

**AGENDA**  
**March 19, 2015**  
**Board of Pharmacy Office – 1906 E Broadway Ave - Bismarck, ND**

**10:00 AM** – Call to Order – President Diane Halvorson, RPhTech **AGENDA**

Review and sign January 5-7, 2015 Board Minutes **MINUTES**

Sign original Pharmacist and Technician Certificates

Need motion for the record on the round-robin approval of:

Relocation plans for Seip Drug #12 in West Fargo

Relocation plans for Seip Drug #13 in West Fargo

Relocation plans for Thrifty White Drug #034 - Dickinson

Linson Pharmacy – Remodeling floor plans

Steele Drug – Chad Nelson, PharmD – Class K Telepharmacy Permit request-plans

**11:00 AM** Chad Hartje, RPhTech – ND Tech536 – Stipulated Agreement **TAB 1**

**11:00 AM** Rockview Pharmacy - Telepharmacy Technician requirement **Tab 2**

**12:00 Lunch Break**

Collaborative Agreement: Altru Health Systems – Anticoagulation Clinic  
Melanie Cairns, PharmD

**Guidance document for Pre-Pharmacy Intern Registration** **TAB 3**

Discussion Items: Proposed Rule Changes **TAB 4**

Pharmacy Quality Improvement Chapter 61-02-01-19

Pharmacy Compounding Standards Chapter 61-02-01-03

Technician Screening Patients Chapter 61-02-07.1

Licensure of Pharmacists [terminology] Chapter 61-03-01

CLIA Waived Tests Rule Chapter 61-04-10

Year to date Financial Report - Budget comparisons **BUDGET TAB**

President Halvorson called the Board Meeting to order at 10:05 AM on Thursday March 19, 2015 in the Conference Room of the Board of Pharmacy Office located at 1906 East Broadway in Bismarck, North Dakota.

Present were: Gary W. Dewhirst, R.Ph. - Diane M. Halvorson, RPhTech - Laurel Haroldson, R.Ph. - Steven P. Irsfeld, R.Ph. - Shane Wendel, PharmD - Gayle D Ziegler, R.Ph. and Executive Director Mark J Hardy, PharmD. Also present were: Jake RJ Decker, PharmD Student doing a rotation with the Board of Pharmacy and Intern Bret D Carlson, who works for Board Member Shane Wendel.

Absent were: Public Member Fran Gronberg and Chief Compliance Officer / Treasurer Howard C. Anderson Jr, R.Ph who are involved in the 64<sup>th</sup> Legislative Assembly of the State of North Dakota.

The Board Members present signed the original certificates for future pharmacists and technicians.

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

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Irsfeld to correct Magri Loy's first name spelling and title, and to approve the amended minutes of our January 5-7, 2015 meeting. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to put on record and reaffirm the round robin approval of February 2<sup>nd</sup>, contingent upon their lease agreement, of the floor plans for the relocation of Seip Drug #12 within the new West Fargo Clinic. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Wendel to put on record and reaffirm the round robin approval of February 2<sup>nd</sup>, contingent upon their lease agreement, of the floor plans for the relocation of Seip Drug #13. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to put on record and reaffirm the round robin approval of February 2<sup>nd</sup>, of the dba name change to Thrifty White Pharmacy #034 and their floor plans for the relocation to 2265 3<sup>rd</sup> Ave West in Dickinson, North Dakota. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Wendel to approve the remodeling floor plans submitted by Linson Pharmacy, Ltd located at 3175 25<sup>th</sup> Street South in Fargo, North Dakota. The plans add office location space to the original space of the pharmacy. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Irsfeld to approve a Class K – Telepharmacy Permit to ND Pharmacy Permit Phar119 issued to Steele Drug, Inc and approve the floor plans with the addition of a counseling room for the audio/video equipment for patient consultations. All Board Members present voted aye – motion carried.***

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Irsfeld to approve a Subclass K – Telepharmacy Permit to ND Pharmacy Permit Phar129 issued to Thrifty Drug Southgate in Fargo and approve the floor plans indicating the location of the audio/video equipment is located to serve as the central site connected to Steele Drug, Inc. All Board Members present voted aye – motion carried.***

The Board members discussed the current telepharmacy permits and if there needed to be a ceiling on the number of prescriptions to determine if a location should be allowed or issued a telepharmacy permit. It was determined that our current structure allowing pharmacists to determine the appropriate operation model is still appropriate. The Board felt this is something we need to keep on our radar to ensure proper patient care.

At 10:40 AM Mr. Chad Hartje, RPhTech – ND Tech536 appeared before the Board.

Executive Director Hardy reviewed his case with the Board, summarizing that Mr. Hartje was called before the Board for receiving two DUIs, detailing the Stipulated Agreement from the January 2015 meeting and its approval contingent upon Technician Hartje appearing before the Board to explain himself.

Technician Hartje gave an overview of his actions, his status; work with the Pharm-Assist Committee and the steps he is taking to overcome his issues with alcohol. After questions and answers with the Board Members, Technician Hartje reaffirmed his agreement to the Stipulated Agreement as approved and accepted by the Board in January 2015.

***It was moved by Pharmacist Irsfeld and seconded by Pharmacist Haroldson to approve the Altru Health Systems Anticoagulation Clinic collaborative agreement, renewing some physician/pharmacists and the additional professionals listed in this agreement. All Board Members present voted aye – motion carried.***

Executive Director Hardy explained to the Board the statutory changes being made to collaborative agreement in the current legislative session and the effect it will have on collaborative agreements such as this in the future. Things such as personnel changes will not need to be reaffirmed with official Board of Pharmacy approval and motions in the minutes, unless deemed necessary.

Pharmacist Mark Malzer, owner of Rockview Pharmacy a Class K – Telepharmacy in Parshall, along with North Dakota Registered Pharmacy Technicians Rikki and Delmer Crows Breast and ND House Representative Kenton Onstad arrived at the meeting to discuss the request for an exception to the one year registration requirement for a Telepharmacy technician. Both Rikki and Delmer Crows Breast were registered on February 11<sup>th</sup>, 2015.

Pharmacist Malzer presented a letter of support and recommendation from PATSIM Program Assistant Director Barbara Lacher. He explained that his current technician at Rockview Pharmacy was moving and that it was extremely difficult to find a qualified replacement. He stated that Technician Rikki Crows Breast was an excellent candidate as she is from the community and currently resides in Parshall.

The Board asked Pharmacist Malzer to delineate the training process he planned for Technician Crowsbreast. Pharmacist Malzer indicated that he would work with Technician Crowsbreast on site 5 days a week for two weeks in Parshall; transition to three days a week for another two weeks; then he would work weekly with her for as long as they both felt it necessary to ensure that she is fully prepared to accept the responsibility of job at the pharmacy.

***It was moved by Pharmacist Dewhirst and seconded by Pharmacist Irsfeld to approve an exception to 61-02-08-04 (1)a. ( that the technician be registered for at least one year) for Technician Rikki Crows Breast to be trained and employed with Rockview telepharmacy in Parshall to ensure uninterrupted pharmacy services to the community, with the understanding that Pharmacist Malzer will provide training as delineated above. All Board Members present voted aye - motion carried.***

Executive Director Hardy distributed a copy of a guidance document for the licensure of pre-pharmacy program interns: Below is the current definition of an Intern as set forth in Chapter 61-03-03.1 subsection 4 of the North Dakota Administrative Code [NDAC]:

***"Intern" means a person licensed by the state board of pharmacy for the purpose of receiving instruction in the practice of pharmacy from a preceptor. The state board of pharmacy may license as an intern any candidate who has successfully completed no less than one academic year of full-time college or university enrollment and has satisfied the state board of pharmacy that the candidate is of good moral character or as required when a student has been accepted into the doctor of pharmacy program.***

Board Members reaffirmed their agreement and directed Executive Director Hardy to modify the Application for Pre-pharmacy program Intern licensure to require the individual applying for the pre-pharmacy Intern licensure attest that they are working towards entry into a pharmacy program and to have a caveat on the application that a transcript may be requested to ensure compliance with the one-year of pre-pharmacy licensure.

At 11:45 AM lunch was delivered and the Board Members ate their lunches as Executive Director Hardy and Attorney Lindell called individual members into Investigating Committee meetings to discuss current complaint cases.

At 1:00 PM with lunches eaten and Investigating Committee business completed, the Board meeting recommenced with Executive Director Hardy presenting the year to date financials.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to approve the financials as presented - on a roll call vote: Pharmacist Dewhirst - Aye Technician Halvorson - Aye Pharmacist Haroldson - Aye Pharmacist Irsfeld - Aye Pharmacist Wendel - Aye Pharmacist Ziegler - Aye Nays none - the motion carried.***

North Dakota Pharmacists Association Executive Vice-President Michael Schwab and Shelby R Monson, PharmD Student doing a rotation with the NDPhA called into the Board meeting to monitor the discussion on the proposed rule changes.

Executive Director Hardy provided an update on the proposed rule changes to:

Chapter 61-02-01-19 Pharmacy Quality Improvement - he reported on the legislative bill that would allow for discovery protection from a court ordered subpoena on these records collected by a pharmacy. The bill looked favorable to passing and thus thought we should move forward with this rule that had been rescinded in 2014 due to this deficiency in law.

Chapter 61-02-01-03 Pharmacy Compounding Standards – after discussion the Board directed Executive Director Hardy to explore repealing the current detailed individual provisions and to refer to USP 795 & 797 Compounding Standards as the standards that must be complied with if conducting compounding.

Chapter 61-02-07.1 Technician Screening Patients - was discussed and it was determined to continue discussion and input from the profession on this rule. Executive Vice President Schwab indicated there may be some dissension with the rule, potentially from those out-of-state, as it may be viewed as a reduction in services. Board Members reiterated that this was being explored because they felt it was an enhancement in standards, to ensure every patient is being given an option to be educated on their medications each time they receive a prescription.

Chapter 61-03-01 Licensure of Pharmacists – is a clarification of terminology on the requirements for licensure. After discussion the Board Members agreed that the clarification was required.

Chapter 61-04-10 CLIA Waived Tests Rule – PharmD Student Jake Decker provided a description to the proposed rule, including the standards for a pharmacist to conduct CLIA waived tests and the expansion of the tests by rule in which pharmacists may conduct tests. It was noted that the rule draft did not include provisions for how Registered Pharmacy Technicians could be allowed to work in the CLIA waived test process. It was decided that this option would need to be addressed in the rule draft.

Executive Director Hardy presented a proposal from the North Dakota Society of Health System Pharmacists [NDSHP] for providing training on compounding at the NDPhA convention. The proposal included a real life training session with supplies provided for those attending the convention. NDSHP requested financial support from the Board of Pharmacy to cover the cost of the supplies required in this training session.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to approve the proposal made by Jeanne Frenzel, PharmD to provide the training at the North Dakota Pharmacist Association's Convention [NDPhA] and to cover up to \$900 for the cost of supplies. On a roll call vote: Pharmacist Dewhirst – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Irsfeld – Aye Pharmacist Wendel – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.***

Executive Director Hardy presented an opportunity for North Dakota staff and compliance officers to attend training in Minnesota put on by Critical Point, LLC for Sterile Compounding Compliance. Board Members felt this was a good opportunity and should be part of our compliance budget for those approved to attend.

Executive Director Hardy handed out a drug disposal proposal from “Yellow Jug Old Drugs Program” which looks to be favorable to meet the tenants of a previous motion made by the Board for money set aside to help incentivise our pharmacies to develop a statewide controlled substance disposal program. Dr. Hardy indicated that information would likely be disseminated at the NDPhA convention for pharmacies to gain more information about this opportunity.

Executive Director Hardy distributed information and expense vouchers to the Board Members relative to the NABP Annual Meeting in May in New Orleans, LA which the Board will be attending. The Board discussed the District V NABP/AACP resolutions that will be presented at this meeting. Pharmacist Dewhirst gave an update on the NABP Executive Committee.

The May 2015 practical examination was discussed and asked Executive Director Hardy explore update on the questions and competencies.

At this time Senator Howard C. Anderson, Jr, R.Ph, Chief Compliance Office and Treasurer and his wife, Joan joined the meeting.

Executive Director Hardy reported on the current legislation and the current standing of the bills that the Board has been tracking. He reported that overall it was going well with the two bills that the Board of Pharmacy had introduced had passed and were awaiting signature by the governor.

Executive Director Hardy paid the meeting expense vouchers.

President Halvorson called for any further business, none forthcoming - the meeting adjourned.

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Diane M. Halvorson, RPhTech.  
President

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Gary W. Dewhirst, R.Ph.  
Senior Member

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Public Member  
Fran Gronberg

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Member  
Gayle D. Ziegler, R.Ph.

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Member  
Laurel A. Haroldson, R.Ph

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Member  
Shane R. Wendel, PharmD.

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Member  
Steven P Irsfeld, R.Ph.

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Executive Director  
Mark J. Hardy, PharmD