

**A G E N D A**  
**JULY 30<sup>th</sup>, 2009 (Thursday)**  
**ND State Board of Pharmacy -1906 E Broadway Ave – Bismarck ND 58501**

**9:45 AM** Call to Order: - Gayle D. Ziegler, R.Ph.  
Review & Approval of Agenda **AGENDA TAB**  
Review of ALL Paid Invoices through June 30, 2009  
Budget Review **Budget Tab**  
Review & Approval of Minutes of the May 21-23, 2009 **MINUTE TAB**  
Technicians working for Physicians (?) **TAB 1**  
Funding Request for CE at NDPhA Convention – Tara Schmitz }  
PSA for Prescription Drug Repository Program } by Mike Schwab **TAB 2**  
Report on Membership Transition }  
Midwest Pharmacy - Peter Lee, R.Ph. New Mail Order Pharmacy - Fargo  
White Drug #61 – new location floor plans - Fargo

**HEARINGS**

**10:00 AM** Laren Meadows, R.Ph. – ND # 3104  
**11:00 AM** Keith S. Kjelland, R.Ph. - ND #3269  
Drayton Drug – ND Pharmacy Permit #330  
**11:00 AM** Richard D. Moe, R.Ph. – ND #4208  
**11:30 AM** Ryan P. Sannes – ND #4917  
**11:40 AM** Terry Anderson – re-instatement request  
**REPORTING** Aadnes, Brandy – ND Tech #587 - [file review not back in state yet]  
Hartje, Chad W. -- ND Tech #536 - [file review - No drivers License]  
Ziegler, Gregory – 4<sup>th</sup> Year PharmD Student - *copies to handout in Alaska*  
Rosenfeldt, Steven – 1<sup>st</sup> year PharmD Student  
Request for CE Credit – Tana Triepke, PharmD – ND #5019  
Floor Plans for Aurora Hospital in Grand Forks – Kelly Hulst, R.Ph.  
Altru Clinic Pharmacy and Application for Pharmacy Permit  
[Currently is Grand Forks Clinic Pharmacy]  
Detailed rebuilding plans for Napoleon Drug  
MeritCare Hospital Pharmacy ND Permit #315 remodeling plans  
Appointment to “Prescriptive Authority Committee” for APRNs **TAB 3**  
Board Policy on what a Pharmacist can change on a Controlled Substance Rx **TAB 4**  
Environmental Drug Destruction  
Preferred Rx LLC After-Hours Procedures **TAB 5**  
Confirm Cavalier Co Mem Hospital Pharmacy Telepharmacy  
Request for Subclass K Telepharmacy – St Joseph’s Hospital Dickinson  
Discussions & Opinions: Shipping into ND in Winter-Dr.Belluck **TAB 6**

**REMINDER:** District V August 6- 7-8 2009, Omaha, NE --- *Travel Plans ?*

**1:15 PM** Yekaterina [Katy] Berg – Foreign Graduate Intern –  
TOEFL Waiver for NAPLEX & MPJE

**2:00 PM** Jerome Schmidt – ND Pharmacist License #3357

**2:30 PM** Assel, Kaylee – Technician-In-Training #1062

**THURSDAY - JULY 30, 2009 Exam Schedule**

1:15 - 1:30 PM Roll Call and Orientation of Candidates  
1:30 - 3:00 PM Laboratory Section 1  
3:00 - 3:30 PM Errors and Omissions 1  
3:30 - 4:00 PM Oral Examination

**JULY 30, 2009 OFFICE OF BOARD OF PHARMACY BISMARCK, ND**

President Gayle D. Ziegler, R.Ph. called the meeting to order at 9:45 AM in the conference room of the Board of Pharmacy Office located at 1906 East Broadway in Bismarck, North Dakota. Present were: Pharmacist Gayle D. Ziegler; Pharmacist Gary W. Dewhirst; Pharmacist Laurel Haroldson; Pharmacist Bonnie Thom. Also present were: Executive Director Howard C. Anderson, Special Assistant Attorney General David A. Lindell, Compliance Officers William J. Grosz, R.Ph. and Judith A. Swisher, R.Ph. Absent: Rick L. Detwiller, R.Ph.

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

President Ziegler appointed Board Members Pharmacist Dewhirst and Pharmacist Thom to review invoices paid since the May Board Meeting through the end of the fiscal year for the Board, June 30, 2009.

The Budget containing the adjustments from the May 2009 meeting was reviewed. ***It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to approve this Budget with the adjustments. On a vote by Roll Call: Pharmacist Dewhirst – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye – the motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the minutes of the May 21-24, 2009 Board Meeting as printed. All Board Members present voted aye – the motion carried.***

After review of the request by Pharmacist Dennis Johnson, asking whether his Registered Pharmacy Technician could be shared with a physician's office, to prepare oncology injectables, the following interpretation was discussed.

A Registered Pharmacy Technician, when working as such, must work under the supervision of a Licensed Pharmacist. This supervision can be conducting in person or via a telepharmacy audio/video link as outlined in the Board's Telepharmacy Rules.

Michael Schwab, Executive Vice President of the North Dakota Pharmacist's Association was present to discuss help with funding for the continuing education preparation for the NDPhA Convention which was cancelled. The cancellation resulted in the lack of expected revenue on the part of the NDSU College of Pharmacy and of course resulted in a loss by the North Dakota Pharmacist's Association.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve \$2,300.00 to be allocated to NDSU College of Pharmacy for the work they did preparing the continuing education for our pharmacists and technicians. This amount will be added to the***

***Budget before it is finalized for the minutes. On a vote by Roll Call: Pharmacist Dewhirst – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye – nays none - the motion carried.***

Michael Schwab, Executive Vice President of the North Dakota Pharmacist's Association then presented the public service announcement prepared by MABU Communications for the promotion of the Prescription Drug Repository Program. This presentation was prepared for a 30 second television announcement. The same language could be used in a radio announcement and a news release could be prepared for the newspapers and magazines and public of North Dakota. The resolution of this issue was that the Board would spend the \$8,000 allocated in the Budget for the promotion of the Prescription Drug Repository Program and then determine after that, what further steps we might take.

Executive Vice President Schwab reported on the plans for the transition of membership away from the Board of Pharmacy collecting \$100 for them with the Active Pharmacist's License Fee. Mr. Schwab indicated that this transition would take place prior to the Board of Pharmacy sending out License Renewal Notices in December 2009 to help answer questions before they arise from pharmacists who do not realize that a change has occurred.

At 10:10 AM Laren Meadows, North Dakota Pharmacist #3104 was asked to visit with the Board about his Compliant and Stipulated Agreement. Executive Director Anderson reviewed the Complaint against Pharmacist Meadows.

Pharmacist Meadows then explained, from his view point, what happened in this situation and answered questions from the members of the Board of Pharmacy.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Stipulated Agreement as agreed to and signed by Executive Director Anderson and Laren Meadows, North Dakota Pharmacist #3104. All Board Members present voted aye – the motion carried.***

***Pharmacist Thom moved that since we were behind schedule, we alter the Agenda to accommodate those individuals who arrive at the meeting as soon as practical; the motion was seconded by Pharmacist Dewhirst. All Board Members present voted aye – the motion carried.***

At 11:10 AM Pharmacist Kelly Hulst was asked into the meeting to discuss the purchase of the Grand Forks Clinic Pharmacy by herself and her husband, Scott.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the Application for Pharmacy Permit, Stock Affidavit for Altru Clinic Pharmacy located at 1000 South Columbia Road in Grand***

***Forks and the floor plans as presented by Pharmacist Hulst. All Board Members present voted aye – the motion carried.***

At 11:25 AM Keith Kjelland, North Dakota Pharmacist #3269 and his wife, Sherry arrived at the meeting to discuss the situation surrounding the complaint made against him.

Compliance Officer Judith Swisher explained her investigation, on two separate occasions of Drayton Drug,. Pharmacist Kjelland than explained from his point of view, what happened to cause this situation. He shared copies of the letter he had written and discussed the problem of "fill on" dates of a prescription varying from the written date.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Stipulated Agreement signed by Pharmacist Kjelland, with the modification that he not serve as Pharmacist-In-Charge of Drayton Drug begin September 1, 2009. All Board Members present voted aye – the motion carried.***

Pharmacist Peter Lee submitted an Application for Pharmacy Permit, Affidavit of Stock Ownership and floor plans for a mail-order pharmacy he has proposed, in Fargo, ND. Pharmacist Lee was present and waiting to discuss his submissions with the Board of Pharmacy. Pharmacist Lee explained that this mail-order pharmacy would be adjacent to Midwest Drug Distribution dba Unit Pak, the Class D Long-Term-Care Pharmacy that he recently opened in Fargo. He discussed with the Board the procedure of a central fill pharmacy and the Board pointed out that the label on the prescription sent by the originating pharmacy, to the central fill pharmacy and then returned to the originating pharmacy, should have the name, address and phone number of the pharmacy originating the request and ultimately responsible for the patient. Both pharmacies need to have records of the prescription and it must be clear whose inventory any controlled substance came out of. Pharmacist Lee indicated that he would like to include the name of his pharmacy, after the name of the regular pharmacy following a backslash [/] to notify the person of the service by the central fill pharmacy and to make it clear to the patient where the prescription was filed. The Board concurred with this intention.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the Application for Pharmacy Permit, Affidavit of Stock Ownership and floor plans for Midwest Pharmacy of Fargo located at 4153 12th Ave N Suite B in Fargo, ND 58102. All Board Members present voted aye – the motion carried.***

At 12:30 PM Special Assistant Attorney General Lindell invited Attorney Tim Purdon into the meeting. Attorney Purdon is representing Ryan P. Sannes – ND Pharmacist #4917. Attorney Lindell reviewed the case and suggested the modification in Ryan Sannes' Stipulated Agreement. Attorney Purdon stated that Ryan Sannes was not present because he had entered in-house treatment at Share House in Fargo, ND. He indicated that Mr. Sannes continues to struggle with his recovery, but has taken steps on his own to initiate treatment and get his life under control through a program of continuous recovery.

***It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to accept the amended Stipulated Agreement signed by Ryan Sannes and Executive Director Anderson. All Board Members present voted aye – the motion carried.***

At 12:45 PM Terry Anderson was invited into the meeting to discuss his ongoing request for reinstatement of his pharmacist license. Executive Director Anderson passed around a copy obtained at Terry Anderson's request, from the clerk of the US Attorney's office, outlining Terry Anderson's progress on his restitution with his federal case. Terry Anderson requested that he be able to pay his back license fees after he obtains his intern license, as he felt he would be financially able to pay them once he began working as an intern. The Board once again reiterated, that they would require all the license fees be paid prior to his intern license request being granted.

Steven Rosenfeldt, a 1<sup>st</sup> Year PharmD Student at NDSU College of Pharmacy had been patiently waiting while viewing the activities of the Board Meeting. Intern Rosenfeldt had been employed at Prairie St. John's Pharmacy in Fargo and was separated from his employment under conditions that required him to meet with the Board of Pharmacy before being granted a renewal of his Intern License.

***It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst that Steven Rosenfeldt's intern license be issued under probation. That he be required to provide a written report monthly to Executive Director Anderson detailing his activities; that he meet with Agnes Harrington of the Pharm-Assist Committee on a regular basis, on a schedule agreed upon by both he and Agnes Harrington; that he meet with Dr. Kimberly Halber at the College of Pharmacy at her request and that he provide reports of his ongoing treatment to Executive Director Anderson. Intern Rosenfeldt signed a release for the Board of Pharmacy to obtain this information. All Board Members present voted aye – the motion carried.***

At 1:20 PM Yekaterina Berg, a foreign pharmacy graduate holding Intern License #199 visited with the Board Members about the possibility of being able to take the NAPLEX and MPJE before she obtained a passing score on the TOFELibt. Mrs. Berg has passed the Foreign Pharmacy Graduate Equivalency Examination [FPGEE] but needs the TOFELibt or test of English as a spoken language and test

of spoken English before she is eligible under NABP and North Dakota guidelines to sit for the NAPLEX and MPJE Examinations. Board Members pointed out that they were not willing to waive the requirement to obtain the TOFELibt, however they were willing to help however they could. Mrs. Berg was asked to take the TOFELibt again, as she indicated that she was working with an English Tutor, and to furnish that score, whatever it is, to Executive Director Anderson along with a letter from her English tutor. Mrs Berg indicated that she could take the exam again in September.

Since our two Candidates for Exam, Chelsea Greutman and Ryan Petrich had arrived, Board Members broke to get the examination protocols organized.

At 2:15 PM the Board invited Jerome Schmidt, ND Pharmacist License #3357 to explain the complaint issued to him as defendant by the Barnes County District Court. Pharmacist Schmidt also received a deferred prosecution agreement, as a result of this case and he was asked to explain that, as well. Executive Director Anderson explained that the Board would abide by the deferred prosecution agreement. However, should that agreement be breached the Board will take action based on the judgment entered as a result.

At 3:00 PM Board Member broke to review the patient profile portion of the examination, with the two candidates for exam.

At 3:30 PM the Board meeting reconvened without Pharmacist Thom, who was administering the Errors and Omissions section of the exam.

Technician-In-Training Kaylee Assel, along with her Uncle Patrick Burnelle, R.Ph. were present to discuss the Minor in Possession citation she received in January 2009. Kaylee had just been to her evaluation session this morning. Ms. Assel was directed to provide Executive Director Anderson with a copy of her evaluation, to meet with the Pharm-Assist Committee and admonished that, should a second incident occur, the Board would likely call her in for a more formal action.

Special Assistant Attorney General David Lindell reviewed the complaint against Richard Moe, ND Pharmacist #4208, which originated in Wisconsin. Pharmacist Moe signed his Stipulated Agreement with Executive Director Anderson and this was reviewed by Attorney Lindell.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Stipulated Agreement as signed by Richard Moe, ND Pharmacist #4208. On a vote by Roll Call: Pharmacist Dewhirst – Aye Pharmacist Haroldson – Aye Pharmacist Ziegler – Aye The motion carried.*** [Pharmacist Thom was still administering the Errors and Omissions section of the exam.]

The file of Brandy Aadnes, Registered Pharmacy Technician #587 was reviewed. Pharmacy Technician Aadnes had overlooked the requirement to report any convictions on her Application for Re-Instatement of her Registration as a North Dakota Pharmacy Technician. However, she did subsequently report to her former and current prospective employer, David Just, R.Ph. of Beulah Drug that this incident had occurred. Technician Aadnes will be asked to meet with the Board of Pharmacy at our January 2010 Meeting in Fargo. In the interim she will also be asked to meet with a member of the Pharm-Assist Committee.

The file of Chad Hartje, Registered Pharmacy Technician #536 was reviewed. He will be directed to meet with the Board in January 2010 and to get his evaluation with the Pharm-Assist Committee before then.

The file of Gregory Ziegler, 4<sup>th</sup> Year PharmD Intern was reviewed. He will be directed to meet with the Board in January 2010 and to get his evaluation with the Pharm-Assist Committee before then.

At 4:30 PM the examination protocols were complete and all four Board Members returned to the Agenda.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the floor plans for the relocation of White Drug#61 from 708 38<sup>th</sup> Ave NW Suite C to 706 38<sup>th</sup> Ave NW Suite D-E-F in Fargo. Pharmacist Dewhirst disclosed that he is an employee of Thrifty White Drug Company and intends to vote. All Board Members present voted aye – the motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the floor plans for the reconstructed pharmacy of Napoleon Drug. All Board Members present voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve the floor plans for the Aurora Hospital Pharmacy located at 1451 S 44<sup>th</sup> Ave in Grand Forks. Issuance of a Pharmacy Permit will be contingent upon the receipt of their finalized Application and appointment of a pharmacist-in-charge. All Board Members present voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve the remodeling floor plans for the MeritCare Hospital Pharmacy located at 720 North 4<sup>th</sup> Street in Fargo. Pharmacist Ziegler disclosed that she is an employee of MeritCare and intends to vote. All Board Members present voted aye – the motion carried.***

*It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to grant 18 hours Continuing Education to Tana Triepke, PharmD, R.Ph. for the "16<sup>th</sup> Annual Mayo Clinic Nicotine Dependence Conference- a focus on special populations" she attended in April 2009. All Board Members present voted aye – the motion carried.*

Board Member considered a request from the Board of Nursing for an appointment to the "Prescriptive Authority Committee". President Ziegler appointed Pharmacist Rick Detwiller as our representative to the Prescriptive Authority Committee, with Pharmacist Bonnie Thom as our alternate representative.

*It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the following guidance document relative to what can be changed on a controlled substances prescription. All Board Members present voted aye – the motion carried.*

#### Guidance Document 2009-07-30-01

#### NORTH DAKOTA BOARD OF PHARMACY POLICY ON WHAT A PHARMACIST MAY CHANGE ON A CONTROLLED SUBSTANCE PRESCRIPTION BY Howard C. Anderson, Jr, R.Ph.

##### Schedule III-V

Pharmacist may add or change the patient's address, upon verification.

Pharmacist may add or change the dosage form, drug strength, drug quantity, directions for use or issue date after consultation with and agreement of the prescribing practitioner. Such consultation and corresponding changes should be noted by the pharmacist on the prescription.

##### Schedule II

Pharmacist may add or change the patient's address, upon verification.

Pharmacist may add or change the dosage form, drug strength, drug quantity, directions for use or issue date after consultation with and agreement of the prescribing practitioner. Such consultation and corresponding changes should be noted by the pharmacist on the prescription.

**\*\* The Pharmacist is NOT permitted to make changes to the patient's name, the controlled substance prescribed, (except for generic substitution) or the prescriber's signature.**

The important tenets of any changes to a controlled substance prescription should be:

Take care of the patient;

Verify the identity of each patient receiving a controlled substance;

Verify that the prescriber's intentions for the care of their patient are being fulfilled.



***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the action of Executive Director Anderson in granting a sub Class K Telepharmacy Permit to Cavalier County Memorial Hospital in Langdon in order to allow them to participate in the Hospital Telepharmacy Project. All Board Members present voted aye – the motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the action of Executive Director Anderson in granting a sub Class K Telepharmacy Permit to St Joseph's Hospital in Dickinson in order to allow them to participate in the Hospital Telepharmacy Project. All Board Members present voted aye – the motion carried.***

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to put tools into the hands of each of our pharmacies allowing them to participate in an environmentally friendly drug destruction program. The Board will cover the initial cost of this program and provide the pharmacies with alternatives to follow up on their own. All Board Members present voted aye – the motion carried.***

Discussion followed on the conversations we have had with South Dakota, relative to how a back-up pharmacy service for nursing homes might function. It was generally agreed that the best patient care would be provided by contracting with a local pharmacy as the provider pharmacy and then the moving of a prescription order between the nursing home, an unlicensed entity or individual and back to one of our pharmacies would not be necessary.

***It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve all of the invoices paid through June 30, 2009. All Board Members present voted aye – the motion carried.***

The meeting adjourned at 5:45 PM.

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President  
Gayle D. Ziegler, R.Ph.

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Member  
Gary W. Dewhirst, R.Ph.

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Member  
Laurel A. Haroldson, R.Ph.

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Member  
Bonnie J. Thom, R.Ph.

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Member  
Rick L. Detwiller, R.Ph.

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