

**A G E N D A**  
**MAY 21-22-23, 2018**

**Monday – May 21, 2018** WINGATE INN 4429 19th Ave S - Fargo ND 58103  
Meadowlark Room (1-701-281-9133)

**9:00AM** - Call to Order – President Steven Irsfeld, RPh

Recite: Mission Statement

Sign Original Certificates: RPh & Tech

Review and Approval of Agenda

Review & Approval of Meeting Minutes of: March 15, 2018

AGENDA TAB

MINUTE TAB

**10: 00 AM** Tiara Jones ND Registered Technician

Colin T Birch – NDSU Pre-Pharmacy Intern Int1059

Benjamin Ehrichs - 4<sup>th</sup> Year NDSU INT76574

~~\_\_\_\_\_ Derek P Axtman – NDSU Pre-Pharmacy Intern Int437~~ *postponed until July 19, 2018*

**11:00 AM** Nathaniel Berglind – 4<sup>th</sup> Year NDSU

**Review Stipulation & Settlement Agreement:** Teri J Evers, ND Tech1244

**New Pharmacy:** The Medicine Shoppe in Fargo –MedPark Medical Center Ross Wilhelm, RPh

**Relocation Plans:** Unity Medical Center Pharmacy – Grafton Kimball Lutovsky, RPh

Sanford Pharmacy Broadway – Fargo Tamie Dohman, RPh

**CE Credit** Request - Nathan Leedahl, PharmD RPh5386 April 23-25, 2018 in Bethesda, MD  
*National Foundation for Infectious Diseases: Vaccinology Research*

Meeting dates 2018-2019 fiscal year

TAB 3

Lunch: Lucky 13

Discussion items: Inspection cycle 2018-2019 – Focuses and Direction  
Update on PCMA vs Tuftes [potential Executive Session]  
Widmer Roel – 2017-2018 Audit Report

Budget and Financials

BUDGET TAB

Executive Director Contract

Consider Approval of the actions of the Executive Director

Election of President for the July 1, 2018 – June 30, 2019 year

Make final preparations for tomorrows exams

Candidate TAB

Review Intern Portfolios

Review Candidate Files = 60

Appoint two Board Members to review:

All paid expenses.

Review Bank Account Reconciliations

Appoint Audit Committee and representative for PDMP Advisory Board  
Investigational Committee case reviews

**TUESDAY-MAY 22, 2018 EXAMINATION SCHEDULE - Sudro Hall NDSU**

ALL	7:15 - 7:45	AM	Roll Call and Orientation View Sterile Compounding Video	ALL Candidates	<b>ROOM 24</b>
	8:00 - 9:00	AM	Laboratory	Section 1	Concept Pharmacy
	8:15 - 9:00	AM	Errors and Omissions	Section 1	Room 21
	9:00 - 9:45	AM	Errors and Omissions	Section 2	Room 21
	9:45 - 10:30	AM	Errors and Omissions	Section 3	Room 21
	10:30 -11:15	AM	Errors and Omissions	Section 4	Room 21
	9:15 -10:15	AM	Laboratory	Section 2	Concept Pharmacy
	10:30 -11:30	AM	Laboratory	Section 3	Concept Pharmacy
	12:30 - 1:30	PM	Laboratory	Section 4	Concept Pharmacy
	1:45 - 2:45	PM	Laboratory	Section 5	Concept Pharmacy
	3:00 - 4:00	PM	Laboratory	Section 6	Concept Pharmacy
	4:15 - 5:15	PM	Laboratory	Section 7	Concept Pharmacy

**WEDNESDAY - MAY 23, 2018 -ORAL EXAMINATION SCHEDULE- Wingate Inn - 4429 19th Ave S  
701- 281-9133**

8:20	AM	SECTION	1	To Room:	<u>Board Room</u>
8:40	AM	SECTION	2	To Room:	<u>Flickertail</u>
9:00	AM	SECTION	3	To Room:	<u>Meadowlark Room</u>
9:20	AM	SECTION	4		
9:40	AM	SECTION	5		
10:00	AM	SECTION	6		
10:20	AM	SECTION	7		
10:40	AM	SECTION	8		
11:00	AM	SECTION	9		
11:20	AM	SECTION	10		
1:20	PM	SECTION	11		
1:40	PM	SECTION	12		
2:00	PM	SECTION	13		
2:20	PM	SECTION	14		
2:40	PM	SECTION	15		
3:00	PM	SECTION	16		

Final Scoring of Exams  
Approval of all Paid expenses  
Other business  
Complete Vouchers

**ADJOURNMENT**

The meeting was called to order at 9:10 AM May 21, 2018 by President Steven Irsfeld, RPh in the Meadowlark Room of the Wingate by Wyndham in Fargo, ND after board members had signed original certificates for pharmacists and technicians to be used during the next two months.

Present in addition to President Irsfeld were: Public Member Fran Gronberg - Tanya L. Schmidt, PharmD - Diane M. Halvorson, RPhTech - Gayle D Ziegler, RPh. - Senior Member Gary W. Dewhirst, RPh. - Senior Compliance Officer Howard C Anderson, Jr, RPh,- Board Attorney David A. Lindell, JD and Executive Director Mark J Hardy, PharmD

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 Technician Diane Halvorson and seconded by Pharmacist Gayle Ziegler to approve the agenda with the understanding that the case of Derek P Axtman - NDSU Pre-Pharmacy Intern Int437 has been rescheduled to the July 19<sup>th</sup> 2018 meeting. All board members present voted Aye. Nays none. The motion carried.**

**It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Tanya Schmidt to approve the minutes of the March 15, 2018 meeting as printed. All board members present voted aye, nays none. The motion carried.**

Benjamin Ehrichs - 4<sup>th</sup> Year NDSU INT76574 was at the meeting so President Irsfeld asked Dr. Hardy to give background on his case and then asked Intern Ehrichs to explain to the board what happened. He stated that he received a DUI charge after a couple of tall beers at a restaurant; he received a ride home and then made the poor judgement to get in his car and drive down to mail a letter. He has had a chemical dependency evaluation, which was negative and has met with Agnes Harrington of the PharmAssist Committee who recommends no contract with them.

**It was moved by Public Member Fran Gronberg and seconded by Pharmacist Gary Dewhirst to pursue no further action against the Intern Registration of Benjamin Ehrichs - 4<sup>th</sup> Year NDSU INT76574. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt asked to be recused as Intern Ehrichs worked with her when this incident occurred. Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.**

Shane Wendel, PharmD. arrived at the meeting at 9:30 AM.

At 9:35 AM Executive Director Hardy and Attorney Lindell reviewed the case and the signed stipulation of Teri J Evers, ND Tech1244. Ms Evers Technician Registration would be suspended and she will be required to comply with a PharmAssist Contract as tenets of the stipulation.

**It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Gary Dewhirst to approve the Stipulation agreed upon by Executive Director Hardy, Attorney Lindell and Technician Teri J Evers ND Tech1244. On vote by roll call: Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt asked to be recused as she worked with her when this incident occurred. Pharmacist Wendel - Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.**

At 9:50 AM Agnes Harrington of the PharmAssist Committee and NDSU Pre-Pharmacy Intern Colin T Birch Int76574 arrived at the meeting. Intern Birch received a DUI and was working at Sanford at the time. He has had a chemical dependency evaluation, has attended two AA meeting with PharmAssist Committee member Larry Nelson. Agnes reported that his evaluation was negative for dependence and that with what he has learned everything should be good going forward.

**It was moved by Technician Diane Halvorson and seconded by Pharmacist Tanya Schmidt to take no further action in the case of Colin T Birch Int76574 at this time. 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.**

At 10 AM Tiara Jones, ND Registered Technician ND Tech1454 arrived at the meeting. She explained that she had used marijuana while she was employed at Thrifty White and was terminated from their employment for violating the company drug use policy. Agnes Harrington explained that she has met with her only once. Technician Jones has had a chemical dependency evaluation at Drake and they recommended no further treatment. Ms. Jones said she had a lack of judgment resulting from the death of a family member back in Ohio. Agnes did say she feels Tiara would benefit from some ongoing professional counseling as she has had a lot of issues in her life. Pharmacist Ziegler asked if we have suspended her registration and Dr. Hardy indicated that we have not. She was not working as a technician, although she was waiting for this meeting with the board to determine how she could proceed with employment as a technician.

Pharmacist Wendel spoke to her saying that the board wants her to be a successful and productive technician. Our responsibility is to the public and the patients and secondarily to the registered technician.

**It was moved by Pharmacist Gayle Ziegler and seconded by Technician Diane Halvorson that no further formal action be taking against the registration of ND Tech1454 Tiara Jones at this time. On vote by roll call Pharmacist Ziegler – Aye Technician Halvorson – Aye Public Member Gronberg – Aye Pharmacist Schmidt asked to be recused as she and Ms. Jones worked for the same employer. Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye. Nays none – the motion carried.**

At 11 AM Nathaniel Berglind – 4<sup>th</sup> Year NDSU student INT65713 arrived at the meeting. Dr. Hardy asked Intern Berglind to explain his case. He said he tried on a jacket at the Sanford store and forgot to pay for it when he left, as time was getting short for him to be at his rotation site. Sanford had a video of the incident, terminated him from his rotation there and reported him to the School of Pharmacy. NDSU School of Pharmacy suspended him until June 30, 2018 at which time he can reapply for admission. Since he was no longer in school his intern license is void until he gets back into school.

The Board viewed the video along with Intern Berglind and asked him several questions about what they saw. Board Members stated, from what they saw on the video, it clearly indicated that there was intent to take the jacket on that day. Intern Berglind reaffirmed his perspective, which was that it was just an oversight on his part to not pay for the item.

**It was moved by Pharmacist Gary Dewhirst and seconded by Pharmacist Gayle Ziegler to require Nathaniel Berglind, 4<sup>th</sup> year NDSU student Intern INT65713 to enroll in an ethics class, complete at least one counseling session and ask the counselor to submit a report to the**

*board office. Intern Berglind will need to attend a future meeting, once the college has made a determination about his return to school, to request reinstatement of his intern license. On vote by roll call Pharmacist Ziegler disclosed she works for Sanford but voted– Aye Technician Halvorson – Aye Public Member Gronberg – Nay Pharmacist Schmidt – Aye Pharmacist Wendel – Aye Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye. Nays one, ayes six. The motion carried.*

At noon Compliance Officer Rick Detwiller, RPh, arrived and joined the board for lunch at Lucky 13's.

At 1:30 PM Pharmacists Jesse Breidenbach and Tammie Dohman arrived to discuss the Sanford Broadway relocation and remodeling plans. The plan is to consolidate and remodel to accommodate the urgent care pharmacy into the Broadway Pharmacy workflow.

**It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg to approve the relocation and remodeling plans for Broadway Pharmacy Phar309 currently located at 737 Broadway Ave in Fargo and the combining of the other pharmacies into the remodeled Broadway pharmacy site. On vote by roll call Pharmacist Ziegler asked to be recused as she works for Sanford, Technician Halvorson – Aye, Public Member Gronberg – Aye, Pharmacist Schmidt – Aye, Pharmacist Wendel – Aye, Pharmacist Dewhirst – Aye Pharmacist Irsfeld – Aye. Nays none. The motion carried.**

*It was moved by Pharmacist Gary Dewhirst and seconded by Pharmacist Gayle Ziegler to approve the relocation within the hospital and remodeling plans for Phar210 Unity Medical Center Pharmacy currently located at 164 W 13th Street in Grafton. 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.*

*It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve the plans and Application for a new Class A Pharmacy Permit for MS4 PLLC dba The Medicine Shoppe in MedPark Medical Center at 4476 31<sup>st</sup> Ave S Suite #105, in Fargo. 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.*

*It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Gayle Ziegler to approve 14.75 continuing education hours for Nathan Leedahl, PharmD RPh5386 for attendance at the National Foundation for Infectious Diseases: Vaccinology Research program, April 23-25, 2018 in Bethesda, MD. 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. Nays one – Ayes six. The motion carried.*

**It was moved by Technician Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve the 2019 meeting dates as suggested by Dr. Hardy. 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. The following are the meeting dates:**

January 7-9, 2019	Wingate by Wyndam	Fargo, ND	If Requested
March 21, 2019	Board Office	Bismarck, ND	If Requested
<b>NABP</b> is May 16-18, 2019	Minneapolis MN	No Exams	
<b>NDSU Graduation is May 10<sup>th</sup></b>			
May 20-22, 2019	Wingate by Wyndam	Fargo, ND	May 21- 22, 2019
July 18, 2019	Board Office	Bismarck	If Requested
<i>District V August , 2019</i>	<i>_____?</i>	<i>MN</i>	<i>No Exams</i>
September 19, 2019	Board Office	Bismarck	If Requested
November 21, 2019	Board Office	Bismarck	If Requested

Dr. Hardy asked Compliance Officer Rick Detwiller and the Board what focuses and direction they would like to see as the 2018 inspection cycle begins. Discussion occurred on the need to put some teeth into enforcement of the counseling regulations as the new option of allowing the Registered Technician to screen the patient for counseling needs gives the pharmacies enough tools to work good counseling into their workflow to benefit all their patients. It was discussed that while the clerk/supportive personnel is allowed to retrieve a filled prescription and sell it to the patient, clerks / supportive personnel must defer to the pharmacist for counseling and when appropriate, allow a registered technician to screen the patient for consultation.

**It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg that once noted on an inspection report and there has been no improvement in counseling performance by the second inspection the pharmacy and pharmacist receive a written warning notice with follow-up in 2 to 3 months and if a second warning notice is issued it automatically results in a hearing before the board. 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.**

Other focuses of the Inspection cycle will be policy and procedure manuals, continuous quality improvement records review by pharmacies, improvements in refrigeration storage to assure proper storage standards and USP 800 preparations.

Compliance Officer Detwiller pointed out that the majority of pharmacies are doing a great job and we should be proud of them.

Dr. Hardy gave a brief update on the PCMA vs Tufte law suit, where little has changed, as we are awaiting the judge's opinion.

The financials were reviewed and Dr. Hardy passed out copies of the Widmer Roel audit report for 2017-2018.

**It was moved by Technician Diane Halvorson and seconded by Pharmacist Tanya Schmidt to approve the financials to date 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. Nays none. The motion carried.**

**It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve the contract with Executive Director, Mark Hardy, Pharm D., 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. Nays none. The motion carried.***

***It was moved by Pharmacist Tanya Schmidt and seconded by Technician Diane Halvorson to approve the budget 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. Nays none. The motion carried.***

***It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve the Widmer Roel audit report for the 2016-2017 fiscal financial year 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. Nays none. The motion carried.***

***It was moved by Public Member Fran Gronberg and seconded by Pharmacist Gayle Ziegler to approve all legal actions of the Executive Director since the last meeting. 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.***

President Irsfeld opened nominations for President of the Board of Pharmacy for the 2018-2019 year. Pharmacist Tanya Schmidt was placed for consideration by Public Member Fran Gronberg and said she could accept as long as the PCMA law suit did not require her to answer a yes on all of the many state applications she needs for her work, when they ask if any law suits are pending against you. Dr. Hardy and Attorney Lindell assured her they would check, but believed the naming of the Board President on the suit did not affect her personally.

***It was moved by Public Member Fran Gronberg and seconded by Pharmacist Gayle Ziegler to close nominations and cast a unanimous ballot for Pharmacist Tanya Schmidt as president for 2018-2019. On vote by roll call Pharmacist Ziegler – Aye, Technician Halvorson – Aye, Public Member Gronberg – Aye, Pharmacist Schmidt – Not voting, Pharmacist Wendel – Aye, Pharmacist Dewhirst – Aye, Pharmacist Irsfeld – Aye. Nays none. The motion carried.***

***It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to appoint Rick Detwiller to represent the Board of Pharmacy on the PDMP advisory board. 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.***

President Irsfeld appointed Technician Diane Halvorson and Pharmacist Shane Wendel to serve as the audit committee for the Board of Pharmacy.

President Irsfeld appointed Public Member Fran Gronberg and Pharmacist Gayle Ziegler to review the paid invoices and the bank statements.

Board members made final preparation for the exams. There are 59 graduates as one HI graduate will come in July as her father passed away this week.

On May 22<sup>nd</sup> at the NDSU Campus in Sudro Hall and the 23<sup>rd</sup> at Wingate by Wyndham Board Members administered exams to 59 graduates.

At 4:30 on May 23<sup>rd</sup> president Irsfeld called the Board meeting back to order for the completion of business. Board Member Wendel was not present as he left to travel home.

**It was moved by Pharmacist Gayle Ziegler and seconded by Public Member Fran Gronberg to approve the paid invoices and the bank statement reconciliations. On vote by roll call Pharmacist Ziegler – Aye, Technician Halvorson – Aye, Public Member Gronberg – Aye, Pharmacist Schmidt – Aye, Pharmacist Dewhirst – Aye, Pharmacist Irsfeld – Aye. Nays none. The motion carried.**

**It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve the draft of the North Dakota Tri-Regulator Position Statement on Opioid Prescription/Dispensing. On vote by roll call Pharmacist Ziegler – Aye, Technician Halvorson – Aye, Public Member Gronberg – Aye, Pharmacist Schmidt – Aye, Pharmacist Dewhirst – Aye, Pharmacist Irsfeld – Aye. Nays none. The motion carried.**

President Irsfeld called for any further business – none forthcoming, the meeting was adjourned.

---

President  
Tanya L Schmidt, PharmD

---

Gayle D. Ziegler, RPh.  
Senior Member

---

Technician Member  
Diane M. Halvorson, RPhTech

---

Member  
Steven P Irsfeld, RPh.

---

Public Member  
Fran Gronberg

---

Member  
Shane R. Wendel, PharmD

---

Member

---

Executive Director  
Mark J. Hardy, PharmD