

President Bonnie J. Thom called the meeting together in the Conference Room of the Board of Pharmacy Office located at 1906 E Broadway Ave in Bismarck, North Dakota at 9:45 AM.

Present at the meeting were: Board of Pharmacy Members Bonnie J. Thom, R.Ph. – Gary W. Dewhirst, R.Ph.- Dewey Schlittenhard, R.Ph. – Laurel Haroldson, R.Ph. and Executive Director Howard C. Anderson, Jr, R.Ph. Also present were: Compliance Officer Gerald Johnson, R.Ph., Thomas Simmer, R.Ph.; David Peske and R. Scott Henne, R.Ph.

Board Member Rick L. Detwiller, R.Ph. was not present by at this time, he is serving on the DUR Committee for Workforce Safety and will join the meeting when he can.

President Thom reviewed the Agenda. It was suggested by Executive Director Anderson that the following items be added to the Agenda:

- 1) review of an Application for Pharmacy Permit for Wall's Health Mart Pharmacy in Grand Forks, North Dakota;
- 2) discussion on a communication from John Skwiera, R.Ph. – Heart of America Medical Center in Rugby;
- 3) request for a variance from Technician #618 Lori Urbach;
- 4) discussion on a communication from Dexter Boyd, Inspector with the Manitoba Pharmaceutical Association
- 5) some compounding issues
- 6) Plan B's potential for creating controversy

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Agenda with the additional items. The motion carried.

President Thom appointed Pharmacist Schlittenhard to the Investigative Committee, which will meet later in the day, during the exams. Executive Director Howard Anderson and Compliance Officer Gerald Johnson will serve as the other members of the Investigating Committee.

Since Pharmacist R. Scott Henne was present at this time, President Thom deferred other Agenda items and had Executive Director Anderson review the situation concerning Pharmacist Henne for the Board Members. In 2001, Mr. Henne had agreed not to seek employment as a Pharmacist, during the time he had some medical conditions. Scott went on to explain these medical challenges to the Board, indicating that those issues had been resolved, that he has been keeping up his Continuing Pharmaceutical Education and that he was ready to go back to work. Executive Director Anderson stated that a complaint had been received from Pharmacist Spencer Clairmont of Walhalla Prescription Shop, which was reviewed by the Board, was the only outstanding issue relating to R. Scott Henne's licensure. Board Members felt that, as Scott had stated earlier, this was related to his medical issues at the time and since no formal actions had been taken, there were no restrictions on R. Scott Henne's License, he was free to seek employment in North Dakota.

Board Members reviewed and briefly discussed the Prescription Drug Monitoring Program proposed rules and some draft legislative and rule changes currently being prepared by

Executive Director Anderson. It was generally agreed that when these suggested drafts are complete, the Board should hold a meeting, perhaps some time in October or early November, to plan Law and Rule adoption strategies. The Prescription Drug Monitoring Program rules will be promulgated as emergency rules, once the final grant announcement is received.

After review of the minutes, **it was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to approve the minutes as presented for May 15-18, 2006 – May 31st, 2006 Conference Call and June 22nd, 2006 Board Meetings. All Board Members present voted aye.** The motion carried.

A review of the Stipulated Settlement Agreement signed by Candace J. Schlader, Registered Pharmacy Technician #463 was done by the Board. After the review, **it was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson, to approve the Stipulated Settlement as signed by Candace J. Schlader. All Board Members present voted aye.** The motion carried.

President Thom appointed Pharmacists Dewhirst and Detwiller to review the paid invoices through June 30th, 2006.

Pharmacist Tom Simmer was present to explain the remodeling plans, which had been submitted for the MedCenter One Out-patient Pharmacy. **It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst to approved the remodeling plans for MedCenter One Out-patient Pharmacy – all members present voted aye – motion carried.**

Remodeling plans for the UND Student Health Center Pharmacy in Grand Forks were reviewed. These are minor changes to the plans that had been previously approved, but not executed over the last two years. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approved the current remodeling plans for UND Student Health Center Pharmacy in Grand Forks – all members present voted aye - motion carried.**

At this time, Pharmacist Jeffrey Zak arrived to explain the compounding area expansion to the Altru Health Systems Pharmacy. **It was moved by Pharmacist Haroldson and seconded by Pharmacist Schlittenhard to approved the remodeling/expansion plans for Altru Health Systems compounding area. All members present voted aye - motion carried.**

As long as Pharmacists Zak and Simmer were present, a discussion followed about sterile products compounding. Compliance Officer Gerald Johnson asked some questions about implementation of USP Section 797 relating to sterile compounding. He has been getting questions from the small hospitals in the state, about what procedures they need to take to comply. **It was moved by Pharmacist Schlittenhard and seconded by**

Pharmacist Haroldson that the Board form an Ad-Hoc Committee of Board Members and practitioners to develop some sterile products inspection criteria that could be used by the Board of Pharmacy. All Board Members present voted aye – the motion carried.

Pharmacist Tom Simmer was invited to discuss a proposal by the Group of MedCenter One Physicians working in the Occupational Health Clinic. These physicians and the administration of MedCenter One have asked Pharmacist Simmer to provide a billing system for them, since they are doing their own dispensing. The Board Members expressed that they did not feel physician dispensing was the best choice for the patients. However, since it is legal, if MedCenter One wishes to bill for these physicians, it should be clear that the prescriptions dispensed by these physicians were separate from the ones dispensed from the MedCenter One Pharmacy. Either a separate billing system set side by side on a hard drive with a computer or a totally separate system all together, managed by the pharmacy would be acceptable.

Board Member Rick Detwiller arrived at the Board Meeting.

An Application for Pharmacy Permit, Stock Affidavit and plans for a new Pharmacy to be called Wall's Health Mart Pharmacy at 1451 44th Ave S in Grand Forks were reviewed. The Application for Pharmacy Permit, Lease Agreement and ownership by Pharmacist Dennis Johnson, were all in place. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the plans and Application for Pharmacy Permit for Wall's Health Mart Pharmacy in Grand Forks. All five Board Members voted aye – the motion carried.**

The Board Members signed original Pharmacist and Technician Certificates to be used in the future as needed.

The Board Members asked Compliance Officer Johnson to discuss his Pharmacy Inspections, to get some additional information about the Inspection process and the consistency. Compliance Officer Johnson explained how his Inspections work and that we are in the pharmacies for the purpose of improving outcomes for patients. He counsels with the pharmacies on how best to comply with the Laws & Rules and how to best improve their practices. He mentioned that he rarely finds anything that is actually incorrect in the pharmacies. He indicated that most Pharmacists-In-Charge have reviewed and completed the Inspection Reports when he arrives, which allows him the time to discuss the pertinent topics with them, instead of filling out the form. He indicated he looked forward to the suggestions concerning sterile product preparations in working with the hospitals around the state.

A request by Jerrold Stein, R.Ph. ND #3995 – to reinstate his license as an unencumbered Pharmacist License, after his probation has ended was reviewed. Executive Director Anderson indicated that Pharmacist Stein had stopped into the Board Office and later made his written request. Pharmacist Stein is participating with the Impaired Pharmacist Committee in his home state. **It was moved by Pharmacist Haroldson**

and seconded by Pharmacist Dewhirst to restore Pharmacist Jerrold Stein's North Dakota Pharmacist License #3995 to unencumbered status - All five Board Members voted aye – the motion carried.

An Application for Licensure by Reciprocity from Kenton L. Crowley was reviewed. After review and discussion of the previous regulatory actions taken by both California and Arizona, and the fact that he is currently under probation was considered. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to deny the license application of Kenton L. Crowley at this time, and to inform him that he could reapply once his probation period has ended. All Board Members voted aye – the motion carried.**

A Stipulated Agreement for Eugene Sele, North Dakota Pharmacist #2391 was reviewed. Pharmacist Sele had recently been disciplined by the Oregon Board of Pharmacy, the signed Stipulated Agreement and fees paid mirrored their action. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to approve the signed Stipulated Agreement with Pharmacist Sele. All Board Members voted aye – the motion carried.**

Executive Director Anderson indicated that since Edna Derringer had taken a different position and was no longer working in the office suite adjoining the Board Office, she had recommended that Andrea Heidrich, who now works there, take over our janitorial services. Andrea has been performing this service for the last few months, on a contingency agreement awaiting Board approval. **It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst to approve the contract with Andrea Heidrich for \$60.00 a month for janitorial services. On a roll call vote: Bonnie J. Thom, R.Ph.– aye Gary W. Dewhirst, R.Ph.- aye Dewey Schlittenhard, R.Ph.– aye Rick Detwiller, R.Ph. – aye Laurel Haroldson, R.Ph.- aye The motion carried.**

The case of Miguel Buisan-Catevilla was reviewed. After some inquiries to NABP and the educational testing service Mr. Catevilla TOFELibt test had been rescored and we have since certified Mr. Catevilla to take the NAPLEX and MPJE Exams.

Executive Director Anderson distributed some information relative to saliva testing and reported on the meeting that he and Pharmacist Kevin Oberlander had with the Board of Medical Examiners. The draft letter, which Executive Director Anderson has prepared, was reviewed by the Board. It is the intention of the Executive Director to send this letter to the Pharmacists-In-Charge and the compounding Pharmacists through out North Dakota, as a guidelines when working with activities such as saliva testing. Some of these testing modalities may be new and somewhat controversial. Pharmacists need to be sure they follow the professional guidelines in compounding products based on these tests.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to approve all of the paid invoices through June 30th, 2006. A vote by roll call:

Bonnie J. Thom, R.Ph.– aye Gary W. Dewhirst, R.Ph.- aye Dewey Schlittenhard, R.Ph.– aye Rick Detwiller, R.Ph. – aye Laurel Haroldson, R.Ph.- aye The motion carried.

The afternoon was dedicated to the Board Members giving the licensure exam to Stacy L. Dickhoff, an NDSU Graduate.

Pharmacist Schlittenhard had been appointed to the Investigating Committee by President Thom. Executive Director Howard Anderson and Compliance Officer Gerald Johnson will serve as the other members of the Investigating Committee. The Committee would meet at this time to discuss potential cases.

After the Investigating Committee met and the Board Members reconvened to evaluate the examination scores, the Investigating Committee asked the Board to consider a situation in Cavalier North Dakota. Pharmacist-In –Charge Laurelyn Larson – Ye Olde Medicine Shoppe has lost her Pharmacist Dana Olson and now intends to operate the pharmacy as a Telepharmacy, currently only having a Pharmacist approximately 16 hours a week. This was originally called to our attention by Gary Boehler, R.Ph. Director of Pharmacy Services for Thrifty White, who has a competing pharmacy in the same community of Cavalier. Board Members agreed to add this item to the Agenda. Executive Director Anderson reviewed the Ye Olde Medicine Shoppe file and our letter of January 16th, 2006, which indicated to Pharmacist-In –Charge Laurelyn Larson that her SubClass K Telepharmacy Permit had been granted on the contingency that she would have a Pharmacist in this pharmacy a minimum of 4 days or thirty –two hours per week. Over the last two days, the Executive Director has received approximately 20 telephone calls and faxes from Cavalier community people, two employees and the Mayor, asking that we allow a minimum of six month for Pharmacist-In –Charge Laurelyn Larson to find a pharmacist for this pharmacy. After consideration, **it was moved by Pharmacist Schlittenhard and seconded by Pharmacist Detwiller to give Pharmacist-In – Charge Laurelyn Larson until Tuesday September 5th, 2006 to come into compliance with the Board’s letter dated January 16th, 2006. On a roll call vote: Bonnie J. Thom, R.Ph.– aye Gary W. Dewhirst, R.Ph.- aye Dewey Schlittenhard, R.Ph.– aye Rick Detwiller, R.Ph. – aye Laurel Haroldson, R.Ph.- NO The motion carried.**

The meeting was adjourned.

President
Bonnie J. Thom, R.Ph.

Member
Gary W. Dewhirst, R.Ph.

Member
Dewey Schlittenhard, R.Ph.

Member
Rick L. Detwiller, R.Ph.

Member
Laurel A. Haroldson, R.Ph.

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