

FRIDAY APRIL 21, 2006 NDPhA CONVENTION – DAYS INN – DICKINSON

6:30 PM – President Rick Detwiller called the special meeting to order, pursuant to the notice, at the NDPhA Convention at the Days Inn in Dickinson, North Dakota. Present at this time were: Rick Detwiller, R.Ph. – Gary Dewhirst, R.Ph. – Dewey Schlittenhard, R.Ph. and Executive Director Howard C. Anderson, Jr, R.Ph. Board Members Bonnie Thom, R.Ph. and Laurel Haroldson, R.Ph. had notified Executive Director Anderson they would be at the meeting later in the evening. Also present were: Harvey J. Hanel, PharmD, R.Ph.; Orren Anderson of Dakota Fixtures and D. Deborah Kvande, PharmD, R.Ph., representing the proposed pharmacy – Grafton Pharmaceuticals.

The Application for a Pharmacy Permit – Medical Pharmacy South at 4151 45th Street South in Fargo, North Dakota 58104 – was reviewed. The Application and Lease Agreement were in order. The Board Members had some questions about the lack of a true private consultation room, as required by Chapter 61-02-02-01(2).

It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst to approve the Application pending a review of the updated final plan, which will need to be in compliance with Chapter 61-02-02-01(2) concerning a private consultation room. The bathroom facilities must also be indicated on the plan, to comply with the Sanitary Standards in Chapter 61-02-04. The three board members present voted aye, motion carried.

After review, it was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to approve the remodeling plans for Osco Drug Pharmacy in Kirkwood Mall in Bismarck, North Dakota. All board members present voted aye, motion carried.

The Application for Pharmacy Permit, floor plan, commercial lease and an operating agreement, which was brought to the meeting by Dr. Kvande, was reviewed. Board members only had the opportunity to provide a cursory review of the operating agreement, having only just received it now. Neither Executive Director Anderson nor Board Attorney David Lindell had yet had the opportunity to review the agreement. Dr. Kvande had made a few comments on the agreement, as she had only recently received the agreement herself. Dr. Kvande indicated the agreement was written by the attorneys out of Florida and not by Dave Peterson, working for Grafton Pharmaceuticals, or her own attorney, Mr. Fischer out of Grand Forks. Dr. Kvande indicated that at this point she was being provided everything by a company already in existence when she got to Grafton, and at this point she had committed no financial resources of her own. The three Board Members present discussed with Dr. Kvande the necessity for her to be in financial control of the Company and in Governance control of the company for it to meet the qualifications of NDCC 43-15-35.

Executive Director Anderson will review the Articles of Registration, which will have to be obtained from the Secretary of States Office, as well as the Member Control Agreement and Operating Agreement of Grafton Pharmaceuticals, LLC and provide comments back to Dr. Kvande. We will also have the agreements reviewed by Board Attorney David Lindell, who will provide comments back to Executive Director Anderson. We will schedule some time on the morning of May 18th, 2006 for reconsideration by the Board of Pharmacy of the Application for Pharmacy Permit for Grafton Pharmaceuticals, LLC.

At this time, President Detwiller recessed the meeting until 7:00 AM April 22, 2006 in the Days Inn.

The meeting was called back to order at 7:00 AM in the breakfast room of the Days Inn in Dickinson, North Dakota. Now present were: Rick Detwiller, R.Ph. – Gary Dewhirst, R.Ph. – Dewey Schlittenhard, R.Ph. - Bonnie Thom, R.Ph. - Laurel Haroldson, R.Ph. - Executive Director Anderson and Dr. Harvey Hanel, who joined the meeting,

President Detwiller resumed the Agenda.

It was moved by Pharmacist Thom and seconded by Pharmacy Schlittenhard to grant a SubClass K – Telepharmacy Permit to Oakes Community Hospital Pharmacy Permit #206. All board members voted aye – motion carried.

The plans for a consultation site telepharmacy for Regent to be run out of Mott Drug were reviewed. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve a telepharmacy for Regent, contingent on more definition in the plans, as to where the telepharmacy equipment would be located, where the locked room is located within the grocery store and where the locked cabinet to store the filled prescriptions would be located. A lease for the space would need to be secured and an Application for Pharmacy Permit for the Telepharmacy in Regent received as well. All members voted aye – motion carried.**

A proposed Limited Liability Company (LLC) to own and operate the Grand Forks Family Residency Pharmacy was received just this week and was briefly reviewed by board members. Executive Director Anderson and Attorney David Lindell will review the agreement in more detail and a response provided to Mr. Gordon Myerchin, the Attorney for the Grand Forks Family Residency Pharmacy. The intention will be to have an acceptable document and application ready for approval at the May 2006 meeting.

New equipment for the Board of Pharmacy Office was discussed. Some bids were shared for a new computer for Eileen. Board Members recommended increasing the memory on the computer and the speed of the operating system. A copier for the office was also discussed.

It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Thom to purchase the computer and monitor, with the upgrade suggested by the Board Members and to lease the copier. The dollar amounts, when finalized, will be added to the budget. { \$1,500 computer \$700 Copier } All Board Members voted aye – the motion passed unanimously.

Executive Director Anderson distributed some Conscience Clause language; he had prepared to answer questions coming to the Board. This information will be available to the Association tomorrow, should they ask about it.

Executive Director Anderson along with Dr. Harvey Hanel, briefly reviewed the Prescription Drug Monitoring Program joint rule with the Board. The Board was asked to review the section, where it was the intension to adopt joint rules between the Department of Human Services and the Board of Pharmacy, so that another rule adoption would not have to occur, should the legislature decide that the Program would eventually reside at the Board of Pharmacy.

The new interpretation letter from the Center for Medicare and Medicaid Services was reviewed. Pharmacist Brendan Joyce, Director of Pharmacy Services of our Medicaid Office, suggested some new language for the Pharmacy Manual, removing the optional return of drugs in nursing homes and making the return mandatory *IF* the return met all the stipulations of the rule and what the Medicaid policy contains.

A request from Onamia Pharmacy of Minnesota for an exemption from the Out-of-State Pharmacy fee, which claims to only serve a Medicaid patient in their local group home, was reviewed. There is no provision in the law for an exception from the fee at this time. Executive Director Anderson will discuss this with Pharmacist Joyce, of our Medicaid Office, to try and find possible solutions to this problem.

The meeting adjourned at 8:00 AM.

President
Rick L. Detwiller, R.Ph.

Member
Gary W. Dewhirst, R.Ph.

Member
Dewey Schlittenhard, R.Ph.

Member
Bonnie J. Thom, R.Ph.

Member
Laurel A. Haroldson, R.Ph.

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