

Motion on the Review and Approval of paid invoices

Board Member Reports

Executive Director's Report

Assistant Executive Director's Report

Consider approval of all legal action of the Executive Director and
Assistant Executive Director

Preparations for May 2013 Exams - New Books? Exam Format?

3:00 PM Investigating Committee Work

6:30 PM Dinner– Cork & Cleaver -3301 University Drive S (1-701-237-6790)

NDSU Assistant Dean Cynthia Naughton, Mike Schwab Executive VP NDPhA, Brian Ament, R.Ph.
President NDSHP; Dr. Wendy Brown, NDPSC Clinical Coordinator; Dennis Johnson, R.Ph.- NDPSC
President or David J. Olig, R.Ph., Vice-President; David A. Lindell, Board Attorney

Discussion Items:

Updates from the College of Pharmacy

About the Patient update

Other pharmacy practice issues or concerns

WEDNESDAY – January 9, 2013

8:00 AM Breakfast

Hearings: Meetings with Licensees and Registrants:

- 9:00 AM** - Rule Hearing 61-13 Emergency Rules FILE
- 9:30 AM** - Rule Hearing: 61-02-01-01 PHARMACY PERMIT REQUIRED **TAB 4**
New addition of a Class L for automated dispensing device in
Long-term-care facilities
- 10:00 AM** - Mandy L. Jensen, R.Ph5398 **TAB 5**
- 10:30 AM** - Derek L Gaffney – suspended Intern #477 **TAB 6**
- 11:00 AM** – Hospital concerns for patient care in out-patient pharmacy services
Health Policy Consortium - John Vastag;
Dennis Millirons, President – Sanford Medical Center Fargo

Vouchers – Adjourn

January 7-9, 2013

Wingate by Wyndam 4429 19th Ave SW

Fargo ND

President Laurel Haroldson, R.Ph called the meeting to order at 5:00 PM on Monday January 7, 2013 in the Meadow Lark Room of the Wingate by Wyndam in Fargo, ND.

Present were: Gary W. Dewhirst, R.Ph. - Diane M. Halvorson, R.Ph.Tech. - Laurel Haroldson, R.Ph. - Bonnie J Thom, R.Ph. - Shane Wendel, R.Ph. - Gayle D. Ziegler, R.Ph. and Assistant Executive Director Mark J Hardy, PharmD.

Absent were: Public Member Fran Gronberg and newly elected Senator Executive Director Howard C Anderson, Jr, R.Ph. due to the Legislative Session and their duties.

It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve the Agenda as printed. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Ziegler and seconded by Technician Halvorson to approve the minutes of the Board Meeting held November 15, 2012 as printed. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the minutes of the emergency Board Meeting held November 30, 2012 as printed. All Board Members present voted aye – the motion carried.

President Haroldson assigned Pharmacist Wendel and Pharmacist Ziegler to review all paid invoices.

It was moved by Pharmacist Thom and seconded by Technician Halvorson to grant lifetime licenses to the following pharmacists who have paid for 50 consecutive years of licensure: Originally issued June 1, 1962

***RPh2602 DuWayne A. Baranyk
2000 St Joseph Drive
Bismarck ND 58501***

***RPh2632 John M. Gahley
2606 33rd Ave SW
Fargo ND 58104***

***RPh2603 Francis F. Bures
1005 Reeves Drive
Grand Forks ND 58201***

***RPh2633 Merlyn O. Gunsch
710 5th Ave North
Lewistown MT 59457***

***RPh2607 Wayne A. Gilman
706 Moorside Drive
San Antonio TX 78239***

***RPh2634 Gerald F Houle
P O Box 36
Beach ND 58621***

***RPh2611 Donn A. Iverson
3808 Arroyo Seco
Schertz TX 78154***

***RPh2637 Wayne H Peterson
P O Box 238
Moose Lake MN 55767***

***RPh2617 Robert W. Mickelson
16122 Horizon Drive
Caldwell ID 83607***

***Originally issued November 16, 1962
RPh2643 Robert D Glowac
2000 6th Ave SE
Austin MN 55912***

RPh2622 Robert A Schneider
5063 Capehart Street
San Diego CA 92117

RPh2646 Duane G Reister
3312 Sandy lane SE
Mandan ND 58554

RPh2623 Jean Swanson
P O Box 517
Brandon MN 56315

RPh2650 Charles H West
537 South 1st Street
LaCrescent MN 55947

RPh2625 Anton P Welder
1314 Bayview Court
Bismarck ND 58504

RPh2652 James D Wahl
809 Meadow Lane
Menomomie WI 54751

RPh2627 Harold G Anderson
P O Box 99
Hallock MN 56728

All Board Members present voted aye – the motion carried.

Assistant Executive Director Hardy presented the Year-to-Date financials, budget and expenditures for the Board Members to review. Assistant Executive Director Hardy explained the request for a budget adjustment relative to an enhancement to the Prescription Drug Monitoring Program [PDMP] to streamline the patient query request process utilized by the online account users.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson to add the \$3,485 PDMP cost of the Health Information Design enhancement to the current budget. On a vote by roll call: Gary W. Dewhirst, R.Ph. - Aye Diane M. Halvorson, R.Ph.Tech. - Aye Laurel Haroldson, R.Ph. - Aye Bonnie J Thom, R.Ph. - Aye Shane Wendel, R.Ph. - Aye Gayle D. Ziegler, R.Ph.- Aye All Board Members present voted aye – the motion carried.

Assistant Executive Director Hardy discussed the proposed arrangement for Executive Director Howard C. Anderson's salary while he is serving as a Senator representing District 8 in the 63rd Legislative Assembly. He indicated that Executive Director Anderson has requested to be moved to an hourly salary status for the months January, February, March and April 2013. Executive Director Anderson would then keep track of the hours that he actually devotes to Board of Pharmacy matter and that he would submit those hours monthly for payment.

It was moved by Pharmacist Thom and seconded by Technician Halvorson to approve the arrangement for Executive Director Anderson to be paid by the hour during his tenure as Senator in the 63rd Legislative Assembly and that he revert back to his current monthly salary upon completion of the session. On a vote by roll call: Gary W. Dewhirst, R.Ph. - Aye Diane M. Halvorson, R.Ph.Tech. - Aye Laurel Haroldson, R.Ph. - Aye Bonnie J Thom, R.Ph. - Aye Shane Wendel, R.Ph. - Aye Gayle D. Ziegler, R.Ph.- Aye All Board Members present voted aye – the motion carried.

The Board discussed pharmacy technicians, specifically the dinner meeting that is scheduled with the Northland Association of Pharmacy [NAPT] Technician Advisory Board at 6:30 this evening. They proposed questions that they would ask the Advisory Board to address.

The Board recessed at 6:08 PM, to be resumed at the 6:30 PM at Grazies, located at 2000 44th Street in the Wine Room for dinner with the Pharmacy Technician Advisory Board. Advisory Board Members meeting the Board of Pharmacy Members were North Dakota State College of Science [NDSCS] Technician Program [PATSIM] Director Kenneth Strandberg; Assistant Program Director Barbara Lacher; Northland Association of Pharmacy Technicians [NAPT] President Donna Kisse and Jennifer Baird, a member of NAPT. Board Member Diane Halvorson is also a member of NAPT.

Assistant Executive Director Hardy opened discussion on the progress of the mandate that Registered Pharmacy Technicians must have PTCB Certification to renew their 2014 registration. He reported that the Board Office currently captures Registered Pharmacy Technician Certification numbers and expiration dates in the pharmacy program. The PTCB Certification exemption for the Grandfathered Registered Pharmacy Technician, those registered by August 1, 1995 will remain in effect. The Board urged them to inform and remind their members of this March 1, 2014 deadline and assured them that the Board would do so as well.

PATSIM Director Strandberg and Assistant Director Lacher discussed development in the PATSIM program at NDSCS, including the possible remodeling of the campus concept pharmacy to provide a better learning experience for the enrolled technicians.

Board Members asked Assistant Director Lacher about the process a technician is reviewed for the possible duplication of educational requirements, including those technicians that have completed a Pharmacy Technician Program not accredited by ASHP. They also inquired about how the Board could be of assistance to ensure that progress is being made by the Pharmacy Technicians-in-Training enrolled in the PATSIM program.

Assistant Director Lacher reported that NDSCS does keep a spread sheet on each PATSIM enrollee that tracks their progress through the modules of the PATSIM program. She indicated that the information could be shared with the Board of Pharmacy so that the Board Office could send warning letters to the Technician-In-Training and their preceptor pharmacist, or Pharmacist-in-Charge at the pharmacy to alert them that their progress was not satisfactory.

The evening ended with the Board of Pharmacy thanking the NAPT Advisory Board for the high quality of Pharmacy Technicians working in North Dakota Pharmacies as a result of their education, excellent training and professionalism.

At 8:20 AM on Tuesday – January 8, 2013 President Haroldson called the Board back into session. Joining the Board at this time was Timothy S. Carlson, R.Ph. and Jeffrey B. Lindoo, R.Ph. of Thrifty White Drug, Agnes Harrington of the Pharm-Assist Committee and Larry E. Nelson, R.Ph. and Sheila M. Howes, R.Ph.Tech.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Wendel to approve all the reviewed Invoices paid through January 7, 2013. On a vote by roll call: Gary W. Dewhirst, R.Ph. - Aye Diane M. Halvorson, R.Ph.Tech. - Aye Laurel Haroldson, R.Ph. - Aye Bonnie J Thom, R.Ph. - Aye Shane Wendel, R.Ph. - Aye Gayle D. Ziegler, R.Ph.- Aye All Board Members present voted aye – the motion carried.

At 8:30 AM Sheila M. Howes, ND Registered Pharmacy Technician Tech697 appeared in front of the Board of Pharmacy to discuss the events surrounding her charge of Driving Under the Influence [DUI] in Fargo.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler that no further action be taken against Sheila M. Howes, ND Registered Pharmacy Technician Tech697 at this time. All Board Members present voted aye – the motion carried.

Pharm-Assist Committee Member Agnes Harrington introduced Pharmacist Larry E. Nelson, who has agreed to join the Pharm-Assist Committee. Pharmacist Nelson recently moved to the Fargo/Moorhead area and is interested in participating in the Pharm-Assist Committee. The Board welcomed Pharmacist Nelson and his participation. The Board then thanked Agnes Harrington for all her past and continued hard work on behalf of the profession, with the Pharm-Assist Committee.

Agnes Harrington reported on the clients that she has been meeting with, for the Board to consider.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to grant one [1] hour of Continuing Education to Pharmacist Amy Simon- RPh5082, Pharmacist Jennifer Stubson- RPh5401 and Tana Triepk- RPh5019 for their attendance at an Immunization Program sponsored by the Spirit Lake Health Center. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson to allow the NABP application for Reciprocity of Jeri A. Costel to proceed to fruition. It was noted that the disciplinary action taken by the Wyoming Board of Pharmacy against her pharmacist license appeared to be a medication error and not a deliberate action. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to approve the Collaborative Agreement between Pharmacist Brody Maack, PharmD and Physicians Dr. Napoleon Espejo and Dr. Sreejith Gopi of the Family Healthcare located at 306 4th Street North in Fargo, North Dakota. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Technician Halvorson to approve the submitted relocation floor plans for the new location of The Medicine Shoppe Pharmacy to 1571 West Villard with the suite number yet to be assigned, from their current location of 431 West Villard, in Dickinson, North Dakota. This approval is contingent upon the receipt of the physical address, complete with the actual suite number. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Wendel to approve the relocation plans of the Wishek Community Hospital Pharmacy, which is currently located in the lower level of the facility, to the main floor and with an increase of floor space. All Board Members present voted aye – the motion carried.

At 9:00 AM the Board revisited topics tabled from their November 15, 2012 Board Meeting, the first being the issue of Grafton Developmental Center pharmacy and their request to continue to provide

pharmaceutical services to residents that would be transitioned out of their facility into an independent community setting.

Assistant Executive Director Hardy reported that he had solicited comments on this issue from the community pharmacies in the Grafton area and distributed a written response received from Samantha Buck, Pharmacist-In-Charge of White Drug #65 in which she express their ability and willingness to provide pharmacy services. He also reported a similar verbal response from Grafton Drug. After discussion, it was determined that the request by the Grafton Developmental Center Pharmacy to continue providing pharmaceutical services to transitioned individuals is outside the scope of their pharmacy permit and that there are community retail pharmacies available and willing to provide the level of service to these transitioned individuals.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson that the closed door Class D Long Term Care Pharmacy Permit issued to Grafton Developmental Center Pharmacy does not allow for prescriptions to an outpatient. However, they may provide a limited supply of medications to residents being discharged to aid in their transition to a retail pharmacy of their choice. All Board Members present voted aye – the motion carried.

The second tabled topic was the discussion on over-the-counter [O-T-C] compounding, prescription compounding in general and regulatory issues that may correspond with recent Congressional and FDA actions.

Assistant Executive Director Hardy gave an update on the meeting held in Washington, DC between FDA and many state boards of pharmacy, which he attended. The meeting was looking to address the issues relating to the New England Compounding Center and how best to regulate compounding pharmacies to prevent those issues in the future. Assistant Executive Director Hardy noted that much of the discussion revolved around the specific need for clarification of what constitutes a manufacturer verses what constituted a compounding pharmacy and the clear line that needs to be identified for the Boards of Pharmacy and the FDA when regulating each of them. He also reported that much was yet to be determined from numerous congressional bills on the federal level and possible future FDA rulings. He then explained the steps that NABP has taken with inspections in compounding pharmacies across the nation to help individual boards make better determinations on licensure and ensure those pharmacies are following the individual laws and rules of the state in which they have requested licensure. NABP is also coordinating training that will be useful to the boards of pharmacy's compliance officers or inspectors. The Board expressed their desire for our compliance officers to attend these meetings and for them to participate in any of the training programs set forth by NABP.

Discussion began on how to regulate over-the-counter [O-T-C] compounding in North Dakota. Board Members expressed the desire to continue for the Board staff to see labels on those O-T-C-products which pharmacies develop to ensure that proper material is contained on the label so a patient is properly educated on the product. Board Members felt labeling similar to the current structure from the FTC is necessary.

Assistant Executive Director Hardy distributed an email received from Animal Med Express regarding compliance with North Dakota Law in their business model. It was noted that Thrifty White

Pharmacies also utilize a similar internet pet medication platform on their website, in which they use a different provider.

Assistant Executive Director Hardy indicated he would consult NABP to validate the process as being a legitimate business model, as Animal Med Express is a vet VIPPS accredited pharmacy. It was noted on Animal Med Express's order process that it appears that a valid veterinary/client relationship would be present.

The Board Members discussed recent systems being utilized by pharmacies to package medications in individual packages based on the time of day the medications were to be taken. It was noted that this would often put more than one medication within a package. Questions were asked of the Thrifty White Pharmacy employees present, about the processes and steps taken to ensure that proper labeling is included for the patient. The members did feel that upon pharmacy inspection compliance visits next year, these systems should be examined to ensure the proper labeling and medication packages are not re-dispensed to patients other than the person the individual medication was originally intended for patient safety. The employees of Thrifty White Pharmacy present agreed that this should be an established requirement.

At 11:30 President Haroldson recessed the meeting for lunch and the Board Members went to nearby Lucky's Pub.

At 1:00 PM President Haroldson resumed the meeting with the next item on the Agenda, the consideration of a Guidance Document on the use of outdated pharmaceuticals in an emergency or life threatening situation was again discussed, having been tabled at our last meeting. The Board Members felt that there really was not a reason to approve such a Guidance Document, as there did not appear to be a strong and compelling need at this time to utilize outdated pharmaceuticals.

President Haroldson called for any Board Member reports, none were forthcoming, as they indicated that they felt that they had discussed all the items thus far on their to do list, including compounding and technician issues.

Assistant Executive Director Hardy reported that Executive Director Anderson indicated that he had also distributed and discussed the items from his to do folder and had no other pending issues to discuss.

Assistant Executive Director Hardy conveyed a recent phone call he had received from Pharmacist Steven McAtee of Rolla inquiring about having a remote Telepharmacy in the home of a pharmacist who is on maternity leave, to help cover situations where a pharmacist could not be present at either of his pharmacy locations or in an emergency. The Board Members did not feel this was a situation that had ever been approved in the past and did not feel that this was the motive nor the objective for developing the retail telepharmacy project. Therefore, this topic would have to be discussed at some length, to resolve this request. Some thought would be given to revisiting this topic again at the March 2013 Meeting and invite Pharmacist McAtee to address and clarify several concerns.

Assistant Executive Director Hardy raised the issue of counseling and the need to continually improve patient counseling on all prescriptions, both new and refill. He asked the Board Member for their guidance and suggestions on how we can improve the overall compliance. A vibrant discussion

ensued regarding how to involve Pharmacy Technicians and the necessity of enforcing the current law.

The Board asked Assistant Executive Director Hardy about the recent continuing education audits and expressed their support for the process. They recognized the importance of assessing a fine to all those who were found not to be in compliance ensure future compliance.

It was moved by Technician Halvorson and seconded by Pharmacist Thom to approve all legal actions of Executive Director Howard C Anderson, Jr, R.Ph. and Assistant Executive Director Mark J. Hardy, PharmD, since the last such motion. All Board Members present voted aye – the motion carried.

Board Members reviewed the examination protocols to be used in our May 2013 Examinations and expressed that the general format should remain very similar. The prospect of incorporating a 797 Sterile Compounding activity into the exam was encouraged. Technician Halvorson and Pharmacist Ziegler agreed to work together to see what proposal they could design. Board Members requested Assistant Executive Director Hardy purchase the newest edition of pharmacotherapy books currently on the market for the examinations.

The Board Members discussed the student portfolios. They expressed a continued desire to incorporate two care plans or projects into the portfolios.

At 6:30 PM the Board of Pharmacy met at the Cork & Cleaver for a working dinner with NDSU Assistant Dean Cynthia Naughton, ND Pharmacist Association Executive Vice-President Michael Schwab, “About the Patient” Clinical Coordinator Wendy Brown, PharmD, ND Pharmacy Service Corporation Vice-President David J. Olig, R.Ph. and Board Attorney David A. Lindell, J.D.

Assistant Executive Director Hardy welcomed everyone and thanked all for coming and requested that each person introduce themselves.

Dr. Wendy Brown reported on the “About the Patient” program, speaking on the various projects that they are working on and potential initiatives they are developing. She indicated that the program continues to have a bright future and was looking forward to a very good year.

Assistant Dean Naughton spoke on the NDSU College of Pharmacy activities, including the recent developments on the proposed expansion of facilities to provide an enhanced educational experience for the students attending NDSU. She conveyed that Dean Charles Peterson wished to express his appreciation and warm wishes, but was unable to attend due to a vacation.

Michael Schwab reported for the North Dakota Pharmacists Association; thanking the Board for the invitation to dinner and the opportunity to address everyone in attendance. He spoke about the current legislative session, reporting on the Bills that the Association will be working on during the session. He also addressed the strategic meeting on the “About the Patient” program and expressed excitement about the future.

Pharmacist David Olig spoke for the North Dakota Pharmacy Service Corporation, praising the “About the Patient” program and it’s success. He indicated that he anticipated great future

developments with the program.

President Haroldson thanked everyone for coming, participating and for their desire to continue to work together to enhance the profession of pharmacy in the State of North Dakota.

At 8:00 AM on Wednesday January 9th, 2013 the Board Members met for a working breakfast to discuss the days scheduled meetings.

PUBLIC HEARING FORMAT

I am Laurel Haroldson, President of the Board of Pharmacy and I will be acting as hearing officer for this public hearing.

It is now 9:00 AM on Wednesday, January 9, 2013 at the Wingate by Wyndam located at 4429 19th Ave SW in Fargo, North Dakota 58103.

This public hearing has been called for the purpose of allowing all interested individuals an opportunity to submit information concerning:

Consideration of Rules to implement;

Emergency Rules – NDAC 61-13 – Controlled Substances

Information gathered at this hearing will be used by the Board of Pharmacy for it's deliberation and final decision.

The Assistant Executive Director of the Board of Pharmacy is taking minutes of this meeting, and it is being recorded, so please identify yourself for the record before you speak.

Everyone present will be given an opportunity to speak. If you have a prepared statement, a written copy of your statement is appreciated and will be helpful.

At this point, I open the hearing for comments.

CLOSING

Thank you all for coming. The Board of Pharmacy will use all of the information gathered at this hearing, in making their decision.

The record will be held open for written comment through January 19, 2013. There were no members of the public present and no written comments have been received for this hearing.

At this point, I will close the hearing on: *Emergency Rules –NDAC 61-13 – Controlled Substances*

It is now 9:30 AM on Wednesday, January 9, 2013 at the Wingate by Wyndam located at 4429 19th Ave SW in Fargo, North Dakota 58103.

This public hearing has been called for the purpose of allowing all interested individuals an opportunity to submit information concerning:

Consideration of Rules to implement;

New Class Addition NCAC 61-02-01-01 – Pharmacy Permit Required

Information gathered at this hearing will be used by the Board of Pharmacy for its deliberation and final decision.

The Assistant Executive Director of the Board of Pharmacy is taking minutes of this meeting, and it is being recorded, so please identify yourself for the record before you speak.

Everyone present will be given an opportunity to speak. If you have a prepared statement, a written copy of your statement is appreciated and will be helpful.

At this point, I open the hearing for comments.

CLOSING

Thank you all for coming. The Board of Pharmacy will use all of the information gathered at this hearing, in making their decision.

The record will be held open for written comment through January 19, 2013.

At this point, I will close the hearing on:

New Class Addition NCAC 61-02-01-01 – Pharmacy Permit Required

A registration sheet is being circulated; I ask that everyone present please sign this sheet before they leave.

At 10:00 AM Mandy L. Jensen, North Dakota Pharmacist RPh5398 was summoned to appear before the Board. Pharmacist Jensen did not appear and has not communicated with the Board that she was unable to attend.

It was moved by Technician Halvorson and seconded by Pharmacist Wendel to continue the suspension of North Dakota Pharmacist License RPh5398 issued to Mandy L. Jensen and that she not be allowed to renew this license until she has appeared before the full Board of Pharmacy. All Board Members present voted aye – the motion carried.

At 10:30 AM Derek L Gaffney –Intern #477 appeared before the Board to appeal his suspension, report his activities and express his desire to get back into the PharmD Program.

Board Member reviewed the correspondence received from Dr. Daniel Friesner, Associate Dean of Student Affairs at NDSU College of Pharmacy relative to the Student Affairs Committee's decision to extend Mr. Gaffney's suspension until the end of the spring 2013 semester. Dr. Friesner was present at the meeting to address the Board Member questions relative to Mr. Gaffney.

It was moved by Technician Halvorson and seconded by Pharmacist Dewhirst to continue the suspension of Derek L. Gaffney Intern License Number 477 until he meets with the Board again at our March 21, 2013 Board Meeting. Mr. Gaffney must contact the Pharm-Assist Committee and if necessary enter into a contract with the committee. He must execute a Release Information Form relative to his medical information, so that information can be released to the Board of Pharmacy and the Pharm-Assist Committee. All Board Members present voted aye – the motion carried.

At 11:00 AM members of the Health Policy Consortium arrived. They included Altru Health System, Essentia Health and Sanford Medical Center. They met with the Board to discuss hospital concerns for patient in outpatient pharmacy services. Representing Sanford Medical Center was Dennis Millirons; Thomas Simmer, Robert Biberdorf and John Vastag. Representing Altru Health System was Dave Molmen. Also present Registered Pharmacy Technician Scott Hulst, owners of Altru Clinic and Altru Family Medicine Center retail pharmacies; Michael Schwab of NDPhA, Pharmacists Jeff Lindoo, Larry Palmer, Tim Carlson and Tonya Schmidt of Thrifty White Drug Pharmacies.

The Consortium discussed the desire for expansion of retail pharmacy services in their non-profit hospitals to increase access and enhance service. The consortium offered a formal proposal to a change in the North Dakota Pharmacy Ownership Law, which they requested the Board make. It was:

“the applicant for a permit to operate a retail pharmacy which is a non-profit hospital, an integrated health system or wholly owned subsidiary or affiliate organization of a non-profit or integrated health system if the pharmacy for which the permit is sought is co-located with a non-profit hospital or any medical inpatient or outpatient facility owned, operated, managed or controlled by the non-profit hospital, integrated health system or wholly owned subsidiary or affiliate organization.”

The Board Members asked many questions of the consortium.

The consortium stated that according to Medicare provider criteria that if a commonly owned clinic is within a thirty-five mile radius of the main provider or hospital that it would fall under the hospital population and would be billed as a provider based service. The Consortium asked for an interpretation of whether pharmacy permits could be treated the same way, so that if a clinic was within the thirty-five mile radius of the hospital pharmacy permit, they would then be able to establish a retail pharmacy at that clinic location.

The Board of Pharmacy was unsure how the provision of Medicare could affect the North Dakota State Pharmacy Ownership Law, but requested Attorney David Lindell and Assistant Executive Director Hardy to work with Executive Director Anderson to investigate the provision. The Board Members did feel that the proposed exemption was not something that they could act on without further investigation and discussion. The consortium agreed that they did not expect an immediate decision and were looking forward to further discussion and communication on the issue.

President Haroldson thanked all for their attendance.

Vouchers were completed and submitted to Assistant Executive Director Hardy.

It was moved by Pharmacist Thom and seconded by Pharmacist Wendel to adjourn the meeting. All Board Members present voted aye – the motion carried.

Laurel A. Haroldson, R.Ph.
President

Gary W. Dewhirst, R.Ph.
Senior Member

Member
Bonnie J. Thom, R.Ph.

Member
Gayle D. Ziegler, R.Ph.

Member
Diane M. Halvorson, RPhTech

Member
Shane R. Wendel, R.Ph.

Member
Fran Gronberg

Assistant Executive Director
Mark J. Hardy, PharmD

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