

AGENDA
November 18, 2021
Board of Pharmacy Office –
1906 E Broadway Ave - Bismarck, ND
[701-328-9535]
Join Zoom Meeting: <https://us02web.zoom.us/j/81769514933>

1-312-626-6799 Meeting ID: 817 6951 4933

10:00 AM – Call to Order – Tyler Lannoye, PharmD - President **AGENDA**

Recite Mission Statement

Review and approval of Agenda
Review and sign September 16, 2021, Board Minutes **MINUTES**
Sign original Pharmacist and Technician Certificates

Pharmacy Permit Items:

New Pharmacy = MS4 PLLC dba Medicine Shoppe Pharmacy - Ross Wilhelm RPh
to be located at 8001 Jacks Way, Horace, ND 58047

Phar955 Altru Specialty Center Hospital Pharmacy – relocation floor plans – Erin Navarro, PharmD

Phar404 Thrifty White Drug #61 – request for addition of Subclass I – **TAB 1**
Research Pharmacy license

10:30 AM Jesse Rue, PharmD, ND Pharmacy Service Corporation – presentation **TAB 2**
For: Developing medication administration training for pharmacists

11:00 AM Review Pharmacist Prescription protocols – Immunization & Tobacco Cessation **TAB 3**

12:00: Lunch Break

Discussion Items:

Update on PCMA-vs – Wehbi [was Tufte]
Legislative Session Discussion and Updates **TAB 4**
Administrative Rules update
Attorney General Board Member Orientation & Training report

**** Added** Remodeling / Relocation of Board Office

2021-2022 Financials to Date **Budget Tab**
Audit Report 2019-2020

President Tyler Lannoye called the meeting to order on Thursday November 18, 2021, at 10:05 AM.

Present in the Board Conference Room were Executive Director Mark J Hardy, PharmD, Board Members: Tyler Lannoye, PharmD; Tanya Schmidt, PharmD; Steven Irsfeld, RPh; Public Member Ron Horner; Carolyn Bodell, RPh; Howard C Anderson, Jr, RPh, Senior Compliance Officer; and Creighton PharmD Student Madison J Nelson, who also happens to be the daughter of Board Member Shane Wendel and is on rotation with the Board.

Present on the Zoom Meeting: Technician Member Diane Halvorson, RPhTech and Shane Wendel, PharmD were present while attending a NABP Task Force meeting in Chicago. John Long, representing CVS Health; Jesse Rue, PharmD with the Pharmacy Service Corporation. Paige Johnson, NDSU Intern on rotation with Board Member Shane Wendel; Jeremy Faulks, Pharm D, representing Thrifty White; Erin Navarro, PharmD representing Altru Health Systems.

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.*

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Steve Irsfeld to approve the meeting Agenda with the addition of discussion of remodeling or relocating the Board Office. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Pharmacist Tanya Schmidt and seconded by Public Member Ron Horner to approve the minutes of the September 16, 2021, as printed. The motion carried on a voice vote with all members voting Aye.

Board Members signed certificates to be used for new registrants and licensees.

An Application, lease and floor plans were reviewed for a New Pharmacy MS4 PLLC dba Medicine Shoppe Pharmacy to be owned by four pharmacists and to be located at 8001 Jacks Way, Horace, ND 58047.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Carolyn Bodell to approve the plans and application for MS4 PLLC dba Medicine Shoppe Pharmacy to be located at 8001 Jacks Way, Horace, ND 58047. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Plans were reviewed for the relocation of Phar955 Altru Specialty Center Hospital Pharmacy within the current facility. Erin Navarro, PharmD, Pharmacist-In-Charge explained the situation. A rehabilitation hospital is being established on a different floor of the current location, which will be privately owned and will serve that facility. [A new Pharmacy Permit Application will be coming]

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Steve Irsfeld to approve the plans for relocation within the facility for Phar955 Altru Specialty Center Pharmacy, Erin Navarro, PharmD, Pharmacist-In-Charge. On vote by roll call:

Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Discussion followed on a possible need for a Subclass I Research Pharmacy License for Phar404 Thrifty White Drug #61 – Pharmacist Tanya Schmidt, and Jeremy Faulks, PharmD explained the pharmacy would be working with Pharmacist Gerald Finken as CEO of RxE2, Inc. in drug research trials. Thrifty White Pharmacy would be dispensing the study product and trial control (placebo) to patients randomized by the pharmacy. They would also be responsible for the product returns and record keeping. Thrifty White would be able to unblind patients if needed for any adverse events. Informed consent would be handled by the practitioners signing the patients into the trial and issuing a prescription for the study product. Thrifty White #61 is now licensed in all 50 states. Pharmacist Schmidt explained the pharmacy wanted the Board to know they are participating in such activities but was not sure the Subclass I was needed. It was the consensus of the Board that the pharmacy could participate in such activities under their existing license and the subclass I was not needed. Pharmacist Carolyn Bodell explained that many hospitals participate in clinical trials with their Class B license.

Jessie Rue, PharmD, Clinical Coordinator of the About the Patient Program joined the meeting via Zoom to discuss a request for funding in developing a medication administration training for pharmacists.

Questions followed from Board Members. Pharmacist Steve Irsfeld and Pharmacist Tanya Schmidt inquired about projected demand for such a training. All agreed that pharmacists may find it necessary as they expand their patient service offerings. Pharmacist Tyler Lannoye sees many times when he wishes pharmacists were more comfortable with the details of product administration. It was stated the legislation HB 1498 passed in 2019 allowed expanded administration authorities by pharmacists. Pharmacist Tanya Schmidt and Pharmacist Tyler Lannoye both expressed that pharmacists should have an expectation of a cost related to receiving such a training. Pharmacist Steve Irsfeld asked if the Board had funds available to which Dr. Hardy replied, there are resources available from fines assessed. Senior Compliance Officer Howard C Anderson, Jr, RPh was happy to see Dr Rue's plans and his ability to get nursing faculty to assist.

It was moved by Technician Member Diane Halvorson to modify the budget and allocate \$6,500 as seed money for the development of a medication administration program and request a sustainability effort to continue the program, such as charging for participants. Pharmacist Steve Irsfeld seconded the motion. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Nay- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Nay. The motion carried.

Pharmacists Joan Galbraith, Brody Maack and Elizabeth Skoy joined the board via Zoom. Susan Tevnan also identified herself as representing Lexmar.

PharmD Student Intern Madison Nelson handed out two guidance documents she has developed related to the Immunization and Tobacco Cessation protocols.

Dr. Hardy asked Dr. Skoy to review with the Board the current draft of the Immunization Statewide Protocol she has been assisting the Board in developing. There were some minor suggestions such as removing the word "*conflict*" from paragraph two and allowing pharmacists

professional judgement to be used when Advisory Committee on Immunization Practices (ACIP) guidelines change. A clarification on the issue of resident status of those reported to the state immunization registry was answered that all immunizations administered in ND are reported to the ND registry. Minnesota practitioners can access the ND registry.

It was moved by Pharmacist Carolyn Bodell and seconded by Pharmacist Tanya Schmidt to approve the Immunization Statewide Protocol with the requested changes. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Dr. Hardy invited Dr. Maack to review the Protocol for Prescribing Tobacco Cessation Products he has been developing. Some suggestions were:

- to make the language “Authorized Pharmacist” consistent throughout the protocol.
- Also, to specify “Tobacco Cessation Behavioral Counseling”, so it is clear we do not intend to go beyond that.
- And then to use the term “protocol” instead of “Article”.

Some discussion followed about the Board approving training (CE) programs and Dr. Maack suggested any program approved contain all 10 items mentioned in the protocol which have been pioneered by the University of California San Francisco (UCSF) and Purdue University through a National Institute of Health (NIH) grant.”

It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Tanya Schmidt to approve the Protocol for Prescribing Tobacco Cessation Products with the suggested changes and to leave the approval of specific CE training programs to Executive Director Hardy. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Technician Member Diane Halvorson -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

At 12:10 PM the Board broke for lunch. At this time Pharmacist Wendel and Technician Member Halvorson departed the meeting to attend the NABP task force on workplace conditions.

Dr. Hardy gave an update on the PCMA vs Wehbi Case. The State of North Dakota prevailed on all counts related to ERISA and all of the Medicare Part D issues except those specifically overlapping a Federal standard, such as DIR fees and performance metrics. PCMA has 90 days to appeal to the Supreme Court.

Dr. Hardy gave a legislative session update with the only significant bill passing related to Pharmacy was HB 1514, restricting the Board’s ability to take action against a Pharmacist for dispensing ivermectin.

Dr. Hardy reported the rules adopted last meeting are ready to go to the Interim Legislative Rules Committee in early December and should be effective January 1, 2022 if nothing comes up at the rules committee hearing.

Pharmacist Anderson gave a report on the Attorney General’s training for Board members. The only new wrinkle seems to be a person at the meeting or on Zoom does not need to identify themselves. They can remain anonymous if they desire. Many do want to be listed in the minutes as their employer has asked them to attend.

Board members asked for an update on Hazen Drug. Executive Director Hardy provided an update on this from the last meeting

Pharmacist Tanya Schmidt asked for an update on the Thrifty Drug locations in Fargo. It appears that Pharmacist Chad Nelson has lost his supplier and will likely close all three of his Fargo locations unless someone steps up in the next couple of weeks. The customers have been notified that files will be transferred to Phar6 Linson Pharmacy, Ltd. Steele Drug Inc has been transferred to Dan Churchill, PharmD and relicensed Phar760 and named Steele Pharmacy LLC.

The DEA is filing a notice they will be making some rules on telepharmacy. Executive Director Hardy encouraged Board Members to review the notice.

The Board then discussed the Board Office remodeling item added to the Agenda. Some estimates for remodeling were obtained based on new carpet, ADA compliant bathrooms and expansion of the conference room. Executive Director Hardy has two ballpark estimates, one of \$40,000 and one of \$70,000. The difference may be based on the need to do the bathrooms and reroute some plumbing. Another alternative is moving to a different location. Staff is visiting one option tomorrow and we will hear more at a future meeting. Pharmacist Tyler Lannoye stated he is absolutely, positively not opposed to moving.

It was moved by Pharmacist Tanya Schmidt and seconded by Pharmacist Steve Irsfeld to approve the financials as presented. There are no journal entries to review. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Executive Director Hardy informed the Board he is checking with the Legislative Council to determine if we need to do rules for the increase in the wholesaler fees, or if we can just notice the change as the legislation requires the increase.

The Board's 2019-2020 Financial Audit was reviewed.

It was moved by Pharmacist Carolyn Bodell and seconded by Pharmacist Tanya Schmidt to approve the 2019-2020 Audit Report as presented by the auditor. On vote by roll call: Public Member Ron Horner -Aye- Pharmacist Tanya Schmidt -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Dr. Hardy announced we will meet in Fargo January 12-14, 2022 and discussed preliminary scheduling.

President Lannoye called for any further business, there being no further business forthcoming adjourned the meeting at 3:00 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