

President Bonnie J. Thom called the Board of Pharmacy to order at 5:10 PM on Monday January 8<sup>th</sup>, 2007 in Room 1206 of the Radisson Hotel in Fargo , North Dakota.

Present at the meeting were: Bonnie J. Thom, R.Ph. – Gary W. Dewhirst, R.Ph. – Dewey Schlittenhard, MBA, R.Ph., Rick L. Detwiller, R.Ph., Laurel Haroldson, R.Ph, and Executive Director Howard C. Anderson, Jr, R.Ph.

President Thom asked for review of the presented Agenda. Suggestions for additions to the Agenda were to add the Banks for Depository of Board Funds, the Consensus Council for Focus Groups and the Center for Medicare and Medicaid Services request for comments on generic pricing changes.

***It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst to approve the agenda with the changes, additions as listed above. All Board Members voted aye – motion carried.***

***It was moved by Pharmacist Detwiller and seconded by Pharmacist Haroldson to approve the minutes of November 16<sup>th</sup>, 2006 as printed. All Board Members voted aye – motion carried.***

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Schlittenhard to grant Lifetime Certificates to the following pharmacists, all Board Members voted aye – motion carried:***

<b>Originally issued on June 14, 1956</b>	<b>Originally issued on November 14, 1956</b>
2304 Duane E. McCullough, R.Ph. 1004 Lilac Ave Oakes ND 58474-2022	2337 Monte G. McAtee, R.Ph. 2550 N Snead Drive Mesa AZ 85215
2320 Michael L. Holland, R.Ph. 1721 Princeton Lane West Fargo ND 58078	2338 Richard P. Maves, R.Ph. P O Box 418 Crookston MN 56716-0418
2325 Thomas G. Pettinger, R.Ph. 214 Forest Ave North Fargo ND 58102-1655	2339 Lloyd C. Pekas, R.Ph. 5938 Bren Circle Minnetonka MN 55343
2329 John E. Southam, R.Ph. 2701 E Allred Ave #200 Mesa AZ 85204-1604	2340 Alan J. Schuhmacher, R.Ph. 2531 Clover Drive Grand Forks ND 58201-7463
2330 Burnell H. Svihovec, R.Ph. 118 S Logan Ave Terry MT 59349	
2332 Duane F. Vad, R.Ph. 255 Crescent Drive Breckenridge MN 56520-1022	

The Board Members signed the Lifetime Certificates, Original License Certificates for Pharmacists and Original Certificates of Registration for Pharmacy Technicians.

President Thom asked about legislative updates, what bills we sponsored and which we must monitor. The Board Members were given the current Legislative Lawmakers Booklets ordered by the Board Office.

House Bill No. 1054 – relative to the Practice of Pharmacy – we introduced this Bill

House Bill No. 1055 – Controlled Substances – rescheduling to reflect changes in federal laws and correct mistakes - we introduced this Bill

House Bill No. 1148 - Repeals the integrated Association Membership and any payments to the Association – we DID NOT introduce this bill

Senate Bill No. 2134 - creates a Prescription Drug Monitoring Program - we introduced this Bill

All of the above bills will be heard tomorrow Tuesday January 9<sup>th</sup>, 2007 and Executive Director Howard Anderson will have to travel to Bismarck to Testify on the Bills. Our testimony on HB 1148 was shared with the Board Members.

Some of the Legislation that we are aware of at this time, and will be monitoring are:

Senate Bill No 2026 – which creates an Allied Health Professions Board

Legislation that has not been assigned numbers as of this date for changes requested by the Boards of Optometry, Veterinary and Dentistry were reviewed, along with Bills requiring Criminal History checks and creating a Prescription Drug & Device Repository Program.

Board Members agreed that a rule hearing just prior to the NDPhA Convention, which will be held April 20-22, 2007 in Fargo, might be a good choice.

Board Members reviewed some of the information from New Mexico relative to Walgreens request for Telepharmacy there, and reviewed the list of Telepharmacies in North Dakota.

Board Members proceeded to the Willow Room in the Passages Cafe for a working dinner with NDSU College of Pharmacy President Joe Chapman, Dean Charles Peterson, Provost Dr. Craig Schnell, Dr. Don Miller and Dr. David Scott where the following agenda was discussed:

MONDAY – JANUARY 8, 2007 6:30 PM DINNER – Passages Café Willow Room

Welcome & Introductions - President Bonnie Thom, R.Ph.

Provost Craig Schnell – Dean Charles Peterson - Dr. Don Miller – Dr. David Scott

Dr. Joe Chapman – was not able to attend, he was redoing testimony for a legislative hearing tomorrow.

**Topics:**

State of University – Dr. Chapman  
Legislation  
Appropriations

Pharmacy & the University Dr. Schnell

NDSU College of Pharmacy, Nursing & Allied Health– Dean Peterson  
Student Health Center  
Center for Family Medicine – Fargo  
Minot

Future of Telepharmacy  
Perceptions of Board of Pharmacy Exams by the College – Dr. Miller  
Portfolio changes (?)

Fellowship Proposal – Dr. Scott

Things the University or College of Pharmacy would like from the Board

Things the Board would like from NDSU College of Pharmacy

Assessment of Prescription Drug Monitoring Program (PDMP)  
Health Care Perspective  
Law Enforcement Perspective  
Motivation Interviewing Course –

President Thom asked Dr. Schnell to report for himself and Dr. Chapman, who could not be with us tonight. Dr. Schnell reported that the Governor's budget is very good for higher education. It contains a salary increase of 5% per year, and even though President Chapman had asked for 6.5%, the 5% is a satisfying figure. Capitol assets and improvement included in the budget has 5 million dollars for Minard Hall, which is a much needed upgrade. Space is the toughest issue for the University, with both classrooms and labs an issue. The University is anxious for the remodeling and additions of the down-town campus, which will provide the much needed space for those specific programs.

Dean Peterson's report for the Board Members is attached. The Dean indicated that they had anticipated some students rotating through the Minot Family Practice Center, but the Family Practice Center has since decided that they would need additional funds from the College in order to host their students, and at this time the College has not been paying for rotation sites. This issue has not yet been resolved with them. The Dean did state that he had encouraged the Board to support the pharmacy license at this site because he had anticipated rotations be held there, and that there was no indication at that time that they would be charging for the service.

Dr Don Miller reported that he felt the portfolios the Board was using were good. They are not being used by the College at this time for assessment purposes. He indicated that there were no complaints from students on the exams the Board of Pharmacy was using. He also indicated that the College was working on a program designed for the early pharmacy practice experience that ACPE is requiring in their new curriculum. Roll playing in the concept pharmacy, though valuable, does not qualify as an early pharmacy practice experience for students and rotations must be developed in actual pharmacy settings.

A response to the Board's proposal for a Quality Assurance Fellowship was presented by Dr. Scott and things the University or College of Pharmacy would like from the Board and things the Board would like from NDSU College of Pharmacy

After adjournment of the working dinner at approximately 9:30 PM the Board Members retired for the evening, to meet for breakfast where they reviewed the days activities, including the training of students on how to testify on legislation and how to make their voice heard with legislators.

Executive Director Anderson proceeded early in the morning to Bismarck for legislative hearings, while the Board Members conducted the session at NDSU College of Pharmacy with the students.

Board Members returned to the Radisson Hotel at 9:30 AM to continue with the agenda.

Pharmacist Chad Ziegler presented plans for the remodeling of B & B Northwest Pharmacy in Minot. ***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to approve B & B Northwest Pharmacy's remodeling plans at 20 Burdick Expressway in Minot- all Board Members voted aye – the motion carried.***

Pharmacist Chad Ziegler was present to review the plan for remodeling of Trinity Health/ Key Care Pharmacy in Minot. ***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiler to approve the remodeling plans for Key Care Pharmacy. All Board Members voted aye – the motion carried.***

Pharmacist Matt Paulson was present to present plans to relocate Carrington Drug. The plans were reviewed. ***It was moved by Pharmacist Detwiler and seconded by Pharmacist Dewhirst to approve the plans at the new location of 5<sup>th</sup> & Main in Carrington for Carrington Drug. All Board Members voted aye – the motion carried.***

Pharmacist Matt Paulson also presented plans to remodel Hillsboro Drug. The plans were reviewed. ***It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst to approve the proposed remodeling of Hillsboro Drug, contingent upon completion of all necessary paperwork, All Board Members voted aye – the motion carried.***[Received February 1<sup>st</sup>, 2007]

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiler to approve the telepharmacy request between Neumann Rexall Drug and Towner County medical Center, both in Cando, pending receipt of floor plans illustrating the specific location of the telepharmacy equipment in each facility. All Board Members voted aye – the motion carried.*** [Received plans 2-16-2007]

At 10:00 AM Heather Entzel, a second-year PharmD Student at NDSU College of Pharmacy, who was convicted of a DUI was present to discuss her situation with the Board. After listening to Ms. Entzel, the Board Members discussed with her the

importance of having contract with the PharmAssist Committee and being sure that she complied with their requests.

At 10:15 AM fourth-year PharmD Students Justin Heiser, by telephone and Jeffrey Shorten in person met with the Board about being suspended by the Dean for expropriating the NDSU logo to obtain funds for a bus from a party last spring. After listening to the students, the Board Members impressed upon them the seriousness of utilizing someone's trademark without their approval. These two students have suffered seriously already, Justin has being suspended for six-months and Jeffrey has been suspended for 12-months before they can finish up their PharmD Program.

The Board Members then reviewed the request by Larry H. Larson for reciprocity to North Dakota. Pharmacist Larson had some past disciplinary actions, which were resolved in 1989. ***It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Detwiler to approve the licensure of Pharmacist Larry H. Larson by reciprocity. All Board Members voted aye – the motion carried.***

Board Members discussed the scenario where out-of-state pharmacists would be serving as consultant pharmacists to patients in North Dakota. As a general rule, these pharmacists would need to be licensed in North Dakota if serving North Dakota residents.

Board Members reviewed a memo from the National Association of Boards of Pharmacy (NABP) explaining that Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Providers will need to have accreditation within three years. Some large suppliers will need to have accreditation immediately. However, North Dakota providers should not be affected for at least three years. This accreditation currently costs about \$2,500 for a three year accreditation. NABP has been approved as a certified accreditor. President Thom appointed Pharmacists Detwiler and Haroldson to review the paid invoices.

The Board Members then went downstairs for lunch.

Upon reconvening Board Members reviewed the request for Active-Status from Pharmacist Rollie Schell, ND License #3462. Pharmacist Schell has maintained an In-Active Pharmacist License and was employed as a drug detail representative for Park Davis and then Pfizer. Pharmacist Schell has been keeping up his Continuing Pharmaceutical Education and presented copies to the Board for review. ***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Schlittenhard to allow activation of ND Pharmacist License #3462 assigned to Rollie Schell, upon completion of 240 hours of Internship and the approval of his preceptor. All Board Members voted aye – the motion carried.***

At 2:00 PM Pharmacist Chad Nelson met with the Board to discuss his purchase of Metro Drug in Fargo from Pharmacist Jack Slama, and opening two additional facilities under his 51% ownership along with other partners. After discussion with Pharmacist Nelson, it became clear to the Board Members that he did not understand all of the nuances related to financing and being in charge of this operation. Board Members asked Pharmacist

Nelson to review the details of his operation with Executive Director Anderson for guidance on how to proceed.

At approximately 3:30 PM Executive Director Anderson returned from the Legislative Hearings in Bismarck.

Wanda Kearney, R.Ph., Experiential Director for the NDSU College of Pharmacy arrived at the meeting. Pharmacist Kearney, as always, arrived with an agenda to discuss with the Board. This agenda and a description of the introductory pharmacy practice objectives which is under review by the curriculum committee is presented as an attachment to these minutes on pages 5-A through 5-E. Board Members commented that they liked the six level feed back on the evaluations Pharmacist Kearney was using. A simple pass / fail just gives no opportunity for possible feed back to the students. (*addendum attached*)

The Agenda item concerning Pharmacy Technician #573 Sara L. Brackett was deferred until Wednesday morning when Attorney David Lindell would be present.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiler to approve all of the paid invoices since the last meeting. On a vote by roll call: Rick L. Detwiler, R.Ph.- aye, Gary W. Dewhirst, R.Ph – aye, Laurel Haroldson, R.Ph – aye, Dewey Schlittenhard, R.Ph – aye, Bonnie J. Thom, R.Ph.– aye Motion passed unanimously.***

***It was moved by Pharmacist Detwiler and seconded by Pharmacist Haroldson to approve all legal actions of the Executive Director since the last such motion. All Board Members voted aye – the motion carried.***

The year to date financial reports were reviewed and the Auditor's Report was presented to the Board. Board Members had some questions on the Audit Report, particularly on page 6 where the 2005 figures appeared to be higher than the 2006 figures for such items as the Executive Directors salary, travel and meetings and secretarial salaries. This information would not seem consistent based on the budgets and the expenses. Executive Director Anderson was asked to verify this with Auditor Rodney Melby, CPA. ***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to accept the Audit Report, with the clarifications asked for – all Board Members voted aye – motion carried.*** [A call to Auditor Rod Melby confirmed that these differences were a result of the transition to a full accrual accounting system]

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiler to approve the BNC National Bank in Bismarck and bank of the West in Wahpeton as depositories of Board Funds. On a vote by roll call: Rick L. Detwiler, R.Ph.- aye, Gary W. Dewhirst, R.Ph – aye, Laurel Haroldson, R.Ph – aye, Dewey Schlittenhard, R.Ph – aye, Bonnie J. Thom, R.Ph.– aye Motion passed unanimously.***

For Board Member Reports the members discussed the preparation for the May Examinations and would like to seek some sources for new test scenarios.

Executive Director Anderson updated the Board on the Prescription Drug Monitoring Program. The grant having been awarded, but needing to be re-allocated to the Department of Human Services from the North Dakota Highway Patrol, who had erroneously been listed as the recipient . The rules are in place under the auspices of emergency rules, and the hearing has been set for February 20<sup>th</sup>. Senate Bill 2134 is intended to put in place the requirement that the operation of the program be with the Board of Pharmacy and to add in the provisions asked for by the working group.

A possible date for an August 2007 Exam was discussed. It was determined to wait until May to determine if there was a need for it.

The date for the District V 2008 Meeting to be hosted by North Dakota was set for August 7-8-9, 2008 in Fargo, North Dakota. The hotel will either be the Ramada Plaza or the Holiday Inn.

At 6:30 PM the Board Members hosted a dinner with the Technician Advisory Committee consisting of Danika Braaten, Brittany Coughlin, Jeanette Bleeker; PATISM Program Directors Ken Strandberg and Barbara Lacher; NDPhA President Dennis Johnson, and NDSHP President Joel Aukes, along with Board Attorney David Lindell and Executive Director Howard Anderson. Items discussed are included on the following agenda:

TUESDAY – JANUARY 9<sup>TH</sup>, 2007 6:30 PM – PASSAGES CAFÉ WILLOW ROOM

Welcome & Introductions - President Bonnie Thom, R.Ph.

NDSCS PATSIM Program Directors Ken Strandberg – Barbara Lacher

NAPT Danika Braaten – President Brittany Coughlin – Vice President  
Jeanette Bleeker – Past President

NDPhA- Dennis Johnson - NDSHP – Joel Aukes

Report on Technician Program

Supply of Students

Supply of Graduates

Suggested changes in Technician laws & Rules

Laws & Rules Affecting the Profession

The Association

The Society of Health System Pharmacists

Suggested Changes

Extensive discussions occurred about various programs with NAPT President Danika Braaten present from the Technician Program in East Grand Forks; Ken Strandberg and Barbara Lacher of our PATSIM Program. We were able to discuss what the programs expected, how many students they anticipated for the present and the future. Barb and Ken were quite positive about the new online program, which was available for credit and which they anticipated would provide opportunities for additional students around the state to be trained over the internet as pharmacy technicians. It was a very productive and informative meeting.

At 8:00 AM on Wednesday –January 10<sup>th</sup> the Board Members met for breakfast in the Passages Café.

President Thom asked Board Attorney David Lindell to explain the Findings of Fact Conclusions of Law, Stipulation and Order relative to Sara L. Brackett Pharmacy Technician #573. After explanation, ***it was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiler to approved the Stipulation signed by Sara L. Brackett Pharmacy Technician #573 and to approve the Finding of Facts, Conclusion of Law and Order as presented by Board Attorney David Lindell. On a vote by roll call: Rick L. Detwiler, R.Ph.- aye, Gary W. Dewhirst, R.Ph – aye, Laurel Haroldson, R.Ph – aye, Dewey Schlittenhard, R.Ph – aye, Bonnie J. Thom, R.Ph.- aye Motion passed unanimously.*** (copy attached)

Executive Director Anderson presented the proposal of the Consensus Council for our Focus Groups. The Board Members have no additions or detractions, so Executive Director Anderson will proceed with a contract for \$10,000, previously approved.

The Board Members then discussed several legislative scenarios and left Executive Director Anderson to determine the testimony, which would be presented on House Bill

No. 1299, and the position we would take on the pending Bill to allow Altru to operate educational programs at the Family Practice Centers. We will continue to look for solutions to the situations and pharmacy services for our rural hospitals. Telepharmacy will play a role, but some variations in the licensure to accommodate these rural communities currently without services will continue to be under consideration.

Board Attorney Lindell stated, in his opinion, he thought no action needed to be taken in the case of Pharmacy Technician-In-Training #1284 Cary W. Bearman. Since Mr. Bearman's registration as a Technician-In-Training became null and void upon his termination from White Drug #59 (Valley Drug) in Valley City for the theft of medications from the prescription area, he has no registration to take action against.

***It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Detwiler to approve the purchase of a scan/network fax supplement to the Board Office's copy machine, for approximately \$937.00. On a vote by roll call: Rick L. Detwiler, R.Ph.- aye, Gary W. Dewhirst, R.Ph – aye, Laurel Haroldson, R.Ph – aye, Dewey Schlittenhard, R.Ph – aye, Bonnie J. Thom, R.Ph.- aye Motion carried.***

Board Members reviewed the discretionary items typed up by Executive Assistant Eileen Heidrich. Board Members very much appreciated being kept informed of these issues, and asked that Inspectors/Compliance Officers be instructed to follow up on these issues and that we would take action, if necessary.

Expense vouchers were distributed and returned.

The meeting was adjourned.



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President

Bonnie J. Thom, R.Ph.

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Member

Gary W. Dewhirst, R.Ph.

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Member

Dewey Schlittenhard, R.Ph.

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Member

Rick L. Detwiller, R.Ph.

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Member

Laurel A. Haroldson, R.Ph.

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Executive Director

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