

A G E N D A
THURSDAY - OCTOBER 30, 2008
STATE BOARD OF PHARMACY OFFICE - 1906 E BROADWAY AVE – BISMARCK, ND

1:30 PM – Call to order

Review Agenda

AGENDA

** = Additions made to the current Agenda*

Sign Board Minutes of: June 25th, 2008 and September 24, 2008
Original Technician Registration Certificates

MINUTE TAB

Adoption of : 61-02-07.1-12 Technicians checking Technicians and
61-04-04-01 (21) Expedited Partner Therapy.

TAB 1

Foundation Care Services Agreement – The Medicine Shoppe – Jodi Gader, R.Ph.

TAB 2

Proposed New Pharmacy Terry Kirstensen, R.Ph. - Bismarck

Request for a Subclass K Telepharmacy Permit – Minne Tohe Health Center – New Town

Temporary Location – Napoleon Drug [from 214 to 315 Main Ave] - Fire

Reciprocity Candidates – Dehsid Nourian and Robert P Brower [disciplinary actions]

Conflict: NABP May 16-19, 2009 in Miami Fl – Meeting May 18-21, 2009 in Fargo

2:30 PM Ryan Sannes, R.Ph. #4917 – review disciplinary case

** Kyle Schwandt – Robert Sieg*

REVIEW: IBL Bill Draft

43-15-35 - Discussion

Justin's Law [Valid Patient / Physician Relationship]

TAB 3

** Update on Hospital Telepharmacy*

Boards & Commissions Reserves

Financial Review- Banks Depositories

BUDGET TAB

INVESTIGATIVE COMMITTEE MEETING

Exam Schedule (1) Elvis Osagie – Foreign Pharmacist Graduate

FILE

2:15 - 2:30 PM Roll Call and Orientation of Candidates

2:30 - 3:30 PM Laboratory Section

3:30 - 4:00 PM Errors and Omissions 1

4:00 - 4:30 PM Oral Examination

THURSDAY

OCTOBER 30, 2008

BOARD OF PHARMACY OFFICE – BISMARCK, ND

President Dewhirst called the meeting to order at 1:30 PM on Thursday, October 30th, 2008 in the Conference Room of the Board of Pharmacy Office in Bismarck, North Dakota. Present were: Board Members, Rick L. Detwiller, R.Ph. – Gary W. Dewhirst, R.Ph. – Laurel Haroldson, R.Ph. – Bonnie J. Thom, R.Ph. Gayle D. Ziegler, R.Ph.; Executive Director Howard C. Anderson, Jr, R.Ph. and Board Attorney David A. Lindell.

Also present were: Terry Kirstensen, R.Ph. and Elvis Osagie, Candidate for Examination

The Board reviewed the Agenda as presented. **It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to approve the Agenda with the additions of: a report on Kyle Schwandt and Robert Sieg, as well as a report on the Hospital Telepharmacy project. All Board Members voted aye, the motion carried.**

After review, **it was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to approve the corrected minutes of the June 25th, 2008 and September 24th, 2008 Board Meetings. All Board Members voted aye, the motion carried.**

The Board Members signed Original Certificates for the Registration of Pharmacy Technicians.

Final adoption of 61-02-07.1-12 Technicians checking Technicians was considered. It was noted that one comment had been received from Pharmacist Dennis DelaBarre, and that his suggested change had been made by the addition of section 2, d. to the original draft. **It was moved by Pharmacist Detwiller and seconded by Pharmacist Ziegler to adopt 61-02-07.1-12 Technicians checking Technicians, with the change, pending the approval of the Attorney General. All Board Members voted aye, the motion carried.**

Consideration was given to the final adoption of 61-04-04-01 (21) Expedited Partner Therapy. **It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom to adopt this rule as originally presented, pending the approval of the Attorney General, as no comments, changes or objections have been received. All Board Members voted aye, the motion carried.**

A central fill prescription agreement between Foundation Pharmacy Care Services and The Medicine Shoppe in Bismarck was reviewed. Board Members agreed that no formal action was necessary, but that the Foundation Care Services Agreement for central fill pharmacy services was consistent with other central fill services currently operating in North Dakota.

Pharmacist Terry Kristensen was on hand to review with the Board Members the Application for Pharmacy Permit, rent agreement and floor plans for a new pharmacy to be located in the Gateway Mall. Heritage Pharmacy Gateway Mall will be located at 2700 State Street in Bismarck, North Dakota.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve the lease agreement, floor plans and Application for Pharmacy Permit for Heritage Pharmacy Gateway Mall will be located at 2700 State Street in Bismarck, North Dakota. All Board Members voted aye, the motion carried.

A request for a subclass K – Telepharmacy Permit for the Minne Tohe Health Center in New Town was reviewed. It is the intention that this site will be connected to the four Telepharmacy Sites on the Fort Berthold Reservation permitted under the Three Affiliated Tribes [TAT] TAT Twin Buttes Telepharmacy

– Halliday, ND; TAT Mandaree Telepharmacy – Mandaree, ND; TAT Parshall Telepharmacy – Parshall, ND; TAT White Shield Telepharmacy – White Shield, ND. This site will serve to cover when the central pharmacist is unavailable or working at the Minne Tohe Health Center in New Town.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson to approve a subclass K – Telepharmacy Permit for the Minne Tohe Health Center in New Town, currently holding North Dakota Pharmacy Permit #619. All Board Members voted aye, the motion carried.

Board Members reviewed the information concerning Napoleon Drug, which burned to the ground on Monday October 20th, 2008. Pharmacist Charlotte Young temporarily relocated Napoleon Drug to 315 Main Ave in Napoleon, North Dakota, pending the reconstruction of the pharmacy once the original location at 214 Main Ave is cleaned up.

It was moved by Pharmacist Thom and seconded by Pharmacist Detwiller to approve Napoleon Drug’s Pharmacy Permit move to the temporary location at 315 Main Ave by the Executive Director. All Board Members voted aye, the motion carried.

We, the Board of Pharmacy, commend Pharmacist Charlotte Young for her service to the community and Carla Aipperspach, R.Ph. of Wishek Drug for her professional help in providing services to the patients between Monday October 20th and Thursday October 23rd when pharmacy services were restored to the community of Napoleon. All parties participating in the restoration of service to the public deserve our thanks. These include Dakota Drug and Ted Scherr; Guy Schanta of MidCo Data; and DEA for their cooperation.

Reciprocity Applications were reviewed from Candidates Dehsid Nourian and Robert P. Brower. Both candidates had disciplinary actions in their past. Board Members discussed with Board Attorney David Lindell the implications of the past disciplinary actions of these candidates.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson to approve the reciprocity application of Mr. Dehsid Nourian. All Board Members voted aye, the motion carried.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to deny the reciprocity application of Robert P. Brower, citing his history of multiply felony convictions and the questionable likelihood that he was properly rehabilitated to be serving patients in North Dakota. All Board Members voted aye, the motion carried and the Application for Reciprocity was denied.

It has recently come to the attention of the Executive Director that the NABP Annual Meeting is running partially concurrently [May 16-19] with our planned Monday through Thursday May 18-21 2009 Board Meeting in Fargo. It was agreed that we would move our May Meeting to Wednesday through Saturday May 20-23rd with the Exams to be conducted on May 20th and 21st. It was understood that the Board would need to come in on May 19th upon their return from the NABP Meeting to begin our exams on Thursday at 8:00 AM and finish up on Saturday May 23rd.

At this time Ryan Sannes, R.Ph. #4917 arrived at the meeting along with his father, Paul Sannes to discuss his case with the Board of Pharmacy.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to re-instate the Pharmacist License of Ryan Sannes, effective November 15th, 2008 under the following restrictions:

- Pharmacist Sannes will obtain a position of employment that will not give him direct access to any prescription drugs for a minimum period of six-months.
- He will work under the direct supervision of another pharmacist whenever he is in a pharmacy or where drugs are available.
- If working in a pharmacy or nursing home, pharmacist Sannes will be restricted to consultant duties, not dispensing prescriptions, and again serve a roll which does not give him direct access to any prescription drugs either at a pharmacy or at a nursing home, where the potential might be for the destruction of prescription medications.
- He will comply with all of the tenets of his Order, which includes informing his employer and other responsible parties at his place of employment of his Findings of Fact, Conclusions of Law and Order.

Four Board members votes yes – one voted no; the motion carried.

The Board Members then discussed the motion made at our September 24th, 2008 Meeting concerning Intern Kyle Schwandt. Executive Director Anderson pointed out that except for our letter to Kyle there has not been any response from him. Therefore, the previous motion is void, as it had a thirty-day expiration for the opportunity for Intern Schwandt to re-instate his restricted Intern License.

The case of 1st Year PharmD Intern Robert Sieg was reviewed, along with the recommendation from Pharm-Assist Committee Member Agnes Harrington that in her opinion, at this time he did not require a Pharm-Assist Committee Contract. In the past he had made poor choices, and we would monitor his professional program to make sure that he has corrected his actions and is making good choices henceforth.

Board Members reviewed the Bill Draft prepared for the Industry, Business and Labor Interim Committee, which separates the Board of Pharmacy Licensure and the Pharmacists Association Membership; and at the Board of Pharmacy's request will add a Technician and Public Member to the Board of Pharmacy.

Discussion followed on NDCC 43-15-35 – Pharmacy Ownership, with all the publicity being bantered about, Executive Director Anderson indicated that he will continue with the policies and positions of the Board of Pharmacy elucidated in the past and that should a bill draft surface, we will review it at that time.

A proposed bill draft, commonly referred to as "Justin's Law" which defines a valid patient /physician relationship, has been briefly discussed with the Association, some of the Pharma representatives and sent to the Attorney General for his opinion, was reviewed. Executive Director Anderson reported that a pending meeting, on November 6th, 2008, with Attorney General Wayne Stenehjem to determine if a bill along these lines would be introduced during this legislative session.

Pharmacist Zeigler reported that she had not met with anyone on the Hospital Telepharmacy Project since our last meeting on September 24th.

Executive Director Anderson indicated that Shelly Doherty Johnson, R.Ph. had been hired as the Pharmacist-In-Charge at the central site, and that Catholic Health was proceeding with the idea that the Jamestown Hospital would be the first pharmacy added and that Lisbon would likely come second.

Executive Director Anderson then reviewed the financial situation with the Bank Depositories, indicating that the Bank of the West in Wahpeton was no longer being used as Treasurer William Grosz was winding down his activities.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson that the Banks of the McLean Bank Holding Company, First State Bank in Wilton and Bank Forward in Cooperstown, North Dakota would be designated depositories, along with BNC National Bank, to diversify our CD holdings. All Board Members voted aye, the motion carried.

Board members administered the Exam to candidate Elvis Osagie, a Nigerian graduate that is licensed in California. Dr Osagie did well on the North Dakota Examinations, has passed the NAPLEX Examination and has the ND MPJE Exam pending. We are awaiting receipt of certification of his internship hours from California and his MPJE score before granting his North Dakota Pharmacist License.

Executive Director Anderson asked permission to add information to the Board of Pharmacy website for District V NABP/AACP.

It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson to use the North Dakota State Board of Pharmacy website for District V NABP/AACP information. All Board Members voted aye, the motion carried.

President Dewhirst called for any further business, none forth coming, the meeting adjourned.

President
Gary W. Dewhirst, R.Ph.

Member
Rick L. Detwiller, R.Ph

Member
Laurel A. Haroldson, R.Ph.

Member
Bonnie J. Thom, R.Ph.

Member
Gayle D. Ziegler, R.Ph.

Executive Director
Howard C. Anderson, Jr., R.Ph.