

**May 14-17, 2007**

**Fargo Radisson Inn – Room 1206**

**Fargo, North Dakota**

The meeting was called to order by President Bonnie Thom on Monday May 14, 2007 at 5:00 PM in Room 1206 of the Fargo Radisson Inn.

Present were: Bonnie J. Thom, R.Ph. – Gary W. Dewhirst, R.Ph. – Rick L. Detwiller, R.Ph. – Laurel Haroldson, R.Ph. and Executive Director Howard C. Anderson, Jr, R.Ph.

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the Agenda as printed, with the exception of moving the final Adoption of Article 61-12 to Monday evening – all Board Members present voted aye – the motion carried.**

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to approval the Minutes of January 8-10, 2007; February 11, 2007 and April 22, 2007 as printed all Board Members present voted aye – the motion carried.**

President Thom appointed Pharmacist Dewhirst and Pharmacist Detwiller to review the invoices and vouchers paid since our January meeting.

**It was moved by Pharmacist Haroldson and seconded by Pharmacist Detwiller to approval all legal actions of the Executive Director since the last such motion. All Board Members present voted aye – the motion carried.**

Board Member Dewey Schlittenhard, R.Ph. arrived and joined the meeting at approximately 5:20 PM.

**It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Haroldson to approve the final adoption of Article 61-12 – Chapter 61-12-01- Prescription Drug Monitoring Rules as presented by Executive Director Anderson, pending the approval of the Attorney General's Office and will be submitted to the Legislative Council tomorrow, May 15<sup>th</sup>, 2007. Only the definitions and items not addressed specifically in Senate Bill 2134 now remain in the final rule. The motion carried.**

The Board members then reviewed Candidate Files in preparation for tomorrow's examinations.

The Board Members signed original certificates for pharmacists and technicians.

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to approval all the paid invoices and expense vouchers since the January 2007 meeting. A vote by roll call: Rick Detwiller, R.Ph. – Yea Gary W. Dewhirst, R.Ph – Yea  
Laurel Haroldson, R.Ph- Yea Dewey Schlittenhard, R.Ph. – Yea  
Bonnie J. Thom, R.Ph. – Yea  
Nays – none – the motion carried**

At 6:25 President Thom called a halt to our meeting in order to get down stairs for the dinner meeting with the UND Center for Rural Health and the College of Pharmacy scheduled for 6:30 PM.

The Board gathered in the Willow Room of the Passages Café in the Fargo Radisson Hotel for a dinner meeting with UND Center For Rural Health representatives Susan Beattie and her husband, Dr. Robert Beattie. Also present were NDSU College of Pharmacy Dean Charles Peterson, Dr. David Scott and Telepharmacy Coordinator Ann Rathke.

After introductions the meeting was turned over to Suzy Beattie, who presented the findings of the Center for Rural Health Medication Errors Study. Ms. Beattie reviewed some of the research that has been done and talked about the project run out of the University of Nebraska, which has been running a year longer than the UND Project. Ms Beattie pointed out that the rules of the voluntary medication error reporting in patient safety project were to learn from the experiences of what is out there in the field, make all responsible parties aware of the hazards and share lessons with others. Goals were to identify the latent system causes of medication errors and implement change in the medication use system through quality improvement projects and to monitor the impact of those quality improvement projects.

Ms Beattie emphasized that a medication safety policy should establish a non-punitive format to achieve organizational learning from reporting.

The following day, Tuesday May 15, 2007, a discussion was held on the North Dakota Board of Pharmacy's propensity to take an outcomes approach, which is non-punitive, which stresses analysis of the event and correction of system problems to prevent errors or events from occurring in the future. We tend to take punitive action only when a pharmacist or pharmacy technician intentionally causes harm or recklessly disregards patient safety and repeatedly violates policy and procedures.

The majority of hospitals have implemented some key medication safety practices, including a do-not-use—abbreviations list, a policy for using two patient identifiers for administering medications, a policy of having two health professionals independently check doses of high-alert medications and a high-alert drug list. However, only half of the hospitals surveyed have implemented all four of these practices. Three factors are significantly and positively related to implementation of the four practices: JCAHA accreditation; having a medication safety or a patient safety committee with active pharmacists' participation; and net operating margin of the hospital.

Other factors which have been proven to contribute to patient safety are: a unit dose dispensing system for the hospital pharmacy; labels on patient medications; no concentrated electrolytes in patient care areas; no medication in bags or particularly in unlabeled bags. Another item Ms. Beattie mentioned was placing the generic and brand name on every label. An important factor is the active P&T Committee with the pharmacist's participation.

There was significant discussion about the opportunity presented by telepharmacy and the opportunity to cross train nurses as pharmacy technicians and be able to operate the pharmacy department, with remote pharmacist access through telepharmacy links.

Dr. Beattie suggested that there might be a significant opportunity for the Board of Pharmacy, Board of Nursing and the Board of Medical Examiners to participate in some joint education products on medication safety. Extensive discussion followed about the role the telepharmacy, Board of Pharmacy and the College of Pharmacy's participation in patient safety initiatives to reduce medication errors in our hospitals. The Board Members thanked the Beattie's for their

participation and pledged an interest to work together in the future along with the College of Pharmacy.

The Board Members reconvened in room 1206 at 9:15 PM to continue their review of the candidate files, sign original certificates and review the examination assignments in preparation for tomorrow's examinations.

President Thom continued with the Agenda items.

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Schlittenhard to approve the remodeling and expansion plans for White Drug #55 in Hettinger, North Dakota. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst to approve the relocation floor plans for Ye Olde Medicine Center in Park River, North Dakota. All Board Members voted aye – the motion carried.**

President Thom opened nominations for president for the upcoming year. Pharmacist Laurel Haroldson was nominated.

**It was moved, seconded and carried that nominations cease. The Board then cast a unanimous vote for Pharmacist Laurel Haroldson for President for the July 1, 2007 – June 30<sup>th</sup>, 2008 Board Year. The motion carried unanimously.**

Everyone congratulated Pharmacist Haroldson and the meeting was adjourned at 10:15 PM.

On Tuesday, May 15<sup>th</sup>, 2007 the Board met for a working breakfast at 6:30 AM in the Passages Café and then proceeded to the NDSU College of Pharmacy for a day of Laboratory and Errors & Omissions examinations.

The Board Members returned from the College of Pharmacy at approximately 6:00 PM and went out to dinner.

The meeting reconvened at 8:55 PM in Room 1206. President Thom asked Executive Director Anderson to review the budget. After extensive discussion, **It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst that the Executive Director be directed to develop a plan for hiring an individual to be an inspector, up to full time, to serve as a Prescription Drug Monitoring Program manager, and if necessary a quality assurance coordinator for our telepharmacy project. At vote by roll call:**

**Rick Detwiller, R.Ph. – Yea      Gary W. Dewhirst, R.Ph – Yea  
Laurel Haroldson, R.Ph- Yea      Dewey Schlittenhard, R.Ph. – Yea  
Bonnie J. Thom, R.Ph. – Yea**

**Nays – none – the motion carried unanimously**

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to approve the budget as presented. At vote by roll call:**

**Rick Detwiller, R.Ph. – Yea      Gary W. Dewhirst, R.Ph – Yea  
Laurel Haroldson, R.Ph- Yea      Dewey Schlittenhard, R.Ph. – Yea  
Bonnie J. Thom, R.Ph. – Yea**

**Nays – none – the motion carried unanimously**

Executive Director Anderson handed out copies of the Consensus Council Report and briefly reviewed some of the significant findings communicated to him in the oral interview with the Consensus Council staff. Board Members were asked by President Thom to review the Consensus Council Report at their convenience.

The meeting recessed at 11:00 PM.

On Wednesday May 16<sup>th</sup>, 2007 the Board Members met in Room 1206 with the Board of Directors of the Pharmacy Advancement Corporation for a working breakfast. The Pharmacy Advancement Corporation is an IRS designated 501-C-3 organization, which is being utilized to hold funds from the student scholarship actions and award scholarships to NDSU College of Pharmacy Students.

After breakfast, Board Members readied themselves for a day of Oral Examinations which began at 9:00 AM commencing in Room 1219, moving to 1216 and the exit interview held in room 1206.

At 3:30 PM the Board Members gathered to tabulate the exam scores. Board Members noted that all 38 students that took the exam passed, with the scoring range between 79 and 97, with 75 being a minimum level for passing.

At 4:30 PM President Thom returned to the Agenda for the final business session.

Executive Director Anderson explained the scenario from the Continuing Education Audit this year, noting that there were a significant number of Pharmacists and Pharmacy Technicians who continue to complete the required CE *AFTER* they are notified that they are being audited. He explained a suggested audit strategy, which consists of adding any late CE submitters to be re-audited the following year and that the audit would be conducted this year in July and August, with the audit covering the period of March 1, 2005 through March 1, 2007. This will not give the Pharmacists and Pharmacy Technicians any opportunity to complete CE *AFTER* they are notified that they are being audited. It will also provide a little more time to work with those being audited and the follow-up, as we will not be going through a renewal cycle at that time. Results of the audit will be reported to the Board and considered by the Board for appropriate action at that time.

President Thom then asked for Executive Director Anderson's report. He reviewed several items of interest for the Board Members.

The upcoming Rule Hearing was discussed and legislation from the 2007 Session was reviewed.

Board Members convened for dinner with Board Attorney David Lindell in the Willow Room of the Passages Café.

After dinner, Executive Director Anderson, Attorney Lindell and President Thom convened as the Investigating Committee of the Board of Pharmacy to review current complaints and recommend action.

On Thursday May 17<sup>th</sup>, 2007 the Board Members met for a working breakfast at 7:00 AM. President Thom reconvened the Board Meeting at 9:00 AM.

Since 3<sup>rd</sup> year PharmD Student Nick Kadrmas had arrived early for his appointment with the Board, Board Members began a discussion with intern Kadrmas at 9:00 AM. Intern Kadrmas explained the situation surrounding his conviction for trespassing. The Board was satisfied with his explanation of the incident and his promise that no similar instances would occur again. The information will be kept in his file, for reference, should any other instances occur in the future.

At 9:15 AM Jessica Havelka, a May 2004 NDSU PharmD Graduate arrived to discuss a potential extension of her intern license beyond the three years currently allowed, to complete the examination protocols. Ms. Havelka explained the circumstances surrounding her difficulties in taking and failing the NAPLEX Exam on five occasions. She also explained her intentions to successfully complete the exam.

**It was moved by Pharmacist Schlittenhard and seconded by Pharmacist Dewhirst to grant Jessica Havelka an extension of her current internship license until July 26, 2007, by which time she must return to the Board with a written plan for remedial action and a suggestion for a fixed date by which she will complete her remedial steps and successfully complete the NAPLEX Exam. At that time, if that plan is acceptable to the Board Members, she will be granted another extension. The motion carried.**

Amber Nelson, 3<sup>rd</sup> Year PharmD Student at NDSU College of Pharmacy arrived to meet with the Board concerning her DUI conviction. Ms Nelson had received a favorable addiction evaluation and had been sentenced to probation by the court. She has also been placed on probation by the College of Pharmacy until her graduation. Executive Director Anderson was instructed to write a letter for Amber Nelson, which will be kept in her file, explaining the seriousness of the incident and that our expectations were that she would have no further instances or problems and she would be re-evaluated at the time of graduation for licensure. At this time, no other action was considered necessary.

At 10:00 AM President Thom opened the Hearing on the rules by stating, it is now 10:00 AM on Thursday May 17, 2007 at the Radisson Inn (201 5<sup>TH</sup> St N-Fargo) in ROOM 1206.

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;

- (HB 1054) 61-02-01-15 Pharmacy Closings and Reporting Requirements (new)
- 61-02-01-16 Transfer of Controlled Substances when selling a business (new)
- 61-03-01-02 Approved Schools (correction)
- 61-03-02-04 Definitions. Automated Dispensing System (new)
- 61-04-04-01 Definition of Unprofessional Conduct Reporting (new)

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

The only comments, orally or written received were the corrections in 61-04-04-01 Definition of Unprofessional Conduct Reporting subsection 19 from NDCC 50-05-27 to 19-03.5 and the

Correction in the numbering of the statute from House Bill 1054 correcting 43-15-44.2 to 43-15-42.3 as specified in the bill.

At 10:15 AM Daniel G. Bellingham of the Health Distribution Management Association (HDMA), which is an organization of wholesalers, arrived at the meeting. He came to discuss the potential drafting of rules relative to House Bill 1455 Wholesale Pedigree Legislation. Most of the HDMA comments were relative to the statute, which has been finally adopted and takes effect August 2, 2007. We will continue to work with Mr. Bellingham on development of rules, although it did not appear that he thought many rules would be needed to implement the statute as far as HDMA was concerned.

Board Members held a general discussion about what rules needed development. One suggestion that we might re-write the rules on continuing education to clarify the required 15 hours CE each year for pharmacists and 10 hours CE each year for Technicians to clear up the confusion we always seem to have relative to CE. Executive Director Anderson will develop forms for implementation of House Bill 1256 Drug Depository, including those forms for registration as a participant and for the patient release and disclosure when they are dispensed a previously donated drug.

Discussion followed about quality assurance and quality improvement efforts in all of our pharmacies, particularly our discussion with the Center for Rural Health relative to error tracking evaluation and improvement. Executive Director Anderson will develop educational pieces for our Compliance Officers to carry to our hospital pharmacies/pharmacists, quality assurance directors in those hospitals and administrators to try and improve any deficiencies through educational efforts. A rule to allow generic and brand name on every label in hospital pharmacies and nursing homes might be something to consider.

The Board Members submitted their expense vouchers and the meeting adjourned at 11:30 AM.

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President  
Bonnie J. Thom, R.Ph.

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Member  
Gary W. Dewhirst, R.Ph.

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Member  
Dewey Schlittenhard, R.Ph.

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Member  
Rick L. Detwiller, R.Ph.

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Member  
Laurel A. Haroldson, R.Ph.

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