheduled at a later meeting.

Board Members asked Executive Director Hardy about the Standards of when to report a legal action. Dr. Hardy reiterated the stance that the law required reporting of the final court conviction. However, he recommends licensees self-report legal concerns as soon as possible, specifically in cases where impairment would need to be considered.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Steve Irsfeld to grant Natalie Koch RPh5064 eight hours of continuing education credit for her completion of the program “*Transcending COVID-19 Vaccine Barriers*” and to make the same available to other pharmacists who submit proof of attendance of the program. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Attorney David A. Lindell explained the situation around the stipulated settlement for Stephanie Hallof Tech943 who has agreed to surrender her registration.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve the Stipulated Settlement agreement signed by Stephanie Hallof Tech 943 as presented. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

The Board viewed the application and floor plans of Phar211 Trinity Hospital Pharmacy which wishes to use their grandfathered permit for a retail pharmacy. After reviewing the documents, the Board felt they

needed more information on the pharmacy layout and Dr. Hardy will contact Carolyn Seehafer, PharmD, Pharmacist-In-Charge and request follow up for a future meeting.

At 10:30 AM President Tyler Lannoye opened the scheduled rule hearing.

61-02-07.1-07 Pharmacy Technician Registration Requirements

No comments were received on the above rule changes.

61-03-01-04 License Transfer

No comments were received on the above rule changes.

61-04-04-01 Unprofessional conduct

Executive Director Hardy explained the updated language, based on the discussions and direction of the Board during the May 2021 Meeting.

No comments were received on the above rule changes.

61-04-11 Administration of Medications and Immunizations

Pharmacist Tanya Schmidt suggested we include gluteal administration specifically. However, it was determined that intramuscular included those injections in the gluteal muscle, so no change is necessary.

It was suggested that the “ordered by the supervising authorized pharmacist was too restrictive and perhaps “delegated by the authorized pharmacist” would be better to include administration ordered by other practitioners as well. Also add “authorized” before pharmacist for clarity.

Pharmacist Steve Irsfeld suggested we divide (1.) into two parts and use language that could include Telepharmacy sites where supervision of the qualified pharmacy technician is available by way of the audio and video link.

In subsection (2.) Technician Member Halvorson suggested we use “training approved by the board” instead of, to the reference to ACPE as the technician programs or colleges of pharmacy who develop acceptable programs and might not be ACPE providers.

61-04-14 Limited Prescriptive Authority for Immunizations

In 61-04-14-01 (3.) Use “vaccination” as an equivalent for “Immunization”.

In 61-04-14-01 (4.) Add a “the” before Board.

In 61-04-14-02 (1.) Remove the second “authorized” in the first reference.

61-04-14-02 (1)(a, b, c, & d) Molly A. Howell MPH, Immunization director for the State Department of Health suggested these were redundant and language referencing (a. & e.) would be adequate. Board Members agreed with this clarification.

61-04-14-02 (2.) Remove the extra “be” between “must and meet”

61-04-14-02 (3.) Modify language to “...appropriateness for receiving a vaccination prior to ordering...”

61-04-14 02 (4.) Ms. Howell also suggested we modify this subsection to say, “Prior to ordering and administration of an immunization pursuant to the statewide immunization protocol, the authorized pharmacist shall consult and review the statewide immunization registry. The Authorized Pharmacist or their designee must report any immunization ordered and administered to the state immunization registry. The pharmacist may provide the patient with a record of the vaccine administered.” Board Members agreed with this clarification.

Board Members reviewed the draft protocol that is being drafted with the help of Dr. Elizabeth Skoy of NDSU. Moving forward it will be vetted with others in the profession.

61-04-15 Limited Prescriptive Authority for Tobacco Cessation Therapies

61-04-15-01 (3.) Add a “the” between by and Board.

61-04-15-02 (2.) (a.) Use “approved by the Board” instead of “accredited by ACPE”

61-04-15-02 (5.) – Change “reasonable” to “reasonably”

– Remove “and shall advise the patient to consult a practitioner”

At 11:45 with no additional comments forthcoming, President Lannoye closed the rule hearing for oral comments. It was noted the comment period is open until July 28th, 2021.

Board Members discussed Phar539 Sanford Pharmacy South University in Fargo’s request for a subclass K Telepharmacy to oversee Hillsboro and Mayville., Pharmacist-In-Charge Kristen LeClair, PharmD, joined on the zoom link indicating they would visually verify medications pulled by nurses when Pharmacy Staff are absent. It was the consensus, they did not need a Subclass K permit to do what was described in their application.

Mike Schwab, Executive Vice-President of the North Dakota Pharmacist’s Association called to check on the progress of the rule hearing.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Tanya Schmidt to grant a class K permit as a Telepharmacy as a transition of ownership of Wahalla Prescription Shop to NuDak Ventures of ND (Nucara) to operate NuCara Pharmacy #43 with supervision from NuCara #34 in Lisbon, Susan Long, PharmD, Pharmacist-In-Charge. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Jeff Shorten of Thrifty White joined the Board by video link to explain they lost their Pharmacy Technician in Maddock and have been unable to obtain another qualified technician. They wish to convert Maddock to a consultation site with the prescriptions being prepared in Devils Lake.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to grant the request from Phar218 White Drug #57 in Maddock to modify the Telepharmacy to a consultation site. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Abstained as she is employed by Thrifty White - Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

The Board broke for lunch and finished preparations to administer the final exam protocols to the four candidates.

At 12:45 the Board resumed work on the agenda.

Pharmacist Wendel explained the request for Northwood Pharmacy to oversee by Telepharmacy Larimore Drug up to 2-3 days per week.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to grant a subclass K permit to Phar803 Larimore Drug, Randy Habeck, PharmD

Pharmacist-In-Charge and to approve their remodeling plans. On vote by roll call: Pharmacist Shane Wendel -Abstained - Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson to grant a subclass K permit to Pharm514 Northwood Pharmacy Bret Carlson, PharmD, Pharmacist-In-Charge. On vote by roll call: Pharmacist Shane Wendel -Abstained- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

It was moved by Pharmacist Tanya Schmidt seconded Technician Member Diane Halvorson to approve the plans of Phar608 Northwest Human Service Center in Williston to relocate the Pharmacy within the same building. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Steve Irsfeld to approve the remodeling plans of Phar70 Mayo Pharmacy, Inc. Kevin Martian, PharmD, Pharmacist-In-Charge. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Diane Halvorson, RPhTech reported on the development of a Tech-Check-Tech tool kit being developed by the Northland Association of Pharmacy Technicians with the financial support of the Pharmacy Technician Certification Board [PTCB]. It is a cooperative project with NDPHA, NDSU and PTCB. An article is being prepared and will be published in a National Publication and will be made available to anyone wishing to use it, without cost. A one-hour CE program authored by Heidi Eukel, Pharm D, Associate Professor at NDSU is also available. The tool kit is available on the Board's website under "Resources". She updated the Board on the NAPT Fall Conference and indicated there will be educational opportunities on this Tech-Check-Tech Project.

Intern Hannah Scheetz reported on the audit on pharmacists continuing education compliance. On May 27, 2021, 128 pharmacists were audited for the dates March 1, 2019 through March 1, 2021. Of those 128, 101 were found fully compliant by checking NABP's CPE monitor, 9 were newly registered and compliant, and 10 were exempt due to recent licensing. The Board had to follow up with 15 pharmacists and 8 of them were found non-compliant and agreed to resolve this administratively with fines and agreement to compliance.

Shane Wendel, PharmD reported the NABP/AACP District V meeting will be held virtually again this year. The plan is for 2022 to be in South Dakota and 2023 in North Dakota. Board Members asked the office to determine the feasibility of holding the 2023 Meeting in Medora.

There were no new issues to report on the FDA Compounding MOU.

Executive Director Hardy provided an update on the PCMA-vs-Wehbi and provided the State's reply to the 8th Circuit Court of Appeals to the Board Members. He indicated there were many amicus briefs in support of the State's position.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Shane Wendel to approve the 2020-2021 year-end financial report as presented. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve the financials to date including the journal entries made to transfer accrued revenue to the current accounts. On vote by roll call: Pharmacist Shane Wendel -Aye- Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Tyler Lannoye -Aye-Nays none. The motion carried.

Four candidates took the ND Practical Exam over the last two days. Two of them passed and two will be asked to repeat portions of the exam due to their unsuccessful scores.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Member Diane Halvorson to adjourn the meeting at 3:10 PM. All board members vote aye. The meeting was adjourned.

President
Tyler G Lannoye, PharmD

Technician Member & Senior Member
Diane M. Halvorson, RPhTech

Member
Steven P Irsfeld, RPh

Member
Tanya L Schmidt, PharmD

Member
Shane R. Wendel, PharmD

Public Member
Ron J Horner

Member
Carolyn R Bodell, RPh

Executive Director
Mark J. Hardy, PharmD