

**A G E N D A**  
**NORTH DAKOTA STATE BOARD OF PHARMACY**  
**MAY 12-13-14-15, 2008**

**MONDAY-MAY 12, 2008- 5:00 PM - CANDLEWOOD SUITES 1831 NDSU Research Park Drive - Fargo ND 58102 (1 -701-235-8200)**

CALL TO ORDER - President Laurel Haroldson, R.Ph.

**A. FIRST BUSINESS SESSION**

Seating of New Board Member – Gayle D. Ziegler, R.Ph. Oath of Office  
[Name plate & Pin Badge are on order]

Review & Approval of Agenda

**AGENDA TAB  
MINUTE TAB**

Review & Approval of Minutes of the  
JANUARY 7-8-9-, 2008 – March 19<sup>th</sup>, 2008

Appoint two Pharmacists to review all paid expenses.

Three Affiliated Tribes Pharmacy

Review Candidates Files ( 37 )

**CANDIDATE TAB**

Notice of Examination/ Review Testing Assignments

**CANDIDATE TAB**

Sign Certificates – RPh & Technicians

Election of President for the July 1, 2008 to July 1, 2009 Board Year

Review Meeting Dates [August 7-8-9, 2008 – January 09]

Candidates for possible fall exam: July 2008

Year to date Financial Report - 2008-2009 Budget

**BUDGET TAB**

Request for Collaborative Agreement at Altru Health System

CE Request from Tana Triepke, PharmD, R.Ph. # 5019

Request Class K – Telepharmacy - Rolla Drug

Approve the actions of the Executive Director

Executive Director Report: Dr. Johnson Active Status

Review Intern Portfolios

**6:30 Dinner** - Continue Agenda –finalize exam assignments

**TUESDAY - MAY 13, 2008** – 6:30 - 7:15 AM - Working Breakfast

**TUESDAY - MAY 13, 2008 -COLLEGE OF PHARMACY-**

**NDSU Sudro Hall - Room 20 A & B**

8:00 - 8:30 AM Roll Call and Orientation of Candidates

8:30 - 9:30 AM Laboratory Section 1

8:45 - 9:15 PM Errors and Omissions Section 1

9:45-10:15 PM Errors and Omissions Section 2

9:45 -10:45 PM Laboratory Section 2

11:00-12:00 PM Laboratory Section 3

1:00- 2:00 PM Laboratory Section 4

2:15– 3:15 PM Laboratory Section 5

3:30– 4:30 PM Laboratory Section 6

**6:30 Dinner**

**WEDNESDAY-MAY 14, 2008 -**

7:00 AM Board Breakfast ND Pharmacy Advancement Corporation Board  
CALL 1-800-423-1988 – Under the NAME HOWARD Conference # 1237598

**TAB 1**

**CANDLEWOOD SUITES – Board Room – 1831 NDSU Research Park Drive - Fargo ND 58102  
8200)**

**(1 -701-235-**

**WEDNESDAY-MAY 14, 2008-ORAL EXAMINATION SCHEDULE-**

9:00 - AM SECTION 1 FOLLOW THIS SEQUENCE FOR EACH SECTION:

9:20 - AM SECTION 2 To Room: \_\_\_\_\_

9:40 - AM SECTION 3 To Room: \_\_\_\_\_

10:00- AM BREAK To Room \_\_\_\_\_

10:20- AM SECTION 4

10:40- AM SECTION 5

11:00- AM SECTION 6

1:20 - PM SECTION 7

1:40 - PM SECTION 8

2:00 - PM SECTION 9

2:20 - PM SECTION 10

2:40 - PM SECTION 11

**B. 4:00 - 5:00 PM SECOND BUSINESS SESSION**

1. Finalize Scoring of Examinations

**6:30 Dinner - Board Members – Attorney David Lindell – Bill Grosz  
Investigative Committee Meetings**

**THURSDAY – May 15, 2008 – CANDLEWOOD SUITES 1831 NDSU Research Park Drive - Fargo ND 58102  
(1 -701-235-8200)**

7:00 AM Working Breakfast

Active Disciplinary Case Files: Heather F. Entzel – Intern #1115  
Brandon Sis - Intern #1714  
Nathan Wilson – Intern #230  
Kyle Schwandt – PharmD Graduate

9:00 AM Disciplinary Hearing for Ryan Sannes ND Pharmacist License #4917

10:00 AM Possible Rules Change Review

Consideration of Rules to implement; Expedited Partner Therapy  
Continuing Education Requirements  
Tech-Check-tech  
Compounding <797> <795>

10:30 AM Curt Trowbridge – ADD Machines for Urgent Care

New Pharmacy Request

11:00 AM MedCenter One North Location

Belcourt Drug – Christie Rondeau, PharmD, R.Ph.  
Thrifty White in Bethany Nursing (New ? or moving)  
Relocation: CVS Pharmacy - Minot  
Remodeling: CVS Pharmacy Grand Forks

Disciplinary Actions: Requested reinstatement of license

Robbie Hahn, ND License #4360

**TAB 2**

Prepare Expense Vouchers (checks sent from the office)

12:00 Noon

### **ADJOURNMENT**

President Haroldson called the Board to order at 5:00 PM on Monday May 12, 2008 at the Candlewood Suites 1831 NDSU Research Park in Fargo, North Dakota. Present were: Laurel Haroldson, R.Ph. – Gary W. Dewhirst, R.Ph. – Rick L. Detwiller, R.Ph. – Bonnie J. Thom, R.Ph. – Executive Director Howard C. Anderson, Jr., R.Ph. Also present was newly appointed Board Member Gayle D. Ziegler, R.Ph. and Pharmacist Curtis Larson, representing CVS Pharmacies.

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to officially accept the resignation of Dewey Schlittenhard and to seat Pharmacist Gayle D. Ziegler on the Board of Pharmacy. Pharmacist Ziegler having stated that she has returned the oath of office to the Governor's Office, President Haroldson administered the Oath of Office to her. All Board members present voted aye – motion passed and all welcomed Pharmacist Ziegler to the Board and congratulated her on her appointment.**

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

**It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the minutes of January 7-9, 2008 and March 19, 2008 as printed and as they had been sent out. All Board Members voted aye – the motion carried.**

President Haroldson appointed Pharmacist Dewhirst and Pharmacist Ziegler to review the paid invoices since our January 2008 Board meeting.

At this time we were joined by Philip McRill, MD, representing the Tribal Chairman Markus Wells, Jr. of the Three Affiliated Tribes. Dr. McRill explained that the Minni-Tohe Health Center at One Minni-Tohe Drive in New Town, North Dakota was now being operated by the Three Affiliated Tribes under a contract with the Indian Health Services. This is the existing pharmacy in their clinic building, which had previously been operated by the Indian Health Service. **It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst that as the Application for Pharmacy Permit was in order Minne-Tohe Health Center Pharmacy, that the pharmacy be granted a temporary Class H North Dakota Pharmacy Permit for the Three Affiliated Tribes to operate this pharmacy in taking care of Native Americans from any tribe, as long as they are enrolled somewhere. The continuation of this Pharmacy Permit is contingent upon meeting the Security, Building and Sanitary Standards, as this pharmacy is to be remodeled this coming summer. Plans will need to be submitted for approved prior to this remodeling. A memorandum of understanding will be drafted explaining that the Tribe will operate on the Indian Reservation to take care of Native Americans. The clinic is presently staffed by three MDs, two Nurse Practitioners, a Physician Assistant, three pharmacists and one Registered Pharmacy Technician. Pharmacist Ardell Moe is the Pharmacist-In-Charge. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst to deny the request by PharmD Student Jennifer Cameron to sit for the Scheduled Exams on May 13-14, 2008 as she has not yet completed her rotations and received her affidavit of graduation from NDSU College of Pharmacy, Nursing and Allied Sciences. All Board Members voted aye – the motion carried.**

President Haroldson opened nominations for President for 2008-2009 Board Fiscal Year. Gary Dewhirst was nominated. **It was moved by Pharmacist Thom and seconded by Pharmacist Detwiller to cast a unanimous**

**ballot for Pharmacist Gary Dewhirst as Board President. The motion carried and Board Members congratulated him on his election.**

President Haroldson set June 25<sup>th</sup>, 2008 for a meeting and examination from 9:00 AM to Noon. She stated this would give PharmD Student Jennifer Cameron a chance to complete the examination process once she has completed her rotations.

Board Members next reviewed the Budget. There was a question on one of the expense categories, being considerably over-budget, Pharmacist Haroldson asked that action be deferred pending verification of the actual dollar amount expended for Insurance.

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Ziegler to approve the Collaborative Agreement between the Pharmacists and Physicians at Altru health Systems. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve 30 Hours of Continuing Education Credit for a Smoking Cessation Program presented at Mayo Clinic as requested by Pharmacist Tana Triepke. Four Board Members voted aye – one voted nay. The motion carried.**

**It was moved by Pharmacist Detwiller seconded by Pharmacist Thom to approve the addition of a Subclass K – Telepharmacy Permit for Rolla Drug. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Thom and seconded by Pharmacist Detwiller to approve all legal actions of Executive Director Howard Anderson, Jr, R.Ph. since this motion was last made. All Board Members voted aye – the motion carried.**

Board members recessed at 6:45 for dinner, where examination protocols were reviewed and assignments clarified for Tuesday and Wednesday exams.

After dinner the Board Members reconvened to finish the examination assignments.

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom to approve the payment of \$14.56 per month Dental and Eyewear Insurance for Kathy Zahn with the Prescription Drug Monitoring Program. On a roll call vote: Rick Detwiller – Aye Gary Dewhirst – Aye Laurel Haroldson – Aye Bonnie Thom – Aye Gayle Ziegler – Aye The motion carried.**

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to approve the employment contract for Executive Director Howard C. Anderson, Jr, R.Ph. On a roll call vote: Rick Detwiller – Aye Gary Dewhirst – Aye Laurel Haroldson – Aye Bonnie Thom – Aye Gayle Ziegler – Aye The motion carried.**

Board Members spent Tuesday May 13<sup>th</sup>, 2008 at NDSU administering the Errors and Omissions and Laboratory Exams to 37 NDSU Graduates.

On Wednesday May 14<sup>th</sup>, 2008 the Board convened in the Board Room of Candlewood Suites to administer the Oral examination to the 37 NDSU Graduates.

At 4:30 PM the Board Members met for the scoring of the exams.

Comments gleaned from the students indicated that the Errors and Omissions could use a consistent scoring format and explanation of choices with the laboratory practical training at NDSU. Pharmacist Thom indicated she would take that under advisement.

At 5:00 PM Attorney David Lindell joined the Board Meeting. Attorney Lindell reviewed the cases and upcoming hearing.

During dinner Agnes Harrington of the Pharm-Assist Committee reported on her assignments of the following students: Heather Entzel was under contract and doing fine. Bryan Miller has been evaluated and is doing fine with no follow up necessary. Bryan has taken the examinations over the past two days and will be taking the NAPLEX and MPJE for licensure in the near future. Nathan R. Wilson, who signed a stipulation at a previous meeting is currently out of the College of Pharmacy and will have to make re-application to the College of Pharmacy and for an internship license before being readmitted and licensed as an Intern. Agnes also reported that Brandon Sis has met with her multiple times from July 07 to March of 09, has married and has no problems now.

The meeting was recessed at 8:00 PM so the Investigative Committee could meet.

#### **Thursday May 15<sup>th</sup>, 2008**

The Board Members met for a working breakfast at 7:00 Am to discuss the coming day's events. At about 8:00 AM Treasurer William Grosz took minutes while Executive Director Anderson and Attorney Lindell conferred with attorneys out-side the meeting room. It should be noted for tax purposes that William Grosz was paid \$1 cash by Pharmacist Gary Dewhirst for his services.

**It was moved by Pharmacist Thom and seconded by Dewhirst to re-instate the pharmacist license of Robb K. Hahn, ND License#4360 which had been suspended in mirroring the actions taken by the Arizona State Board of Pharmacy. The Arizona State Board of Pharmacy has re-instated his AZ License as well. All Board Members voted aye – the motion passed unanimously.**

**It was moved by Pharmacist Detwiller to approve the proposed budget now that the past expenses were clarified to point out that the \$19,000 had been paid to the ND Pharmacist Association for training of pharmacists in Diabetes State Management, but had mistakenly been put in the Insurance Expense category. On a roll call vote: Rick Detwiller – Aye Gary Dewhirst – Aye Laurel Haroldson – Aye Bonnie Thom – Aye Gayle Ziegler – Aye The motion carried.**

A rule change was discussed to clarify that pharmacists need 15 CE hours per year. One year carry over will be allowed but the hours cannot be used in both years. The possibility of using specific law or ethics found no supporters. **It was moved by Pharmacist Detwiller to change the proposed rule on Continuing Education for Pharmacists to reflect 15 hours per year or 1.5 Continuing Education Units and make those changes throughout. It was also included to revise the Pharmacy Technician Continuing Education Requirements to 10 hours per year and to make the appropriate changes in that proposed rule. This motion was seconded by Pharmacist Thom. It was moved by Pharmacist Detwiller and seconded Dewhirst to amend the above motion to have the changes made after the 2009 session, once the laws change for pharmacists allowing the technician and pharmacists CE to coincide and CE Requirements will be effective on the license renewal date. The amendment carried with all Board members voting aye. The vote was held on the motion as amended and all Board Members voted aye and the motion carried as amended.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Ziegler to move ahead with the language proposed in the Tech-Check-Tech rule. All Board Members voted aye – motion carried.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Dewhirst to move ahead with some regulations relative to the USP 795 and 797 requirements. Executive Director Anderson will draft some rules for future review. All Board Members voted aye – motion carried.**

As scheduled at 9:00 AM on Thursday May 15<sup>th</sup>, 2008 Pharmacist Curtis Larson joined the Board of Pharmacy at the meeting along with Pharmacist Ryan Sannes, Ryan's father Paul Sannes and one of his Aunts. Also present were: Attorney John Green, who is a friend of Ryan's. Todd Johnson, R.Ph., a North Dakota Licensed Pharmacist with a consulting company in Minnesota, who was employing Pharmacist Ryan Sannes. Skip Birkmaier and Agnes Harrington of the ND Pharm-Assist Committee, Pharmacists David DeBuhr and Carol Hopp of Thrifty White #52, where Pharmacist Ryan Sannes had been working when one of these incidents occurred. The Board Members reviewed the Complaint and Statement of Charges, the immediate suspension of the license #4917 of Pharmacist Ryan Sannes, which was effective upon service to him on April 18, 2008 at 4:30 PM. In addition, a Stipulated Settlement Agreement and recommendation of Discipline which had been signed by Pharmacist Ryan Sannes.

Executive Director Anderson reviewed the history of the case, and information from Medical Pharmacy and Thrifty White Drug #52. The adulterated samples of Adderall and Dextroamphetamine were examined by the ND State Laboratory and their report was available for review. This report indicated that the Adderall capsules, in addition to having part of their contents removed, also had venlafaxine added to them.

Pharmacist Ryan Sannes was asked to speak about what happened from his perspective. Then Pharmacist David DeBuhr spoke on behalf of Thrifty White Drug #52, Agnes Harrington and Skip Birkmaier for the Pharm-Assist Committee and Pharmacist Todd Johnson spoke about the fact that he was totally unaware of any restrictions on Pharmacist Ryan Sannes license during the time he had employed him, and that Ryan had not been truthful about why he could not furnish a copy of his license when asked.

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to accept the recommended Stipulation, Settlement Agreement and recommendation of Disciplinary Action as signed by Pharmacist Ryan Sannes. A roll call vote was requested and on roll call: Rick Detwiller – No Gary Dewhirst – Aye Laurel Haroldson – No Bonnie Thom – Aye Gayle Ziegler – Aye The motion carried and the Agreement was accepted.**

Brandon Sis – Intern #1714 arrived at the meeting to report to the Board of Pharmacy that he had been accepted back into the Program at NDSU College of Pharmacy, with the approval of the Board of Pharmacy and the re-instatement of his Intern License he is set to begin the 4<sup>th</sup> Year Rotations next week. The Board Members were familiar with the report from Agnes Harrington of her interactions with Brandon and his response to her questions. **It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to reinstate Brandon Sis upon receipt of his Intern License Application and verification that he has paid the Internship Fee the minimum of 4 times per the requirements. All Board Members voted Aye – the motion carried.**

Current Pharmacist-in-Charge Curtis D. Trowbridge arrived at the meeting along with previous Pharmacist-In-Charge Michael Scheer of Innovis Health Center Pharmacy. Pharmacist Trowbridge explained that they were using an Insty Meds Machine in the emergency room and emergent care area of Innovis Hospital. Physicians dispense the medication out of the Insty Med Machine and the medication is dispensed in compliance with all signatures, formulary and labeling criteria for the benefit of the patient. Board Members expressed that they felt that the best way to dispense medications was for the practitioner to diagnose the patient, prescribe the medication and for the pharmacist to review the order prior to dispensing. This could be accomplished with the dispensing machine, by making a telepharmacy connection to the pharmacy, particularly at Innovis where pharmacists are available 24 hours a day.

At 11:00 AM MedCenter One Hospital Pharmacist Thomas F. Simmer, James Cooper, CEO and their Attorney joined the meeting. The Board Members reviewed an Application for Pharmacy Permit submitted by MedCenter One for a pharmacy within their clinic building located at 3318 N 14<sup>th</sup> Street in Bismarck. The name under which the Pharmacy Permit was applied for is MedCenter One Pharmacy. Pharmacist Simmer explained the plans for the pharmacy and Executive Director Anderson indicated that he had reviewed the lease and that he believed that it was in order. Discussion followed. Mr. Cooper stated that he felt that the current system of not permitting full integration of medical care was a mistake. Board Members pointed out that a pharmacy could be located within this clinic building, but under current law would have to be 51% owned by pharmacists, thereby controlled by the Pharmacists. Contractual agreements could then be in place to provide whatever services the patients of the clinic needed.

**It was moved by Pharmacist Dewhirst to deny this Application for Pharmacy Permit based on the North Dakota Century Code 43-15.35, which requires ownership and control by North Dakota Licensed Pharmacists. The motion was seconded by Pharmacist Thom.**

Pharmacist Dewhirst disclosed that he is an employee of Thrifty White and therefore a potential competitor of this pharmacy, Pharmacist Detwiller disclosed that he is employed by St. Alexius Medical Center and that St. Alexius had submitted a somewhat similar Application for a pharmacy in the building which houses their durable medical equipment business, Pharmacist Ziegler disclosed that she is employed with Merit Care Hospital in Fargo. President Haroldson called for a roll call vote on the motion to deny the Pharmacy Permit: **Rick Detwiller – Aye Gary Dewhirst – Aye Laurel Haroldson – Aye Bonnie Thom – Aye Gayle Ziegler – Aye** The motion carried unanimously and the Application was denied.

**It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve the floor plans and lease agreement submitted by Christie Rondeau, PharmD, R.Ph. and to grant a Pharmacy Permit for Belcourt Drug 9838 43T Ave NE #4 in Belcourt, ND. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Thom to approve the relocation and remodeling plans of White Drug #68 located within Bethany Nursing Home in Fargo. It was disclosed by Pharmacist Dewhirst that he is employed by Thrifty White Drug Company. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Ziegler to approve the submitted building plans and relocation of CVS Pharmacy #8611 Pharmacy Permit #105 from 1015 S Broadway to NEC 20<sup>th</sup> Ave & 16<sup>th</sup> Street in Minot, North Dakota. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve the submitted remodeling plans of CVS Pharmacy #8620 Pharmacy Permit #123 located at 1950 32<sup>nd</sup> Ave S in Grand Forks, North Dakota. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Thom and seconded by Pharmacist Detwiller to add consideration of White Drug #17, Pharmacy Permit #74, located at 1015 S Broadway Suite 3, in Minot North Dakota to the agenda. Pharmacist Dewhirst once again disclosed that he is employed by Thrifty White Drug Company. All Board Members voted aye – the motion carried and it was added to the agenda.**

**It was moved by Pharmacist Detwiller and seconded by Pharmacist Ziegler to approve the plans for remodeling of White Drug #17 Pharmacy Permit #74 located at 1015 S Broadway Suite 3 in Minot North Dakota to the agenda. All Board Members voted aye – the motion carried.**

Curtis A. Larson, R.Ph. CVS District Pharmacy Manager was present to discuss some issues with Technician-Training in CVS Pharmacies. It appears in some instances that there is not adequate follow up to be certain

that the Technicians are progressing through the on-the-job Training as expected. Pharmacist Larson indicated that he has requested follow up on a monthly basis from all of their North Dakota Pharmacies. He has asked the Pharmacists-In-Charge to get the technicians help to complete the program or get them out of the program if they do not wish to progress. It will be put in the work schedule for the Pharmacy Technicians-In-Training to complete their training program.

**It was moved by Pharmacist Dewhirst and seconded by Pharmacist Detwiller to promulgate some rules to require positive identification by the patient or the person picking up the prescription on all controlled substances plus tramadol and carisoprodol. All Board Members voted aye – the motion carried.**

**It was moved by Pharmacist Ziegler and seconded by Pharmacist Dewhirst to approve all of the invoices paid since the January 2008 review, as no cosmetics were found listed. On a roll call vote: Rick Detwiller – Aye Gary Dewhirst – Aye Laurel Haroldson – Aye Bonnie Thom – Aye Gayle Ziegler – Aye The motion carried.** {The Board Secretary is still mud ugly and planer than dirt without the cosmetics}

**The meeting adjourned.**

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President  
Laurel A. Haroldson, R.Ph.

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Member  
Gary W. Dewhirst, R.Ph.

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Member  
Rick L. Detwiller, R.Ph.

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Member  
Bonnie J. Thom, R.Ph.

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Member  
Gayle D. Ziegler, R.Ph.

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