

A G E N D A

MAY 20-21-22, 2019

Monday – May 20, 2019 WINGATE INN 4429 19th Ave S - Fargo ND 58103

Meadowlark Room (1-701-281-9133)

9:30AM - Call to Order – Tanya L Schmidt, PharmD, President

Recite: Mission Statement

Sign Original Certificates: RPh & Tech

Review and Approval of Agenda

AGENDA TAB

Review & Approval of Meeting Minutes of: March 21, 2019

MINUTE TAB

Remodeling plans: Phar108 CVS # 8612 – South Fargo

Phar794 Service Drug in Harvey

New Pharmacy: Gateway Lab floor plans

Stipulation and Order for Stephanie Wilson - Tech 1583

10: 00 AM Kelly Brodsho RPh4301 Expiration of Board Order

TAB 1

11:00 AM Amanda McGlasson PharmD - Candidate for Licensure South Carolina Action

TAB 2

11:30 AM Review of Comments Received on Rule Hearing and Open Comment Period For:

TAB 3

61-01-01-01 Organization of Board of Pharmacy - removes out-dated email address

61-02-01-03 Pharmaceutical Compounding Standards – update to Compounding of Drugs to USP 795-797-800 standards

61-02-02-01 Building Standards for Pharmacies – updates Drug Storage areas

61-02-04-02 Handling of Hazardous Drugs (USP800) new section

61-02-06-02 Computer Pharmacy Regulations –adds electronic tracking of prescriptions

61-02-07.1-03 Pharmacy Technician Education preparation – clarifies Certification Requirements

61-02-07.1-04 Pharmacy Technician – adjusts the ratio of Pharmacists to Technicians

61-02-07.1-10 Pharmacy Technician Continuing Education –removes paper tracking requirements

61-03-02-04 Consultant Pharmacist Regulations for LTC Facility- addresses controlled substance drug destruction process

61-03-03.1-01 Internship – clarifies educational requirements for eligibility

61-03-04-02 Pharmacist Continuing Education - removes paper tracking requirement

61-03-04-04 CE Advisory Board - repeal

61-04-03-01 Destruction of Controlled Substances – update to DEA standards

61-08-01-08 Out-of-State Pharmacy – modifies Administrative Inspection requirements

61-08-01-09 Out-of-State Pharmacy – Prescription Records availability

61-12-01-03 Prescription Drug Monitoring Program [PDMP] – Operation of Program

61-12-01-04 Prescription Drug Monitoring Program [PDMP] – use for certain dispensing situations

61-13-01-03 Controlled Substances Schedules – Remove codified substances scheduled in NDCC 19-03 by legislature in the 63rd assembly.

CE Credit Request - Janel Agnes, RPh - RPh4415

Meeting dates 2020-2021 fiscal year

TAB 4

12 Noon Lunch: Lucky 13

1:30 PM Sanford Broadway Phar309 Permit designation for “Specialty” Services

TAB 5

Discussion items: Legislation Session - Review

Update on PCMA vs Tuftte [potential Executive Session]

Widmer Roel – 2017-2018 Final Audit Report

Inspection cycle 2019-2020 – Focuses and Direction

Proposed drafts of Rules:

Prescription Adaptation

Military Spouse Licensure
 CDC Grant
 61-04-08 Limited Prescriptive Practices
 61-04-11 Administration of Medications & Immunizations

Budget and Financials BUDGET TAB
 Executive Director Contract

Consider Approval of the actions of the Executive Director
 Election of President for the July 1, 2019 – June 30, 2020 year
 Make final preparations for tomorrows exams Candidate TAB

Review Intern Portfolios
 Review Candidate Files = 48
 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 21, 2019 - EXAMINATION SCHEDULE - Sudro Hall NDSU

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

WEDNESDAY - MAY 22, 2019 -ORAL EXAMINATION SCHEDULE Wingate Inn-4429 19th Ave S
 (701)281-9133

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

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

ADJOURNMENT

President Tanya Schmidt, PharmD called the meeting to order on Monday January 7, 2019 at 9:30 AM in the Wingate by Wyndham 4429 19th Ave SW - Fargo ND .

Present were: President Tanya Schmidt, PharmD - Public Member Fran Gronberg - Diane M. Halvorson, RPh Tech, - Steven Irsfeld, RPh - Tyler G Lannoye, PharmD. - Shane Wendel, Pharm D, Gayle D Ziegler, RPh. – Executive Director Mark J Hardy, PharmD, Attorney David Lindell; Howard C Anderson Jr, RPh and Kayla Rose, NDSU PharmD student on rotation with the Board Office.

President Schmidt 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 Shane Wendel and seconded by Public member Fran Gronberg to approve the agenda with the addition of plans for Gateway Pharmacy, a Stipulation and Order for Stephanie Wilson and discussion of the CDC grant. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Member Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Gayle Ziegler to approve the minutes of March 21st, 2019 Board Meeting as written. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Member Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Board members signed original certificates for future use as the meeting progressed.

President Schmidt appointed Diane Halvorson and Steve Irsfeld to review the paid invoices and bank statements.

Remodeling plans for Phar108 CVS # 8612 in South Fargo were reviewed. At the request of a board member Dr. Hardy called CVS for clarification of the counseling room plan and received a design he posted on the screen for all to see.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the remodeling plans for Phar108 CVS # 8612 located at 2425 13th Avenue S in South Fargo. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Tyler Lannoye and seconded by Pharmacist Steve Irsfeld to approve the remodeling plans for Phar794 Service Drug located at 815 Lincoln Ave in Harvey. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Compliance Officer Rick Detwiller, RPh and Jesse Rue, Pharm D joined the meeting.

At 9:55 AM Kelly Brodsho, RPh4301 arrived at the meeting along with Pharm-Assist Committee Members Larry Nelson and Agnes Harrington. In January of 2015 Pharmacist Brodsho was issued an order by the board suspending him for five years and requiring him to take the PARE exam if he wished reinstatement. He has been doing very well in his recovery which was attested to by both Agnes Harrington and Larry Nelson. He works as a manager for Swanson's Health Products in Fargo.

It was moved by pharmacist Shane Wendel and seconded by Public Member Fran Gronberg to modify the stipulation of Kelly Brodsho to remove the requirement for the PARE exam which is no longer supported by NABP and to replace it with a fixed number of required continuing education hours to be negotiated between Kelly Brodsho and Executive Director Mark Hardy. Once the plan is completed Kelly Brodsho can return to full licensure. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Executive Director Hardy explained the request of Gateway Compounding Lab, under common ownership with Gateway Pharmacies in Bismarck to establish a separate license for the compounding operation. They intend to do only non-sterile compounding, including hazardous drug compounding and have a separate location from their other pharmacies, to comply with USP 800.

It was moved by Public Member Fran Gronberg and seconded by Technician Member Diane Halvorson that the floor plans are approvable once the completed application, stock affidavit and lease agreement are received. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Amanda McGlasson, Pharm D who is seeking to take the licensure exam tomorrow and has accepted a Residency in North Dakota arrived to discuss her voluntary surrender order as a pharmacy technician with the South Carolina Board which she had disclosed upon application for a North Dakota license. She explained that she had taken a practitioners phone order for a controlled substance prescription for herself, after talking to the nurse. Amanda assumed the nurse had approved a refill, which later turned out not to be correct. This original incident happened in 2012 and she applied for entry into the University of Georgia, College of Pharmacy and received an intern license in Georgia before South Carolina finalized her order in January of 2015. Ms McGlasson admitted she made a poor decision in taking her own prescription which she now knows to be a practice that is not ethical.

It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Tyler Lannoye to allow Amanda McGlasson's application for licensure examinations to precede and allow her sit for the North Dakota exams. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Nay. The motion carried.

Attorney David Lindell explained the Stipulation and order prepared for Technician Stephanie Wilson. She was witnessed taking a controlled substance from her pharmacy's inventory for her own use. She has entered into a Pharm-Assist contract and has been going through treatment.

It was moved by Pharmacist Tyler Lannoye and seconded by Pharmacist Shane Wendel to approve the Stipulation and Order for Stephanie Wilson Tech1583. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Dr. Hardy asked Compliance Officer Rick Detwiller, RPh. to visit with the Board about his inspection activities.

Compliance Officer Detwiller thanked the Board for the opportunity saying it has been very rewarding for him to be out inspecting. He has completed pharmacy inspections for two years and recently has been getting to wholesalers, DME wholesalers and medical gas suppliers. He has found a wide variation among medical gas suppliers; from those, which have good policies and procedures, to welding shops who supply only the local ambulance with an occasional bottle of oxygen. It was agreed that he would work with Senior Compliance Officer Anderson to develop a simple one page policy for those smaller operations that just need to understand they are dealing with medical gases which may affect patients.

The larger wholesalers do a good job although Compliance Officer Detwiller had some concern about chain of custody when they take returns from their customers. Executive Director Hardy indicated impending chain of custody legislation will be forthcoming in the near future. Board Members thanked Compliance Officer Detwiller for his report and work on these compliance visits.

Melissa Highness, PharmD and Kari Hatfield, Sanford Senior Financial Analyst, representing Sanford Health in Fargo arrived to ask if a separate license designation could be given to their present Phar309 location to identify their "specialty" operation within the current space. Their desire is to have a separate billing number for their inventory. Discussion followed and the Board felt that a separate physical location would be needed. Dr Highness thanked the Board for listening and said she would still be able to continue their plans without the designation.

Dr. Hardy and the Board Members reviewed the Hearing Record for the rule hearing held April 6, 2019 during the NDPhA Pharmacy Convention.

It was moved by Public Member Fran Gronberg and seconded by Pharmacist Steve Irsfeld to approve 61-01-01-01 Organization of Board of Pharmacy with no changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Tyler Lannoye to approve 61-02-01-03 Pharmaceutical Compounding Standards with the addition of "Clinical Pharmacology" as a reference in section (8.) and the change of effect date to

December 1, 2019 to mirror the effective date of USP Chapter 797, 795 and 800. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Tyler Lannoye and seconded by Pharmacist Shane Wendel to approve 61-02-02-01 Building Standards for Pharmacies to accommodate the suggestion to change “should” to “shall” in three places in subsection (6) (a) and (b). On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Tyler Lannoye and seconded by Public Member Fran Gronberg to table consideration of final adoption of 61-02-04-02 Handling of Hazardous Drugs (USP800) until a future meeting, due to conflicting advice given by USP at the recent NABP Annual meeting where it was state USP800 is not enforceable to non-compounding locations . On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was pointed out that the Board has commissioned Jesse Rue, Pharm D to prepare a tool kit for use by those retail pharmacies wishing to comply with USP 800, which is nearly available for their use.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Diane Halvorson to approve 61-02-06-02 Computer Pharmacy Regulations with no changes from the hearing. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve 61-02-07.1-03 Pharmacy Technician Education preparation with no changes from the hearing. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Shane Wendel and seconded by Technician Diane Halvorson to approve 61-02-07.1-04 Pharmacy Technician with no changes from the rule hearing. On vote by roll call Pharmacist Gayle Ziegler-Nay; Pharmacist Tyler Lannoye- Nay; Pharmacist Steve Irsfeld- Nay; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt- Nay. The motion Failed.

It was moved by Pharmacist Gayle Ziegler and Seconded by Pharmacist Tyler Lannoye to adjust the ratio in 61-02-07.1-04 Pharmacy Technician to 1 to 4 in the retail setting and 1 to 6 in hospital and closed door settings. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Nay; Public Member Fran

Gronberg -Nay; Technician Diane Halvorson-Nay; Pharmacist Shane Wendel-Nay; Pharmacist Tanya Schmidt-Nay. The motion Failed.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Steve Irsfeld to adjust the ratio in 61-02-07.1-04 Pharmacy Technician to 1 to 4 in the retail and hospital setting and 1 to 5 in the closed door pharmacy setting. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Nay; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved Pharmacist Steve Irsfeld and seconded by Shane Wendel to approve 61-02-07.1-10 Pharmacy Technician Continuing Education without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to approve 61-03-02-04 Consultant Pharmacist Regulations for LTC Facility without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Tyler Lannoye to adopt 61-03-03.1-01 Internship including the change suggested by Joel Aukes to add “or obtained a general education diploma (GED)” in subsection (4.). On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg to approve 61-03-04-02 Pharmacist Continuing Education without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the repeal of 61-03-04-04 CE Advisory Board without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Steve Irsfeld to approve 61-04-03-01 Destruction of Controlled Substances without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Tyler Lannoye to approve 61-08-01-08 Out-of-State Pharmacy without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to approve 61-08-01-09 Out-of-State Pharmacy without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye-Pharmacist Tyler Lannoye-Aye-Pharmacist Steve Irsfeld-Aye-Public Member Fran Gronberg-Aye-Technician Diane Halvorson-Aye-Pharmacist Shane Wendel-Aye-Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Steve Irsfeld to approve 61-12-01-03 Prescription Drug Monitoring Program [PDMP] without any changes. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Tyler Lannoye and seconded by Public Member Fran Gronberg to approve 61-12-01-04 Prescription Drug Monitoring Program [PDMP] with the changes suggested to say in subsection

- (1) ~~Prior to dispensing a prescription,~~ Each dispenser licensed by a regulatory agency in the state of North Dakota who dispenses a controlled substance to a patient, ~~for the treatment of pain or anxiety~~ shall, at a minimum, request and review a prescription drug monitoring report covering at least a one-year time period or another state's report, or both reports, when applicable and available prior to initially dispensing a prescription. Further reports shall be requested and reviewed if the dispenser becomes aware of a person currently:

On vote by roll call Pharmacist Gayle Ziegler-Nay; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Nay; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Nay; Pharmacist Shane Wendel-Nay; Pharmacist Tanya Schmidt-Nay. The motion failed.

It was moved by Pharmacist Shane Wendel and seconded by Technician Diane Halvorson to approve 61-12-01-04 Prescription Drug Monitoring Program [PDMP] with the changes in subsection

- (1) ~~Prior to dispensing a prescription,~~ Each dispenser licensed by a regulatory agency in the state of North Dakota who dispenses a controlled substance to a patient, ~~for the treatment of pain or anxiety~~ shall, at a minimum, request and review a prescription drug monitoring report covering at least a one-year time period or another state's report, or both reports, when applicable and available prior to initially dispensing a prescription, with the exception of prescriptions for a Skilled Long Term Care patient, a Hospice patient or an attention deficit hyperactive disorder patient (ADHD) continuing on the same medication. Further reports shall be requested and reviewed if the dispenser becomes aware of a person currently:

On vote by roll call Pharmacist Gayle Ziegler-Nay; Pharmacist Tyler Lannoye-Nay; Pharmacist Steve Irsfeld-Nay; Public Member Fran Gronberg-Nay; Technician Diane Halvorson-Nay; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion failed.

It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve 61-12-01-04 Prescription Drug Monitoring Program [PDMP] with these changes in subsection

- (1.) ~~Prior to dispensing a prescription.~~ Each dispenser licensed by a regulatory agency in the state of North Dakota who dispenses a controlled substance to a patient, ~~for the treatment of pain of anxiety shall,~~ at a minimum, request and review a prescription drug monitoring report covering at least a one-year time period or another state's report, or both reports, when applicable and available prior to initially dispensing a prescription, with the exception of prescriptions for a patient in a Skilled Long Term Care facility or a Hospice patient. Further reports shall be requested and reviewed if the dispenser becomes aware of a person currently:

On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Shane Wendel to approve 61-13-01-03 Controlled Substances Schedules as proposed with the addition of the following sentence after 61-13-01-03 Scheduling. Substances on the Drug Enforcement Administration's published exempt prescription product list are not considered controlled substances. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the meeting date suggestions below. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

2020 Meeting Dates

			EXAMS	
January	6-7-8, 2020	Wingate by Wyndham	Fargo, ND	If Requested
March	19, 2020	Board Office	Bismarck, ND	If Requested
NABP	May 14-16, 2020		Baltimore, MD	No Exams
May	18-20, 2020	Wingate by Wyndham	Fargo, ND	May 19- 20, 2020
July	16, 2020	Board Office	Bismarck	If Requested
<i>District V</i>	<i>August, 2020</i>	<i>?</i>	<i>No Exams</i>	
September	17, 2020	Board Office	Bismarck	If Requested
November	19, 2020	Board Office	Bismarck	If Requested

At 4:10 PM the board began consideration of draft rules proposed to go out for rule hearing in the future.

Dr. Hardy reviewed a proposed draft of Chapter 61-04-14 Adaptation of prescription drug orders. After much discussion and some suggested modifications there was no motion to move this suggested rule out to hearing at this time. The Board requested Executive Director Hardy look further at our authority to make these rules in the law and consider another draft at the next meeting of the board.

A proposed draft of a rule to implement the legislative changes passed in Senate Bill 2306 regarding the provisional / temporary licensure of members of the military and spouses of military members in the 66th legislative session was reviewed.

It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Steve Irsfeld to move proposed rules 61-02-07.1-07 and 61-03-01-04 out to hearing. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

A proposed approach to implement changes passed in Senate Bill 2231 regarding Collaborative Agreements in the 66th legislative session was reviewed by Dr. Hardy.

It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Tyler Lannoye that in light of the changes made in Senate Bill 2231 Chapter 61-04-08 is no longer needed as the law is now self-implementable. Therefore we will propose the repeal of Chapter 61-04-08 and send the repeal out for hearing. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Dr. Hardy explained a draft of Chapter 61-04-11 Administration of medications and immunizations to attempt to make adjustments to comply with changes needed in response to passage of House Bill 1498 in the 66th Legislative Session.

It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to move Chapter 61-04-11 out to hearing with some changes to ensure notification of the prescriber is done by inclusion of the administration in the patient's medical record or in the case of immunizations entry into the North Dakota Immunization Information System would accomplish compliance with the requirement for notification. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

At 5:30 PM the Board recessed for some investigating committee work so attorney Lindell could head home.

The Board Members went to dinner at Space Aliens and reconvened at 7:30 PM.

Dr. Hardy reviewed the financials and a proposed budget for next year.

It was moved by Public Member Fran Gronberg and seconded by Technician Diane Halvorson to approve the financial report and comparison with the current budget. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Gayle Ziegler to approve the proposed budget for the 2019-2020 fiscal year. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

The contract for Executive Director Mark Hardy Pharm D for the next fiscal year was reviewed. President Schmidt commended Dr. Hardy for his excellent work, and the positive image he presented for the board at the legislature, District V and at the National Boards of Pharmacy meetings.

It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve the contract for Executive Director Mark Hardy, Pharm D as presented. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Technician Diane Halvorson and seconded by Public Member Fran Gronberg to approve all of the legal actions of the Executive Director since our last such motion. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

President Tanya Schmidt called for nominations for President of the Board of Pharmacy for the July 1, 2019-June 30, 2020 year. Pharmacist Gayle Ziegler was nominated. There being no further nominations:

It was moved by Technician Diane Halvorson and seconded by Pharmacist Steve Irsfeld to elect Pharmacist Gayle Ziegler president for the July 1, 2019-June 30, 2020 year. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Diane Halvorson to approve all of the paid expenses and the bank account reconciliations. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Diane Halvorson to appoint Public Member Fran Gronberg and Pharmacist Tanya Schmidt to the Audit Committee. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

It was moved by Public Member Fran Gronberg and seconded by Pharmacist Steve Irsfeld to appoint Pharmacist Rick Detwiller to the PDMP Advisory Board. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Dr. Hardy reviewed legislation affecting boards which has not already been discussed with the rules.

Dr. Hardy updated the board on the PCMA vs Tuft legal matter. It is likely that the case will not be heard by the 8th Circuit before September 2019.

Executive Director Hardy provided the Board Members with the final audit report which has been received from Widmer Roel and reported that there was an ownership change. Widmer Roel was purchased by Schmitz-Holmstrom but the employees will remain with the accounting firm.

Board members discussed the focus they would like to see during this year's inspection cycle. Executive Director Hardy anticipates we will get to an online inspection format this year.

Suggestions from the Board were to focus on consultation and technician's ability to screen patients for consultation and to write warning notices for those pharmacies not compliant with consultation standards. Focus by Compliance Officer Dennis Delabarre on USP 795 and 797. Quality assurance programs can be reviewed to see that pharmacies are actually looking at what is done and taking positive action as a result of the information gathered. A controlled substance audit may be appropriate again as we have not done one for a couple of cycles. Explanation of the board's expectation for temperature monitoring should be explained by the Compliance Officers.

Technician Diane Halvorson explained a project anticipated by the Northland Association of Pharmacy Technicians to prepare some templates and an online tutorial for implementation of a Tech-Check-Tech program in pharmacies. They would like to develop a pilot project in four pharmacies to stimulate further utilization of Registered Technicians in other locations.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Shane Wendel to allocate up to \$5000 reimbursable on a receipt claim basis, to NAPT for the purpose of their Tech-Check-Tech course development and pilot project if funding is not approved through a separate grant request. On vote by roll call Pharmacist Gayle Ziegler-Aye; Pharmacist Tyler Lannoye-Aye; Pharmacist Steve Irsfeld-Aye; Public Member Fran Gronberg-Aye; Technician Diane Halvorson-Aye; Pharmacist Shane Wendel-Aye; Pharmacist Tanya Schmidt-Aye. The motion carried.

Board members went to finish their portfolio reviews and to make preparations for tomorrow's exams.

The Board met at NDSU College of Pharmacy at 7:30 AM on Tuesday May 21 to begin the exams for 47 students. [*Candidate Eleck Bbobho called and cancelled*]

At 8:00 AM on Wednesday May 22nd the Board began oral exams for the students and licensure candidates.

The meeting adjourned at 2:30 PM on Wednesday May 22nd , 2019.

President
Tanya L Schmidt, PharmD

Senior Member
Gayle D. Ziegler, RPh.

Technician Member
Diane M. Halvorson, RPhTech

Member
Steven P Irsfeld, RPh.

Public Member
Fran Gronberg

Member
Shane R. Wendel, PharmD

Member
Tyler G Lannoye, PharmD

Executive Director
Mark J. Hardy, PharmD