

**March 20, 2014 Conference Room Board of Pharmacy Office Bismarck, ND**

**9:30 AM** – Call to Order – President Diane Halvorson, RPhTech **AGENDA**  
Review and sign January 6-8, 2014 Board Minutes **Minutes**

~~10:00 AM Mark Pajala – re-instatement request~~

**\*\* Addition** Hearing for Michele Courtney – ND Tech718

**10:00 AM** New Pharmacy Permit Application– St Alexius Mandan pharmacy LLC –  
Kristen Sperle, PharmD

**10:35 AM** Request for Reciprocity: Mr. Cydney Estes, R.Ph. [from AL]  
Disciplinary actions taken on Alabama license

**11:00 AM** Telepharmacy consultation site in a Hospital owned clinic–  
Thomas Simmer, R.Ph.

Request for Reinstatement: Tech729 Susan J [Borth] Boulduc

Request for CE credit: Ken Strandberg - RPh3374

**11:30 AM** Asem Taha - Foreign Pharmacist Graduate – St Alexius **TAB 1**  
Badlands Human Services RN/RPhT, Spring Conference on Pharmacology Becky  
Berger - Marion Roshau - Patty Slinde

Collaborative Agreement: Amendments to Sanford Anticoagulation Clinic approved  
November 21<sup>st</sup>, 2013 - Lisa Nagel, PharmD, Inpatient Pharmacy Supervisor  
Altru Health System Anticoagulation Clinic – Grand Forks -  
Melanie Carns, PharmD

**1:30 PM** Thrifty White Drug – Request for New pharmacy permits **TAB 2**  
for LTC dispensing device - ManorCare and Bethany Homes – University in  
Fargo

**1:00 PM** - Remodeling Prairie St John’s in Fargo – Trisha Scheid, PharmD  
Review of rules set for rule hearing on April 5, 2014 during the **TAB 3**  
Pharmacy Convention:

Revise N.D. Admin. Code Chapter 61-02-01 Pharmacy Permits to add a Class L permit  
for automated dispensing devices in Nursing Homes.

1. Create two new sections to N.D. Admin. Code Chapter 61-02-01 to add a Continuous Quality Improvement and Policy and Procedure Requirement for retail pharmacies.
2. Revise N.D. Admin. Code Article 61-11 to list the fees required by Senate Bill 2342, adopted in the 2013 legislative session.
3. Revise N.D. Admin. Code Chapter 61-04-02 Physician Exemption to expand the exemption.
4. Revise N.D. Admin. Code Chapter 61-04-08 Limited Prescriptive Practices to clarify the signature requirements and form.
5. Revise N.D. Admin. Code Chapter 61-08-01-08 to require inspection or accreditation of out-of-state pharmacies.
6. Revise N.D. Admin. Code Chapter 61-12 Prescription Drug Monitoring Program to designate the submission standard for data submitted by dispensers and requires accessing the program in certain circumstances by pharmacies.

Meeting date for consideration of final approval of the above rules is:

**April 17<sup>th</sup>, 2014 at 7:30 PM via conference call**

**Thursday April 17<sup>th</sup>, 2014 at 7:30 PM CDST**

Speakerphone located at:

ND Board of Pharmacy Office - 1906 East Broadway – Conference Room

**Call 1-800-423-1988 - Conference #1634598**

**Under the Name: Mark Hardy**

Review of Draft rule on outsourcing facilities: Firms Registered As

**TAB 4**

Human Drug Compounding Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act (FD&C Act)  
Administrative Fees – for non-disciplinary actions

**TAB 4**

**2:30 PM** Discussion of issues related to Freedom of Choice in Long Term Care Facilities, disagreements between pharmacy providers and with administration of the facilities.

**TAB 5**

Joan Ehrhardt- Department of Aging Services Ombudsman

**3:00 PM** Representative of Widmer Roel PC, to discuss audit with the board.  
Year to date Financial Report - Budget comparisons

**BUDGET TAB**

President Halvorson called the meeting to order at 9:30 AM on Thursday March 20, 2014 in the conference room of the Board of Pharmacy Office, located at 1906 East Broadway, Bismarck, ND.

Present were: - Diane M. Halvorson, R.Ph.Tech. - Laurel Haroldson, R.Ph. – Public Member Fran Gronberg -Bonnie J Thom, R.Ph. – Gayle D Ziegler, R.Ph. – Board Attorney David A. Lindell, Executive Director Howard C. Anderson, Jr, R.Ph., Assistant Executive Director Mark J Hardy, PharmD. and Chase Peterson, PharmD Student doing a rotation with the Board and Tom Simmer, R.Ph., Pharmacist in Charge at Sanford Health.

Absent were: Gary W. Dewhirst, R.Ph. and Shane Wendel, R.Ph.

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve the Agenda with the addition of a Hearing for Michelle Courtney at 10:00 AM. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve the Board Minutes of the January 6-8, 2014 minutes as printed. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve three hours of continuing education for Pharmacist Ken Strandberg for attendance at two sessions by the North Dakota Healthcare Association related to the Center of Medicare and Medicaid Services Conditions of Participation for Critical Access Hospitals. All members present voted aye – the motion carried.***

***It was moved by Fran Gronberg and seconded by Pharmacist Thom to approve the modifications to the Collaborative Agreement for Sanford Anticoagulation Clinic. Pharmacist Ziegler disclosed that she is employed by Sanford and intends to vote. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve the renewal and personnel additions to the Collaborative Agreement for Altru Health Systems Anticoagulation Clinic. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Fran Gronberg to reinstate ND Technician Registration 729 issued to Susan J Boulduc, which had been cancelled for non-payment of renewal fees in 2009. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to accept the reciprocity of Pharmacist Sydney L Estes, the disciplinary action taken by Alabama notwithstanding. All members present voted aye – the motion carried.***

At 10:00 AM Pharmacists Kristen Sperle, Keith Horner and Dewey Schlittenhardt arrived to discuss the application for pharmacy permit for St. Alexius Mandan Pharmacy, LLC, to be located at 2500 Sunset Drive NW, Suite 2, Mandan ND 58554, 51% owned by Pharmacist Sperle and operated as St. Alexius Mandan Pharmacy. The application, stock affidavit, operating agreement, member control agreement and membership interest option to purchase agreement were reviewed by the board. Pharmacist Sperle stated that she was comfortable that this is her pharmacy and she will be in control of all patient decisions.

Attorney Lindell stated that Sean Smith, the attorney for St. Alexius had made most of the changes he had suggested. The matter of goodwill was resolved to his satisfaction by stating that any sale would be based on appraisal as a going business and those records, such as prescription files would be appraised, as well.

***It was moved by Fran Gronberg and seconded by Pharmacist Thom to approve the application of St. Alexius Mandan Pharmacy, LLC for a permit at 2500 Sunset Drive NW, Suite 2, Mandan ND 58554, contingent on our receipt of the completed and signed documents. All members present voted aye – the motion carried.***

At 10:30 AM, President Halvorson opened the hearing for Michelle Courtney. Technician Courtney was not present at 10:00 AM and the hearing was delayed to see if she would appear.

Attorney David Lindell presented the case for the board of pharmacy, stated that Ms. Courtney had been served with a complaint and notice of hearing by registered mail. No contact has been received by his office or the Board of Pharmacy office from Ms. Courtney.

The hearing has been recorded and will be maintained for 60 days, giving Ms. Courtney an opportunity to request a transcript, and/or file an appeal.

President Halvorson closed the hearing at 10:45 AM.

***It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the Findings of Facts, Conclusions of Law and Order prepared by Attorney Lindell, relative to Michelle Courtney. All members present voted aye – the motion carried.***

Pharmacist Tom Simmer and Attorney Melissa Hauer arrived at the meeting to discuss the possibility of a Telepharmacy consultation site at a hospital owned clinic in Bismarck.

Pharmacist Simmer suggested that a drive through Telepharmacy site on Broadway would enhance patient safety and patient convenience by providing access to prescriptions filled at the Sanford out-patient pharmacy and sent via pneumatic tube to the location where a pharmacy technician would provide access to the filled prescriptions and the patient would be counseled in their care via a Telepharmacy link. There would be no prescriptions stored at the drive through site, as any not picked up would be tubed back to the pharmacy.

President Halvorson asked what role the technician would have, as no prescriptions would be prepared at the site and there would not be much to utilize the skills of the technician.

Current law and rules require that all Telepharmacy permits would need to meet the same requirements of NDCC 43-15-35 as any other permit.

It was suggested that this would be an excellent topic for the open mic session at the NDPhA Convention, as competitive issues would certainly play a big part in any modifications of the law or rule. Pharmacist Simmer will be at the convention to offer his perspective.

Pharmacist David Debuhr of Thrifty White and Karen Nishi of Cubex Systems arrived to discuss the Class D (L) applications for Automatic Dispensing Devices in two long term care locations.

Board members asked that the policies and procedures be modified to require that pharmacy employees; pharmacists, technicians or interns be the ones to refill the devices. They also asked that specific physical plans be submitted to fix the location of the devices in the facilities and allow staff to ascertain security requirements.

***It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve a variance for a Class D Permit for White Drug Company of Jamestown to operate a Class D permit (with the understanding that it will convert to a Class L once the rule is adopted) at 1315 S University Drive, under the name WD #68 Cubex RS1, contingent on the receipt of a revised policy and procedure and the physical plans for the location of the Cubex device within Manor Care. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to approve a variance for a Class D Permit for White Drug Company of Jamestown to operate a Class D permit (with the understanding that it will convert to a Class L once the rule is adopted) at 201 S University Drive, Fargo ND 58103, under the name WD #68 Cubex RS2 contingent on the receipt of a revised policy and procedure and the physical plans for the location of the Cubex device within Bethany Home. All members present voted aye – the motion carried.***

Asem Taha, a foreign pharmacy graduate from Lebanon arrived at the meeting along with Pharmacist Keith Horner, Pharmacist in Charge at St. Alexius Medical Center in Bismarck. Mr. Taha has completed the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) and the Test of English as a Foreign Language (TOFEL), but has not yet received his certificate.

Pharmacist Horner indicated that they have an intern position for Mr. Taha, once he is licensed and Human Resources works out the details.

***It was moved by Pharmacist Thom and seconded by Fran Gronberg to grant an intern license to Asem Taha, contingent on receipt of his FPGEE Certificate, receipt of a completed Application for Licensure as an Intern and licensure fee. All members present voted aye – the motion carried.***

***It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to grant nine hours of continuing education credit to Technicians Becky Berger, Marion Roshar and Patty Slinde for the Spring Conference on Pharmacology to be held May 1-2, 2014 and sponsored by the North Dakota Psychological Association. All members present voted aye – the motion carried.***

At 11:37 AM Pharmacist Trisha Scheid joined the board by phone to discuss the application for new space for the pharmacy at Prairie St. John's in Fargo.

***It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to approve the plans for the new space for Prairie St. John's at 510 4<sup>th</sup> Street South in Fargo. All members present voted aye – the motion carried.***

At 12:20 PM the meeting recessed for lunch. Assistant Executive Director Hardy and attorney Lindell entertained board members, one at a time, to conduct investigative committee work.

The meeting resumed at 1:00 PM.

Pharmacist Rick Detwiller, former board member and Constance Hofland of Zuger Kermis & Smith joined the board for discussion of the rules to be heard at the hearing set for April 5<sup>th</sup>, 2014 in Fargo.

Some discussion centered on N.D. Admin. Code Chapter 61-02-01, to add a Continuous Quality Improvement Requirement, with Pharmacists Ziegler and Detwiller wondering if their hospitals and others who have a program, report to an Accountable Care Organization presently, as the rule would require. Both promised to check with their facilities to determine how this requirement would affect their hospitals and bring the information to the hearing.

The second rule to cause some discussion was N.D. Admin. Code Chapter 61-08-01-08, to require inspection or accreditation of out-of-state pharmacies. Ms. Hofland reinforced the letter already received from Pharmacist Dennis McAllister of Express Scripts saying that he felt the requirement for licensure of a pharmacist from the out-of-state pharmacy was not necessary. The letter will be entered into the hearing record for consideration.

Joan Ehrhardt, the State Ombudsman, Pharmacist Erik Christenson and Jeffery Lingerfelt, the CEO of Heart of America Medical Center in Rugby joined Rick Detwiller, RPh and the Board for discussion of issues related to Freedom of Choice in Long Term Care Facilities.

Ms. Ehrhardt explained that, in North Dakota, patients have almost absolute freedom to select their medical provider and pharmacy. Pharmacist Christenson stated that his pharmacy was not involved in any effort to steer patients toward his pharmacy. Mr. Lingerfeldt stated that they had relied on a legal opinion of a National Organization that apparently did not have a complete understanding of the North Dakota law. Both Pharmacist Detwiller and Christenson said that with the increased integration of health care, perhaps the North Dakota law should be revisited.

All left the discussion with a better understanding of resident rights.

Bethany Stockdill of Widmer Roel joined the Board for a review of the Audit Report.

The year-to-date financials were reviewed by Dr. Hardy.

Assistant Executive Director Hardy collected the Board Members expense vouchers.

President Halvorson called for 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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Member  
Bonnie J. Thom, R.Ph.

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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, R.Ph.

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Member  
Fran Gronberg

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Assistant Executive Director  
Mark J. Hardy, PharmD

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