

AGENDA
March 19, 2020

CALL in data: 1-800-528-3520 Conference Code - 5570717474#

Board of Pharmacy Office – 1906 E Broadway Ave - Bismarck, ND

9:30 AM – Call to Order – Gayle D Ziegler, RPh - President **AGENDA**

Recite Mission Statement

Review and sign January 6-7-8, 2020 Board Minutes **MINUTES**

Sign Pharmacist and Technician Certificates

Remodeling: St Alexius Medical Center Pharmacy Phar190 - Bismarck
[modification of previous floor plans]

10:00 AM Brittney J Beach - TinT4238

Drew T. Pentland, PharmD RPh6005 **Tab 1**
Stipulation and Settlement Agreement

10:30 AM Barbara Christopherson TECH1278 Proposed Stipulation **Tab 2**

11:00 AM Jayme L. Wolf - RPh5459 Request for Modification of Order

12:00 Lunch Break

Legal update: PCMA –vs- Tufte (potential executive session)

Discussions: COVID-19 **Tab 3**

Department of Commerce – Professional Licensing Workgroup

NABP Annual Meeting plans

Update on Implantation of most recent rule changes **Tab 4**

DEA Registration of Pharmacists **Tab 5**

May 20-22, 2020 Meeting preparations [draft Agenda] **Tab 6**

Year to date Financial Report - Budget comparisons **BUDGET TAB**
2018-2019 Audit Report – Schmitz - Holmstrom

Investigative Committee

President Gayle D Ziegler, RPh called the meeting to order on Thursday March 19, 2020 at 9:30 AM in the meeting room of the Board of Pharmacy office at 1906 East Broadway, Bismarck, ND 58501.

Present on the phone were: President Gayle D Ziegler, RPh - Steven Irsfeld, RPh - Diane M. Halvorson, Technician and Senior Member - Tyler Lannoye, PharmD- Tanya Schmidt, PharmD – Public Member Fran Gronberg - Shane Wendel, PharmD; **Present in the Board Conference Room** were Executive Director Mark J Hardy, PharmD; Howard C Anderson, Jr, RPh and Attorney David A. Lindell, J.D.

President Ziegler 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 Technician Member Diane Halvorson and seconded by Public Member Fran Gronberg to approve the agenda as printed. On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

It was moved by Pharmacist Tyler Lannoye and seconded by Pharmacist Tanya Schmidt to approve the minutes of January 6-7-8, 2020 as printed. On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

Since this is a conference call meeting due to Covid-19 there was no opportunity to sign certificates.

Pharmacist Joan Galbraith joined the board by phone to explain the requested modification of the previously approved floor plans for St. Alexius Medical Center Pharmacy Phar190 in Bismarck.

It was moved by public member Fran Gronberg and seconded by Pharmacist Shane Wendel to approve the modifications in the floor plans for St. Alexius Medical Center Pharmacy Phar190. On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

The time being a bit ahead of the Agenda, President Ziegler moved to the discussion of the Covid-19 pandemic. Executive Director Hardy reviewed the Board's communications on a number of issues surrounding COVID-19 and the state's response.

In response to the emergency declaration related to Covid-19 response, Board Members felt it would be helpful to patients if pharmacists:

- 1) *Are allowed to increase the emergency refill authority from 72 hours to 30 days.*
- 2) *Are allowed to perform testing for corona virus if a surge makes it necessary in the area. This authority would allow training to begin by NDSU or others, for pharmacists to receive personal protective equipment and testing supplies and necessary equipment from the State Health Department and take some of the pressure off the other health care providers caring for the very sick.*

- 3) *The requirement to collect signatures to verify delivery should be waived as this is a strategy to protect workers and patients from exposure.*
- 4) *Reusing gowns and protective equipment might also be necessary, when this can be done without compromising safety.*
- 5) *Access the medical cache when needed.*
- 6) *Compound hand sanitizer when compounding ingredients are available.*

The availability of hydroxychloroquine was discussed. Pharmacists will be cautioned to reserve supplies for those needing it for current therapy or those who may need treatment if it shows continued promise in patients who are infected.

Pharmacist Tanya Schmidt asked about expanded authority to allow those licensed in other states to work here during the emergency. Since this is an “emergency” declaration and not a “disaster” the governor will need to address this specifically.

Pharmacist Tyler Lannoye suggested that we leave the licensing protocols the same as we have a very good and streamlined process.

The office will continue to process licenses / registrations as they come in. Executive Director Hardy explained the operations of the office and plans for various scenarios to maintain services.

Shortages in specific drugs were discussed. These are mostly due to early refills or greater supplies being dispensed and should be temporary. We will continue to monitor the issue.

Pharmacist Steve Irsfeld suggested planning be done by each pharmacy so that if their staff gets sick, they make arrangements to move files to, or access them from, another pharmacy, to maintain continuity of patient care. Communication and guidance will continue to be offered.

At 10 AM President Ziegler moved to discussion of the case of Drew T. Pentland, Pharm D, RPh6005 who is on the phone along with his attorney Jennifer C Middleton, JD. Pharmacist Pentland is currently working in Missouri where he holds an active license. David Lindell outlined the stipulation negotiated with pharmacist Pentland. Ms. Middleton thanked both David Lindell and Mark Hardy for their willingness to work out a stipulation that reprimands Dr. Pentland and allows him a chance to move on from his mistake. Dr. Pentland mentioned that because he was terminated due to his using some non-controlled medications without a prescription, he lost the college loan repayment award he had received from the State of North Dakota.

President Ziegler commended him on his efforts to make amends and continue his career. Board Member Shane Wendel said he has worked with him in Carrington and was glad he would get a second chance.

It was moved by Pharmacist Shane Wendel and seconded by Technician Member Diane Halvorson to approve the stipulation as signed by Drew T. Pentland, PharmD RPh6005 On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

Brittany J Beach-TinT4238 joined the board by phone and explained her DUI arrest. Pharmacist Mike Riepl of the PharmAssist committee explained his interaction with Ms Beach, detailing the

evaluation done at Heartview. President Ziegler spoke to commend Ms. Beach for her efforts to continue in her training and her commitment to make this a one-time occurrence.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Tyler Lannoye to take no further action against the Technician in Training Registration of Brittany J. Beach TinT4238.

The Stipulated Agreement of Technician Barbara Christopherson Tech1278 was reviewed by Attorney Lindell. It was noted her registration would be suspended until such time as she is rehabilitated and agreed upon by the Board of Pharmacy and PharmAssist Committee to return to practice. Pharmacist Mike Riepl of the PharmAssist Committee said the two committee members from Minot have made multiple attempts to contact Technician Christopherson to obtain her cooperation, without success.

It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg to approve the Stipulated Settlement with Barbara Christopherson Tech1278. On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

Technician Member Diane Halvorson has left the meeting for another commitment.

The Board Members returned to discussion of the corona virus pandemic. Pharmacist Shane Wendel offered a couple of staffing options for consideration.

Pharmacist Tyler Lannoye mentioned that quarantine recommendations from the CDC have changed a bit based on specific situations.

President Ziegler stressed that patients should expect continuation of care even during this unprecedented pandemic and we should continue to work to offer solutions to ensure pharmacies can provide services while protecting their staff.

Pharmacist Tanya Schmidt pointed out that in a worse case, quarantined pharmacists can work from home to perform counseling, order and completed prescription verification.

Dr. Hardy suggested we obtain one or two full sets of telepharmacy equipment at the Board Office in case we need to make them available to a community where the pharmacy staff has been quarantined. All agreed with this determination.

Compliance Officer Rick Detwiller, RPh joined the meeting by phone and was updated on the corona virus discussion.

Pharmacist-In-Charge Gabriel (Gabe) Lautenschlager of CVS Pharmacy #8628 Phar107 in South Bismarck joined the meeting by phone. In answer to a question about the pandemic Dr. Lautenschlager said phone calls have tripled. He reinforced that most shortages are temporary and are due to people getting early refills. He said the testing mentioned on the news was likely in stores where they have Minute Clinics, of which there are none in North Dakota. John Long, RPh of CVS later confirmed that CVS is actually simply allowing the parking lot to be used by state or federal personnel for drive through testing.

At 11 AM Jayme L. Wolf, RPh5459 joined the Board Meeting to request a modification in her order as she would like to work for CVS in Bismarck. Her husband has opened a restaurant in Mandan. Pharmacist Mike Riepl has taken over Pharmacist Wolf's case for the PharmAssist committee and explained he has instituted an aggressive monitoring program with Pharmacist Wolf.

Pharmacist-In-Charge Gabriel (Gabe) Lautenschlager of CVS Pharmacy S in Bismarck explained the inventory verification, loss and asset protection process used at CVS. He indicated that it should serve the same purpose as monthly inventory checks.

Executive Director Hardy read a letter of support from Pharmacist Wolf's existing employer Pharmacist Chad Nelson for modification.

It was moved by Public Member Fran Gronberg and seconded by Pharmacist Shane Wendel to modify the order of Jayme L. Wolf, RPh5459 to remove the requirement that her employer conduct inventories each month when she is employed. On vote by roll call Technician Member Diane Halvorson-Aye- Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye- Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. The motion carried.

Technician Board Member then left the meeting for another commitment.

President Ziegler suggested the office update Board Members after the call with the governor's office scheduled for 2 PM today.

Rather than break for lunch President Ziegler continued with the agenda.

Dr. Hardy updated the board on the PCMA vs Tuftes lawsuit. We are currently in a holding pattern with the Eighth District court waiting for action by the Supreme Court on another case they have agreed to hear. Action will likely be delayed due to the COVID-19 situation.

The ND Department of Commerce Professional Licensing workgroup has been organized and we will continue to monitor their work.

The NABP meeting set for May will likely be canceled. NABP is looking at a virtual meeting just for delegates so the needed annual meeting work can be done. Al Carter from Illinois has been named the new Executive Director of NABP.

The NDPhA annual meeting in Minot was canceled at their board meeting yesterday. Alternate methods to meet and hold the Scholarship Auction are being considered.

Dr. Hardy explained the recent rule changes which will be effective April 1, 2020. Our applications have been modified to ask if the applicant is a military spouse to implement the rule changes finalized by the Board. Board Members reviewed the applications and did not have any specific changes.

Dr. Hardy explained the plan for those who have certificates for administration of medications according to North Dakota Administrative Code [NDAC] 61-04-11 now to transition to the new "authority" model which will be reflected on the individual's license. Our database vendor will update our website process and make the transition soon.

We have a request of the DEA for review of their policy to allow North Dakota pharmacists with Collaborative Agreements authority to initiate therapy to obtain a DEA registration.

Preparations for the May exams, including the expansion of the competencies requested at the last board meeting, were reviewed. We will continue to monitor the Coronavirus situation as it relates to our May exams. If students cannot graduate by May, perhaps another alternative will need to be considered. It is possible a Board Meeting may need to be called to address this.

After review of the financials by Executive Director Hardy.

It was moved by Pharmacist Tanya Schmidt and seconded by Public Member Fran Gronberg to approve the financials as presented. On vote by roll call Pharmacist Tanya Schmidt-Aye- Public Member Fran Gronberg-Aye- Pharmacist Tyler Lannoye -Aye- Pharmacist Shane Wendel-Aye-Pharmacist Steve Irsfeld-Aye- Pharmacist Gayle Ziegler-Aye. Technician Member Diane Halvorson has left the meeting for another commitment. The motion carried.

Discussion followed on some concerns about the short time period for PDMP auto log out of 15 minutes. PDMP Program Administrator Kathy Zahn addressed the situation, indicating standard security measures are preventing a solution.

Compliance Officer, Pharmacist Rick Detwiller suggested the single sign on allowed in the medical record software might be a solution but does cost money for the practitioner or pharmacist.

There being no further business President Ziegler adjourned the meeting at 12:45 PM.

President
Gayle D. Ziegler, RPh.

Technician Member & Senior Member
Diane M. Halvorson, RPhTech

Member
Steven P Irsfeld, RPh

Member
Tanya L Schmidt, PharmD

Public Member
Fran Gronberg

Member
Shane R. Wendel, PharmD

Member
Tyler G Lannoye, PharmD

Executive Director
Mark J. Hardy, PharmD