

A G E N D A
MAY 16-17-18, 2022

Monday – May 16, 2022 *Club House Hotel & Suites - 4400 15th Ave South – Regency 2 Room
Fargo ND 58103 (1-701-282-5777)*

10:30AM - CALL TO ORDER – Tyler Lannoye, President

Recite: Mission Statement

Sign Original Certificates: RPh & Tech

Review and Approval of Agenda

AGENDA TAB

Review & Approval of Meeting Minutes of: March 17, 2022

MINUTE TAB

10:45 AM Pharmacist RPh6064 Nicholas Huseby
Technician Tech1035 Eric Ostenson

Lunch: Lucky 13's

Meeting dates 2022-2023 fiscal year

Tab 1

Discussion items: Inspection cycle 2022-2023 – Focuses and Direction
Update on PCMA vs Tufta [potential Executive Session]
Board Office relocation - Rent Comparisons
DSCSA National Licensing Standards

Tab 2

***** Added items:**

NAPT Survey

MAT [Medication Assisted Treatment] options for Pharmacists

NDSU School of Pharmacy enrollment

Budget and Financials

BUDGET TAB

Executive Director Contract

Consider Approval of the actions of the Executive Director

Election of President for the July 1, 2022 – June 30, 2023 year

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

Review Candidate Files = **47**

Candidate TAB

Review Intern Portfolios

Make final preparations for tomorrows exams

**TUESDAY-MAY 17, 2022 EXAMINATION SCHEDULE - Sudro Hall/Aldevron Tower NDSU -
1401 Albrecht Boulevard Fargo, ND 58102**

ALL	7:45 – 8:15	AM	Roll Call and Orientation View Sterile Compounding Video	ALL Candidates	ROOM 24
	8:45 – 9:30	AM	Errors and Omissions	Section 1	Aldevron Room 150
	9:30 - 10:15	AM	Errors and Omissions	Section 2	Aldevron Room 150
	10:15 – 11:00	AM	Errors and Omissions	Section 3	Aldevron Room 150
	8:30 – 9:30	AM	Laboratory	Section 1	Concept Pharmacy
	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 18, 2022 -ORAL EXAMINATION SCHEDULE- Club House Hotel & Suites - 4400 15th
Ave South Fargo ND 58103 (1-701-282-5777)**

8:20	AM	SECTION	1	To Room:	<u>Board Room</u>
8:40	AM	SECTION	2	To Room:	<u>Regency 2</u>
9:00	AM	SECTION	3	To Room:	<u>Regency 3</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		
1:00	PM	SECTION	10		
1:20	PM	SECTION	11		
1:40	PM	SECTION	12		

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

ADJOURNMENT

President Tyler Lannoye, PharmD called the Board Meeting to order at 10:30 AM on Monday May 16, 2022, at the Club House Hotel & Suites - 4400 15th Ave South – Regency 2 Room in Fargo ND 58103.

Present in the Room were Executive Director Mark J Hardy, PharmD, Board Members: Tyler Lannoye, PharmD; Technician Member Diane Halvorson; Steven Irsfeld, RPh; Shane Wendel, PharmD; Tanya Schmidt, PharmD; Public Member Ron Horner; Carolyn Bodell, RPh; Attorney David A. Lindell, JD; and Howard C Anderson, Jr, RPh, Senior Compliance Officer. Also present are RPh6064 Nicholas Huseby, Registered Technician Tech1035 Eric Ostenson, and PharmAssist Committee Members Agnes Harrington, RN and Kelly Brodsho, Pharm D.

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.*

Board members signed original certificates for use until the next meeting.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the agenda with the additions of discussion of the Technician Survey planned by NAPT, Pharmacist involvement in Medication Assisted Treatment[MAT], the NDSU School of Pharmacy enrollment. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Tanya Schmidt to approve the minutes of March 17, 2022, as printed. On voice vote all Board Members present voted Aye. The motion carried.

Executive Director Hardy asked Nicholas Huseby RPh6064 to explain the circumstances around his DUI arrest. Pharmacist Huesby did so, explaining he had gotten stuck in a snowbank and the officer who stopped to help noticed he was impaired. He discussed with board members what he has learned and assured the Board he had learned from the experience and nothing similar should happen in the future. PharmAssist Members Agnes Harrington and Kelly Brodsho said they have met with Pharmacist Huesby twice and would recommend no action beyond what law enforcement has required.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson to take no further action against the license of Pharmacist Nicholas Huseby RPh6064 as long as no further incidents occur. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Executive Director Hardy invited Technician Eric Ostenson Tech1035 to share his story with the Board. He indicated he was stopped for speeding and administered a breathalyzer, which found him impaired. He said the victim impact panel really resonated with him revealing the harm a

drunk driver can cause. PharmAssist Committee Members Agnes Harrington and Kelly Brodsho have met with him twice. He has been very open with them, and they recommend no specific action beyond what law enforcement has required.

It was moved by Pharmacist Carolyn Bodell and seconded by Pharmacist Shane Wendel to take no further action against the registration of Eric Ostenson Tech1035 at this time. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt recused herself as Technician Ostenson works for Thrifty White, Pharmacist Tyler Lannoye -Aye. The motion carried.

Discussion followed with the PharmAssist Committee Members about their important work and ensuring they are getting reports on issues with licensed ND Individuals. President Lannoye suggested that perhaps a 20-minute visit with incoming classes would inform students about the rules on reporting legal issues or impairments to the PharmAssist Committee, perhaps preventing some problems from occurring. Chief Compliance Officer Howard Anderson was assigned to meet with NDSU leadership and would discuss the issue with them.

Meeting dates for 2022-2023 were discussed.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson to approve the suggested meeting dates as shown below. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried. The dates are:

January 11-13, 2023	Club House Hotel & Suites	Fargo, ND	If Requested
March 16, 2023	Board Office	Bismarck ND	If Requested
NABP annual Meeting	May 11-13 th , 2023	Where	No Exams
May 15-17, 2023	Club House Hotel & Suites	Fargo, ND	May 16-17, 2023
July 20, 2023	Board Office	Bismarck	If Requested
District V August 9-11, 2023		Medora ND	No Exams
September 21, 2023	Board Office	Bismarck	If Requested
November 16, 2023	Board Office	Bismarck	If Requested

The board adjourned the meeting to Lucky 13's for lunch, with Compliance Officer Gayle Ziegler joining.

Upon returning at 1:15 PM Pharmacist Carolyn Bodell announced her retirement from Trinity Health is coming June 17, 2022, so we celebrated with cupcakes. This will not affect her term on the Board.

The upcoming Inspection/ Compliance Visit cycle was discussed with Compliance Officer Gayle Ziegler. Consensus was to focus on counseling new prescription fills for this year. Chief Compliance Officer Anderson passed out "Warning Notices" for use by Board Compliance Officers / Inspectors in their pharmacy Compliance Visits as enforcement for pharmacists to counsel on all new prescriptions.

Board Members reiterated that shortages of Registered Pharmacy Technicians or Pharmacists should not be used as an excuse to skip counseling on new prescriptions.

New rule focuses, including the new 30 day emergency fill language, prescribing protocols and Technicians providing injections. Other focus items of the Inspection cycle included compounding and diversion preventions steps the pharmacies are taking.

Dr. Hardy updated the board on the PCMA vs Tuftes lawsuit. We are waiting for the now extended date of July 12th to determine if an appeal will be filed by PCMA to the US Supreme Court.

Medication Assisted Treatment (MAT) was discussed. Pharmacist Tyler Lannoye is working with the IHS and DEA for authority for Pharmacists to prescribe buprenorphine, particularly when a patient is in active withdrawal and the time is right to get them started on suboxone before they relapse again.

Public Member Ron Horner reported on the extensive work he has done to check into options for the Board to get into a different office space with handicap accessibility, adequate parking and updated facilities. His assessment shows the opportunity for lease at 1838 Interstate Avenue in Bismarck seems to be the best option for the Board. It has a reasonable rent at \$19.75 per square foot, including CAM, good parking, a shared board room and break room all with handicap accessibility. Executive Director Mark Hardy again disclosed he has a 10 % interest in this facility.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Tanya Schmidt to proceed with the lease of the property at 1838 Interstate Avenue in Bismarck. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Technician Member Diane Halvorson broached the issue of Technicians-in-Training being used to perform Tech- check-Tech functions which the original rule was reserved for Registered Pharmacy Technicians. Telepharmacy is another area where the rule reserves activity to Registered Pharmacy Technicians. Medication reconciliation is another area of concern when being performed by a Technician-in-Training without further checking by a Registered Pharmacy Technician, Licensed Intern or Pharmacist. Consensus centered around the need to change the rule to make it clear these activities need to be left to the discretion of the Pharmacist-in-Charge or the Pharmacist working at the time.

Dr. Hardy reviewed the financials and the balance sheet. Credit card fees are up mostly because the new wholesaler fee increase is paid mostly by credit card and the bulk of the money is to be transferred for use by the Insurance Commissioner. There was some discussion about withholding a standard 3% to cover the fees. The higher legal costs have been addressed in a previous review as due to the uncontrollable nature of the PCMA lawsuit.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Member Diane Halvorson to approve the profit and loss and balance sheet as presented. It was noted that no journal entries occurred since the last meeting. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the budget as presented for the 2022-2023 fiscal year, with changes to the Inspector/Compliance Officer compensation to \$60 per hour. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tyler Lannoye -Aye. Pharmacist Tanya Schmidt needed to leave for another conference call meeting so was not present for this vote. The motion carried.

It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Carolyn Bodell to approve the contract with Executive Director Mark Hardy, PharmD, as presented. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner - Aye- Pharmacist Tyler Lannoye -Aye. Pharmacist Tanya Schmidt was not present for this vote. The motion carried.

It was moved by Technician Member Diane Halvorson and seconded by Public Member Ron Horner to approve all legal actions of the Executive Director since this was last done. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner - Aye- Pharmacist Tyler Lannoye -Aye. Pharmacist Tanya Schmidt was not present for this vote. The motion carried.

Pharmacist Shane Wendel and Public Member Ron Horner were appointed by President Lannoye to review all paid invoices and bank statements.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Member Diane Halvorson to appoint Pharmacist Tyler Lannoye to serve as the Board's representative on the Prescription Drug Monitoring Committee. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tyler Lannoye did not vote as he is named in the motion, and Pharmacist Tanya Schmidt was not present for this vote. The motion carried.

President Lannoye appointed Pharmacist Tanya Schmidt and Technician Member Diane Halvorson to the audit committee.

Pharmacist Tanya Schmidt returned to the meeting at 5 PM and the Board took up discussion of the Drug Supply Chain Security Act [DSCSA]. Executive Director Hardy explained the Food and Drug Administration (FDA) has a very prescriptive draft of licensing standards for states. This means if the states do not mirror the federal draft on their wholesaler laws and licensing, the laws will be preempted by the feds. We are looking at commenting on these proposed rules to allow the states some flexibility in regulating wholesalers, 3 PL distributors, virtual distributors etc.

Pharmacist Tanya Schmidt mentioned she is on the National Pharmacy Advisory Board for NDSU and stressed with their budgets being cut the last two cycles, staff has been cut to alleviate the financial constraints. It was agreed the profession needs to help recruit students in their community to consider Pharmacy as a career.

President Tyler Lannoye opened nominations for President of the Board of Pharmacy for the July 1, 2022 through June 30, 2023 year.

It was moved by Pharmacist Tanya Schmidt and seconded by Technician Member Diane Halvorson to cast a unanimous ballot for Pharmacist Steve Irsfeld for President. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye -Aye. Pharmacist Steven Irsfeld did not vote as he was named in the motion. The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Shane Wendel to adjourn for the day. All present voted aye and President Lannoye adjourned for the day.

The Board reconvened at 8 AM on May 18, 2022, and discussed the interaction with Senior Associate Dean Dan Freisner and Dean Charles Peterson during the time at the College of Pharmacy yesterday. Reporting they are very open to working with the PharmAssist Committee to help students be successful. Both thought it a good idea to have the Committee present to the incoming classes.

The Board reconvened on Tuesday at 7:45 AM at NDSU Sudro Hall Room 24 for the Candidate Orientation. The Board then administered the practice examinations throughout the day and prepared for the Wednesday Oral Examinations.

It was moved by Public Member Ron Horner and seconded by Pharmacist Tanya Schmidt to approve all the paid invoices and the bank statements which they reviewed yesterday. There were no journal entries to review. On vote by roll call: Technician Member Diane Halvorson -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Steve Irsfeld -Aye- Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Tyler Lannoye did not vote. Pharmacist Shane Wendel has left for the NABP Annual meeting in Arizona so is not present to vote. The motion carried.

The Board commenced the Oral Exams beginning at 8:20 AM, continuing throughout the day at The Club House Hotel & Suites in Fargo and adjourning at 2:30 PM.

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