

**A G E N D A**  
**THURSDAY – JULY 19<sup>th</sup> 2012**  
ND STATE BOARD OF PHARMACY OFFICE  
1906 E BROADWAY AVE – BISMARCK, ND 58501

**9:30 AM** Call to Order - President Laurel Haroldson

**AGENDA**

Seat new member – administer Oath of Office - Shane R. Wendel, R.Ph  
Sign Original Technician Certificates  
Review and sign minutes of the May 14-17, 2012 Board Meeting

**MINUTES**

**10:00 AM** Hearings – Technicians noncompliant with CE Requirements  
Cheryl Eshenko ND Registered Technician #TECH52  
Denise Mau ND Registered Technician #TECH641  
Nikole Schmaltz ND Registered Technician #TECH1044  
Julie Olson ND Registered Technician #TECH1149  
Cynthia Christenson ND Registered Technician #TECH555  
Ruth Kram ND Registered Technician #TECH127

**11:00 AM** Relocation Langdon Community Drug plans  
New Salem Pharmacy – Tony Welder, RPh  
Clinic Pharmacy Devils Lake

**11:15 AM** Paige Sannes – Pre-Pharmacy Intern #223

**11:30AM** Isaac Aasen, PharmD – RPh5260 - update

New Pharmacy Permit - Class K Rockview Pharmacy in Parshall

Request for Subclass A Permit Professional Pharmacy - Bismarck  
Valley View Pharmacy - Bismarck

Donna J. Wagner -RPhTech#294 Request for Re-Instatement [cancelled for nonpayment 2007]

Laren Meadows – ND RPh3104 – Consideration of full reinstatement /unencumbered licensure

ComplyScan comments relative to making ND pseudoephedrine sales limits  
consistent with federal law. BCI Agent Lonnie Grabowski

**TAB 1**

Collaborative Agreement: Altru Physicians: James Hargreaves, DO and Sara Nausheen, MD  
Jennifer Cameron, PharmD

Potential rule change – adding Class L Pharmacy Permit– LTC Dispensing device

**HANDOUT**

Financials

**BUDGET**

Candidates = 5

**CANDIDATE**

Michael J Donnelly - U of IA Grad [White Bell in Devils Lake]  
Alice S Liu – U of MN Grad

Carrie M Mulske - Washington State University  
Jason J. Schmidt - U of MN Grad  
Kayla Klimek Vigen - U of MN Grad

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 19, 2012**

**Board of Pharmacy Office**

**Bismarck, ND**

President Laurel Haroldson called the meeting to Order at 9:30 AM on Thursday July 19, 2012 in the conference room of the Board of Pharmacy Office located at 1906 East Broadway Ave in Bismarck, ND.

Present were: Gary W. Dewhirst, R.Ph.; Fran Gronberg, Public Member; Diane M. Halvorson, RPhTech; Laurel Haroldson, R.Ph.; Bonnie J. Thom, R.Ph.; Shane R. Wendel, R.Ph.; Gayle D. Ziegler, R.Ph. Also present were: Assistant Executive Director Mark J. Hardy, PharmD and Attorney David A. Lindell. Absent was Executive Director Howard C. Anderson, Jr, R.Ph. due to a medical leave.

President Haroldson administered the Oath of Office to Shane R. Wendel and seated him as the new Board Member appointed by Governor Jack Dalrymple on May 8, 2012. The Board Members welcomed Pharmacist Wendel to the Board of Pharmacy.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to seat Shane R. Wendel on the Board of Pharmacy and to welcome him. All Board Members voted aye - the motion carried unanimously.***

***It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve the Agenda as printed, and to vary the schedule as people appeared or called in to discuss the particular Agenda item. All Board Members voted aye - the motion carried.***

The Board Members signed Original Technician Registration Certificates to be used until the Board meets again.

The Board Members reviewed and signed the minutes of the May 14-17, 2012 Board of Pharmacy Meeting.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the minutes of the May 14-17, 2012 Board Meeting as printed. All Board Members voted aye – the motion carried.***

Assistant Executive Director Hardy presented and explained the Application for Pharmacy Class K Permit for Rockview Pharmacy in Parshall and stock affidavit for approval. This pharmacy's floor plans and lease were previously approved at the March 15, 2012 meeting.

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to Approve the stock affidavit and issuance of a Class K Pharmacy Permit #685 to Rockview Pharmacy Inc located at 307 3<sup>rd</sup> Street NE in Parshall, ND. All Board Members voted aye – the motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the plans for a consultation room and the Application for an addition of a subclass A to their current Class D Pharmacy Permit #24 issued to Professional Pharmacy located at 3124 Colorado Lane #400 in Bismarck, ND. All Board Members voted aye – the motion carried.***

***It was moved by Public Member Gronberg and seconded by Technician Halvorson to approve the plans for a consultation room and the Application for an addition of a subclass A to their current Class D Pharmacy Permit #586 issued to Valley View Pharmacy West located at 2425 Hillview Ave in Bismarck, ND. All Board Members voted aye – the motion carried.***

The Board Members reviewed the Application for Reinstatement of Donna J. Wagner's Technician Registration RPhTech#294 which had been cancelled for non-payment in 2007. It was noted that at their March 15, 2012 meeting Ms. Wagner was approved as a Technician-In-Training for three months during which time she was to obtain the PTCB certification. She did successfully complete the PTCB on June 8, 2012 and has submitted her PTCB Certificate, the \$270 past renewal fees, and her Application for Reinstatement.

***It was moved by Technician Halvorson and seconded by Pharmacist Ziegler to grant the reinstatement request of ND Registered Pharmacy Technician #294 to Donna J. Wagner to full active registered pharmacy technician status. All Board Members voted aye – the motion carried.***

At 10:00 AM Assistant Executive Director Hardy and Attorney Lindell presented and explained the Stipulated Agreements received from four of the six Registered Pharmacy Technicians that were found to be noncompliant with the Continuing Education Requirements of the Board.

***It was moved by Pharmacist Thom and seconded by Pharmacist Wendel to accept the signed Stipulated Agreement of Cheryl Eshenko North Dakota Registered Pharmacy Technician #52 as presented. All Board Members voted aye – the motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to accept the signed Stipulated Agreement of Denise Mau North Dakota Registered Pharmacy Technician #641 as presented. All Board Members voted aye – the motion carried.***

***It was moved by Technician Halvorson and seconded by Public Member Gronberg to accept the signed Stipulated Agreement of Nikole Schmaltz North Dakota Registered Pharmacy Technician #1044 as presented. All Board Members voted aye – the motion carried.***

***It was moved by Pharmacist Wendel and seconded by Pharmacist Thom to accept the signed Stipulated Agreement of Julie Olson North Dakota Registered Pharmacy Technician #1149 as presented. All Board Members voted aye – the motion carried.***

Assistant Executive Director Hardy then explained that the remaining two Registered Pharmacy Technicians scheduled for a hearing, Cynthia Christenson and Ruth Kram had not responded to the audits with sufficient Continuing Education nor returned the Stipulated Agreements and are currently considered to be noncompliant with the ND Board of Pharmacy Rules and Laws as they pertain to Pharmacy Technician Continuing Education.

***It was moved by Pharmacist Wendel and seconded by Pharmacist Dewhirst to suspend ND Pharmacy Technician Registration #555 issued to Cynthia Christenson due to her noncompliance with NDAC 61-02-07.1-10, her failure to sign the Stipulated Agreement and failure to respond by attending the Hearing. It was further moved to stipulate that in order for her to be released from this suspension, she must appear before the Board of Pharmacy to present her petition. All Board Members voted aye – the motion carried.***

***It was moved by Technician Halvorson and seconded by Pharmacist Ziegler to suspend ND Pharmacy Technician Registration #127 issued to Ruth Kram due to her noncompliance with NDAC 61-02-07.1-10, her failure to sign the Stipulated Agreement and failure to respond by attending the Hearing. It was further moved to stipulate that in order for her to be released from this suspension, she must appear before the Board of Pharmacy to present her petition. All Board Members voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Technician Halvorson to approve the floor plans submitted by Langdon Community Drug, currently located at 706 3<sup>rd</sup> Street for the relocation of the pharmacy to 805 3<sup>rd</sup> Street in Langdon, ND. All Board Members voted aye – the motion carried.***

***It was moved by Technician Halvorson and seconded by Pharmacist Ziegler to approve the relocation plans for a new expanded space within the Altru Lake Region Clinic located at 1001 7<sup>th</sup> Street NE in Devils Lake, ND. All Board Members voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the Collaborative Agreement between Jennifer Cameron, PharmD and James Hargreaves, DO and Sara Nausheen, MD of Altru Health System Home Infusion in Grand Forks, ND. All Board Members voted aye – the motion carried.***

The case of North Dakota Pharmacist #3104 Laren G Meadows was presented to the Board for full reinstatement of an unencumbered pharmacist license. In review of this case it was explained to the Board Members that in August 10, 2009 Pharmacist Meadows ND License #3104 was suspended for 30 days with the suspension stayed for three years, and his license was placed on probation during that time.

Pharmacist Meadows has had no further disciplinary actions and his probationary period will be completed on July 30, 2012.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to declare the probation completed and clear North Dakota Pharmacist License 3104 issued to Laren Meadows fully reinstated and unencumbered. All Board Members voted aye – the motion carried.***

At 10:50 AM North Dakota Pre-Pharmacy Intern 223 Paige M Sannes, and her father, John Sannes joined the Board meeting. Ms. Sannes was called before the Board of Pharmacy to explain her current situation. She indicated that she had recently been terminated from the “back-on-track” program at NDSU and has subsequently been expelled from NDSU. This was due to a shop-lifting conviction in June 2012. She discussed paths to get back into NDSU and other options she was exploring for her future educational plans. Board Members encouraged her to look into the Pharmacy Technician Program as a viable option for her future. It was noted that since she is not working towards the Pharmacy Program at NDSU she was no longer eligible to be licensed as an Intern.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Wendel to revoke North Dakota Pre-Pharmacy Intern 223 issued to Paige M Sannes. It was further moved that she continue to work with Pharm-Assist Committee Member Agnes Harrington if she intends to continue to move towards a career in the profession of Pharmacy through the Pharmacy Technician Program. All Board Members voted aye – the motion carried.***

Pharmacist Tony Welder and Michael Schwab, Executive Vice President of the North Dakota Pharmacists Association joined the meeting.

President Haroldson asked Pharmacist Welder to present the proposed relocation plans for New Salem Pharmacy. Pharmacist Welder handed out and explained the three options that he presented for the layout of the pharmacy. The Board Members indicated that all three layouts would be in compliance with the current building standards and asked which plan was his preference. Pharmacist Welder chose plan 1 and the Board Members agreed it was the best arrangement for the counseling room. Assistant Executive Director Hardy inquired about the lease agreement for the new location and suggested that approval be contingent upon receipt of an acceptable lease agreement and that should any changes be made to the presented plan that the Board be notified.

***It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to approve plan 1 for the relocation of New Salem Pharmacy to 509 Ash Avenue in New Salem, ND contingent upon the Board receiving an acceptable lease agreement. All Board Members voted aye – the motion carried.***

North Dakota Pharmacist 5260 Isaac Aasen, PharmD along with his father, Randy Aasen, R.Ph. arrived to discuss Isaac’s progress since last meeting with the Board. Isaac reported to doing very well and is happy to be back working in the pharmacy. Father and fellow pharmacist Randy Aasen indicated that Isaac was doing very well and they were following the precautions

and stipulations agreed upon to allow him in the pharmacy. Isaac requested an increase in the number of hours he be allowed in the pharmacy to 28 or 32 hours per week. At present he is limited to three days [24 hours per week].

***It was moved by Pharmacist Ziegler and seconded by Technician Halvorson to modify the signed Stipulation with North Dakota Pharmacist 5260 Isaac Aasen to increase the number of hours he be allowed to work in the pharmacy to up to 32 hours per week while still requiring he be in the presence of and supervised by another pharmacist. All Board Members voted aye – the motion carried.***

Pharmacist Randy Aasen also addressed the counseling improvements that they have implemented at Aasen Drug in Mayville, ND. He reported that things were going very well and that their patients were being appropriately counseled. He also asked the Board Members about the requirement of a perpetual inventory system, and if at some point the Board would release that as a requirement for Isaac's employment. The Board Members indicated that assuming all continued to go well; they would reconsider that requirement at a later date.

At 11:45 AM BCI Agent Lonnie Grabowski met with the Board to discuss the laws limiting the sales of pseudoephedrine in North Dakota. Assistant Executive Director Hardy gave a background to the law and distributed a handout relative to this law. The difference between the federal law and the state law was discussed. By North Dakota Law the pseudoephedrine limit is 2 grams per package for a retailer and by the Federal Law it is 3.6 grams. Discussion indicated the law can restrict the packages that are commercially available to be sold. The Board Members agreed that it would have to be with the support of the Attorney General and his Office if they wanted to change North Dakota Law to mirror the Federal Law. Pharmacist Ziegler asked if a reasonable allowance would be 2.4 grams instead of the current 2 gram limit. She thought this would be a good compromise and would allow for what is a currently commercially available package to be sold by the retailer. The Board Members have also heard reports that the NPLEX tracking system is not programmed to the more stringent state law restrictions. BCI Agent Grabowski indicated that he would take the information back to the Attorney General and his staff to introduce a discussion as to whether a change in the law would be agreeable. The Board also discussed Justin's Law with Agent Grabowski and the potential addition of middle man language to address the concerns we have had with recent internet pharmacy cases. The Board feels there is a need to schedule tramadol in North Dakota from the cases we have seen and the law enforcement stories of it's abuse and the deaths from overdoses. Agent Grabowski also discussed the Bath Salts issue and the current trends that his office is seeing and how that could be approached in the next legislative session. The Board thanked Agent Grabowski for his time to meet with the Board to have this discussion and his willingness to work together.

President Haroldson broke for a working lunch that was brought in. During their lunch break the Board Members reviewed the five files of the Candidates for examination and discussed exam protocol and assignments.

At 1:15 all five candidates met with the Board for their orientation session.

During the rest of the afternoon the Board followed the examination schedule to conduct the Laboratory and Errors and Omissions examinations.

While the candidates were taking their examinations Assistant Executive Director Hardy distributed a potential rule change to Chapter 61-02-02 which would add a Class L Pharmacy Permit – Long-Term-Care Dispensing Device. Assistant Executive Director Hardy referred to the handout as a rough draft to open the discussion on the changes we would have to make to add this license class to address trends of dispensing devices within Long-Term-Care facilities, along with the DEA's rule on those devices within Long-Term-Care facilities. The Board Members agreed that it was good to have the conversation and that we should continue to discuss any changes in the current language that may be necessary.

Assistant Executive Director Hardy presented the year-end financial report compared to the Budget year from July 1<sup>st</sup>, 2011 to June 30<sup>th</sup>, 2012. He indicated that the Board of Pharmacy was moving away from the current accounting system to the new Quickbooks Accounting system for the current Board of Pharmacy fiscal year.

The Board then discussed the medical leave of Executive Director Howard C. Anderson, Jr, R.Ph. and Assistant Executive Director Mark J Hardy's continuation of conducting the Board business during his absence.

***It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to allow Assistant Executive Director Mark J Hardy to act in the function of the Executive Director as needed to conduct the daily business of the Board of Pharmacy. All Board Members voted aye – the motion carried.***

President Haroldson indicated that she would not be able to attend the scheduled September 20, 2012 and Pharmacist Thom indicated that she was considering attending NABP's Member Forum during that same time. Discussion followed about a suggestion was if there was any interest in moving the meeting to the week prior and it was decided to examine the issue further and decide closer to the September 20<sup>th</sup> meeting date. It was suggested moving this meeting back one week. Assistant Executive Director Hardy said he would look into the possibility and report back to the Board Members with the decision.

The Oral Examinations were conducted and candidate scores tabulated. All five of the examination candidates were successful.

The Board Members completed their expense vouchers and the meeting was adjourned.

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Laurel A. Haroldson, R.Ph.  
President

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Gary W. Dewhirst, R.Ph.  
Senior Member

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Member  
Bonnie J. Thom, R.Ph.

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Member  
Gayle D. Ziegler, R.Ph.

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Member  
Diane M. Halvorson, RPhTech

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Member  
Shane R. Wendel, R.Ph.

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Member  
Fran Gronberg

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Assistant Executive Director  
Mark J. Hardy, PharmD