

AGENDA
NORTH DAKOTA STATE BOARD OF PHARMACY
May 14-15-16-17, 2012

MONDAY-MAY 14, 2012- WINGATE INN - 4429 19th Ave S - Fargo ND 58103
(1-701-281-9133)

5:00 PM - Call to Order – President Bonnie Thom

A. BUSINESS SESSION

Seat new member – administer Oath of Office - Shane R. Wendel, R.Ph.
Review and Approval of Agenda **AGENDA TAB**
Make final preparations for tomorrows exams **Candidate TAB**
Review Candidate Files = **56**
Review Intern Portfolios
Review & Approval of Minutes of the March 15, 2012 Meeting **MINUTE TAB**
Appoint two Board Members to review all paid expenses.

5:30 PM - Remodeling plans: MedCenter One Out-Patient – Tom Simmer, R.Ph.
Sanford Pharmacy South University
White Drug #15 - Jamestown
White Drug #45 – Jamestown

Foss Drug LTC – Valley City currently Class D + K with request for subclass A
Sign Certificates – RPh & Technicians
Election of President for the July 1, 2012 to July 1, 2013 Board Year

Year to date financial reports-2012-2013 Budget **Budget Tab**
Appoint Audit Committee
Review Depository List
Possible Future Exam Dates: [candidates 2 for July 19, 2012] **TAB 1**

TUESDAY - MAY 15, 2012 - COLLEGE OF PHARMACY - NDSU SUDRO HALL

| | | | |
|------------|---------------|----|--|
| ALL | 7:30 - 8:00 | AM | Roll Call and Orientation of Candidates Room 26 |
| | 8:00 - 9:00 | AM | Laboratory Section 1 |
| | 8:15 – 8:45 | AM | Errors and Omissions Section 1 |
| | 8:45 - 9:15 | AM | Errors and Omissions Section 2 |
| | 9:15 – 9:45 | AM | Errors and Omissions Section 3 |
| | 9:15 - 10:15 | AM | Laboratory Section 2 |
| | 10:30 - 11:30 | AM | Laboratory Section 3 |
| | 12:30 - 1:30 | PM | Laboratory Section 4 |
| | 1:45 – 2:45 | PM | Laboratory Section 5 |
| | 3:00 – 4:00 | PM | Laboratory Section 6 |
| | 4:15 – 5:15 | PM | Laboratory Section 7 |
| | 5:30 – 6:30 | PM | Laboratory Section 8 |

6:30 Dinner

WEDNESDAY-MAY 16, 2012 - WINGATE INN 4429 19th Ave S - Fargo ND 58103

7:00 AM Board Breakfast

ORAL EXAMINATION SCHEDULE

9:00 - AM SECTION 1 To Room: _____

| | | |
|------------|---------|----|
| 9:20 - AM | SECTION | 2 |
| 9:40 AM | SECTION | 3 |
| 10:00 - AM | SECTION | 4 |
| 10:20 - AM | SECTION | 5 |
| 10:40 - AM | SECTION | 6 |
| 11:00 - AM | SECTION | 7 |
| 11:20 - PM | SECTION | 8 |
| | | |
| 1:20 - PM | SECTION | 9 |
| 1:40 - PM | SECTION | 10 |
| 2:00 - PM | SECTION | 11 |
| 2:20- PM | SECTION | 12 |
| 2:40- PM | SECTION | 13 |
| 3:00- PM | SECTION | 14 |

To Room: _____
Meadowlark Room

Review Intern Portfolios
Final Scoring of Exams

6:30 Dinner

THURSDAY – May 17, 2012

7:30 AM CALL TO ORDER - President Bonnie Thom, R.Ph.

7:45 AM Clinic Pharmacy – Devils Lake [new location]

8:00 AM Final consideration of Rules: **TAB 2**

- 61-02-07-.1-03 Technician Education & Certification Requirements
- 61-04-06-02 missed Requirements of a prescription order for noncontrolled drugs.
- 61-04-06-03 missed Requirements of a prescription order for controlled drugs.
- 61-05- Radiopharmaceutical Pharmacy Services
- 61-07-01-14 [new] Pharmacist First Dose Review
- 61-09 Ambulance Services and prescription drugs (Tim Meyer)

9:00 AM Isaac Aasen – ND RPh #5260 –Stipulated Agreement **TAB 3**

9:30AM Pharmacist Assessment for Remediation Evaluation [PARE] **TAB 4**

10:00 AM Hellertown Pharmacy – consideration of stipulation
Towne Pharmacy

11:00 AM Human Services Telepharmacy – Joan Slusser, R.Ph.

Review open Cases **Tab 5**

Review Administrative Settlements/Investigative Committee Actions:

- Aasand, Frank was ND RPh #3243
- Herman, December was an Intern – working as a tech ?
- Kjelland, Keith ND RPh #3269
- Nilles, Carl ND RPh #2806
- Pajala, Mark ND RPh #3988
- Sannes, Paige Pre-Pharmacy Intern #223
- White, Richard was Tech336

Consider Approval of the actions of the Executive Director

Approval of all paid expenses.

Review Future Meeting Dates through 2013

Other business

Complete Vouchers

ADJOURNMENT



May 14-17, 2012

Wingate Inn – Fargo, ND

At 5:00 PM on Monday May 14th, 2012 President Thom called the Board of Pharmacy to order in the Meadowlark Room of the Wingate Inn located at 4429 19th Ave S in Fargo, ND. Present were Board Members: Gary W. Dewhirst, R.Ph. - Fran Gronberg, Public Member - Diane M. Halvorson, R.Ph.Tech. - Laurel Haroldson, R.Ph. – Bonnie J Thom, R.Ph. – Gayle D. Ziegler, R.Ph.

Also present were: Executive Director Howard C Anderson, Jr, R.Ph. - Assistant Executive Director Mark J. Hardy, PharmD. , R.Ph., outgoing Board Member Rick L. Detwiller, R.Ph and Thomas Simmer, R.Ph., Pharmacist-In-Charge of Medcenter One Hospital Pharmacy.

Since new Board Member Shane R. Wendel, R.Ph. was not able to be present until tomorrow President Thom postponed his seating on the Board until then. For the record, outgoing Board Member Rick L. Detwiller, R.Ph will not be voting at this meeting, although he has agreed to assist with the examination protocols.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Dewhirst to approve the Agenda as printed. All Board members present voted Aye – motion carried.

President Thom asked Pharmacist Simmer to explain the remodeling plans submitted for the Medcenter One Out-patient Pharmacy.

It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to approve the submitted remodeling plans for Medcenter One Out-patient Pharmacy located at 300 North 7th Street in Bismarck. All Board members present voted Aye – motion carried.

President Thom asked Jesse Breidenbach, PharmD, Pharmacist-In-Charge and Board Member Ziegler to explain the plans for the remodeling of Sanford Pharmacy South University in Fargo. In response to Board Member questions pharmacists Breidenbach and Ziegler explained that when employee prescriptions, urgent care or discharge prescriptions are filled counseling is done by the pharmacist in the patient's room, in the out-patient clinic exam rooms or in rooms adjacent to the pharmacy when necessary with employee prescriptions.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson to approve the remodeling plans for Sanford Pharmacy South University 1720 South University Drive in Fargo. Pharmacist Ziegler disclosed that she is employed by Sanford who is the current owner of this pharmacy. All Board members present voted Aye –except Pharmacist Ziegler who abstained from voting - motion carried.

Board members took time to review each of the candidates for examination files and make final preparations for the next two days of examinations. Board members who had completed portfolio reviews mentioned that there were some incomplete portfolios and repetitiveness in goals and objectives. Board members were asked to evaluate the portfolios critically, to make notes of any deficiencies and to discuss these deficiencies with the candidates during the oral examinations. Any failures or incomplete portfolios would require a review and completion of those portfolios before licensure could occur.

It was moved by Public Member Gronberg and seconded by Technician Halvorson to approve the minutes of the Board's March 15th, 2012 meeting as printed. All Board members present voted Aye – motion carried.

President Thom instructed Board Members to take the paid invoice files with them to NDSU tomorrow and go through them during slack periods of the examination protocols. Dr. Hardy was given charge of the invoice files.

Dr. Hardy contacted Pharmacist Terry Kristensen owner of Foss Drug LTC in Valley City by telephone and placed him on speaker phone with the Board. Pharmacist Kristensen submitted an Application and revised plans to request a subclass A retail along with the Class D Long-Term-Care Pharmacy Permit that was issued to Foss Drug LTC in Valley City on January 11, 2012.

It was moved by Pharmacist Dewhirst to revise the Pharmacy Permit 812 issued to Foss Drug LTC in Valley City to grant a Class D Long-Term-Care with a subclass A – Retail Pharmacy. No subclass K – Telepharmacy will be allowed with four existing pharmacies in Valley City, unfair completion could result once any out-patient prescriptions are being filled. The motion also includes approval of the remodeling plans to include a patient consultation area and the removal of any 40 hour restrictions on pharmacist hours at the pharmacy, as the subclass K no longer applies. The motion was seconded by Pharmacist Ziegler. All Board members present voted Aye – motion carried.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to approve the remodeling plans submitted for White Drug #15 located at 410 10th Street SE in Jamestown. Pharmacist Dewhirst disclosed that he is employed by Thrifty White and intends to vote. All Board members present voted Aye – motion carried.

It was moved by Technician Halvorson and seconded by Public Member Gronberg to approve the remodeling plans submitted for White Drug #45 located at 310 First Ave S in Jamestown. Pharmacist Dewhirst disclosed that he is employed by Thrifty White and intends to vote. All Board members present voted Aye – motion carried.

President Thom declared a recess and the Board went to Gracie's Restaurant for a quick dinner and returned to continue the work.

Board members present signed Original Certificates for Pharmacist and Technician to carry the office through the licensure of the candidates taking the exams and technicians completing the program until the next meeting.

President Thom called for nominations for President of the Board for the July 1, 2012 to July 1, 2013 year. Pharmacist Laurel Haroldson was nominated.

It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to cast a unanimous ballot for Laurel Haroldson as President of the Board for the July 1, 2012 to July 1, 2013 year. All Board members present voted Aye – nays none - motion carried.

Pharmacist Laurel Haroldson was congratulated by all on her selection as President of the Board for the July 1, 2012 to July 1, 2013 year.

Executive Director Anderson reviewed the year-to-date financial reports compared to the current year's budget. Dr. Hardy reviewed the budget he prepared for the July 1, 2012 to June 30, 2013 year.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to approve the budget prepared by Dr. Hardy. On a vote by roll call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Pharmacy Technician Halvorson – Aye - Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye – The motion carried.

President Thom appointed Fran Gronberg to replace Pharmacist Detwiller on the Audit Committee and reappointed Pharmacist Dewhirst to the Committee.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to approve the depository list of BNC Bank in Bismarck; Bank Forward in Cooperstown; Bank of Turtle Lake; First State Bank in Wilton; and McLean Bank Holding Company. On a vote by roll call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Pharmacy Technician Halvorson– Aye - Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye – the motion carried.

President Thom asked Pharmacist Rick Detwiller if he would be willing to continue representing the Board of Pharmacy on the Prescription Drug Monitoring [PDMP] Advisory Council. Hearing Pharmacist Detwiller's positive response, President Thom appointed Pharmacist Detwiller to represent the Board of Pharmacy on the PDMP Advisory Council.

Board Members reviewed the future meeting dates as presented with no objections. They are as follows:

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|-----------------------|---|
| January 7-8-9, 2013 | Candlewood Suites - Fargo |
| March 21, 2013 | Board Office - Bismarck |
| May 13-14-15-16, 2013 | Wingate Inn - Fargo |
| July 18, 2013 | Board Office - Bismarck |
| September 19, 2013 | Board Office - Bismarck |
| August 8-10, 2013 | District V NABP/AACP Meeting Winnipeg Manitoba Canada |
| November 21, 2013 | Board Office - Bismarck |

It was reported that we have two candidates that have committed to taking the Board Exams on July 19th, 2012 in Bismarck.

President Thom recessed the meeting for the evening with the plan to be at NDSU College of Pharmacy by 7:30 AM to begin the examination protocols.

At 7:30AM the Orientation session was conducted with 54 Candidates present at NDSU College of Pharmacy Room 26 as scheduled. The Board Members, including the newly appointed member Shane R. Wendel, R.Ph. conducted Laboratory and Errors and Omissions Examinations. Board Members not busy with the candidates reviewed the remaining portfolios and reviewed the paid invoices.

At 6:30 PM the Board Members returned to the Wingate Inn after a long day.

On Wednesday May 16, 2012 the Board began with a working breakfast at 7:00 AM and began the Oral portion of the ND Examination at 9:00 AM. The day was spent until 6:00 PM conducting the Oral examinations of the 54 Candidates for examination. All of the Portfolios were reviewed by time the scores were consolidated Wednesday evening. All of the candidates taking the exams received passing scores.

Our 6:30 Dinner was highlighted by a short presentation of a fishing rod & reel designed with the NDSU logo, which was presented to past board member Rick Detwiller in appreciation for his ten years of dedicated service on the Board of Pharmacy. Pharmacist Detwiller gave a short speech to the Board expressing his appreciation for the opportunity to serve, the many things he learned while serving and the respect and camaraderie expressed by all the Board Members while performing their duties. The interactions with the students were always a highlight of his participation on the Board.

On Thursday May 17th, 2012 President Thom called the Board to Order at 7:30 AM in the Meadowlark Room of the Wingate Inn in Fargo, ND. Board Members present were: - Gary W. Dewhirst, R.Ph. - Fran Gronberg, Public Member - Diane M. Halvorson, R.Ph.Tech. - Laurel Haroldson, R.Ph. - Bonnie J Thom, R.Ph. - Gayle D. Ziegler, R.Ph. Absent was Shane Wendel, R.Ph.

Also present were: Executive Director Howard C Anderson, Jr, R.Ph. - Assistant Executive Director Mark J. Hardy, PharmD. , R.Ph., outgoing Board Member Rick L. Detwiller, R.Ph and Attorney David Lindell.

At 7:45 AM Pharmacist-In-Charge Becky Fletschock of Clinic Pharmacy in Devils Lake was contacted by telephone to discuss the proposed new location of the pharmacy and the plans submitted for the new location.

It was moved by Pharmacist Haroldson and seconded by Technician Halvorson to approve the plans for the new location of Clinic Pharmacy, currently located at 1001 7th Street NE in Devils Lake, contingent upon the Board receiving an updated Stock Affidavit and a lease for the space the pharmacy is to occupy in the new Altru Clinic. All Board members present voted Aye - nays none - motion carried.

President Thom called for any comments relative to the final consideration of the rules upon which the hearing was held Saturday- April 14, 2012 at the Pharmacists Convention in Jamestown, ND. Dr. Hardy indicated that that a letter of support had been received from The North Dakota Emergency Medical Services Association on the Ambulance Rule. Dean Peterson and Dr. Don Miller sent a group of research documents, which are posted on our website, in support of Pharmacists First Dose Review.

After consideration of all the comments received at the hearing and subsequent to the hearing.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to adopt the following rules, contingent upon approval by the Attorney General's Office:

- | | |
|-----------------------------|---|
| <i>61-02-07-1-03</i> | <i>Technician Education & Certification Requirements</i> |
| <i>61-04-06-02</i> | <i>Requirements of a prescription order for noncontrolled drugs.</i> |
| <i>61-04-06-03</i> | <i>Requirements of a prescription order for controlled drugs.</i> |
| <i>61-05-</i> | <i>Radiopharmaceutical Pharmacy Services</i> |
| <i>61-07-01-14</i> | <i>Pharmacist First Dose Review</i> |
| <i>61-09</i> | <i>Ambulance Services and prescription drugs (Tim Meyer)</i> |

All Board members present voted Aye - nays none - motion carried.

Compliance Officer Judith Swisher; Pharmacist Isaac Aasen; his father Pharmacist Randall Aasen and Attorney William Brudvik arrived at the meeting.

At 9:00 AM the Board considered a signed stipulation from ND Pharmacist #5260 Isaac Assen.

It was moved by Pharmacist Haroldson and seconded by Technician Halvorson to adopt the signed stipulations with the modifications that Pharmacist Isaac Aasen be required to report on his progress in recovery and work on a monthly basis by email or letter to the Board of Pharmacy; that Pharmacist Isaac Aasen be allowed to work part-time, up to three days per week in the pharmacy department of Aasen Drug in Mayville. The other days he may work in the front of the store, but not in the pharmacy department. His employer must agree to taking a complete controlled substances inventory before Isaac is allowed to work and to follow that up with quarterly inventories, which will include spot checks of drugs and to complete a perpetual inventory system for all schedule II drugs, all hydrocodone containing products and others which Compliance Officer Swisher volunteered to help them select. Compliance Office Swisher will continue her quarterly inspections and assist with the verifications of controlled substances counts. All Board members present voted Aye – nays none - motion carried.

Since the Aasens and their attorney were present, Compliance Officer Swisher gave a report on the last quarterly inspection of Aasen Drug in Mayville. Compliance Officer Swisher reflected on a very positive report, that counseling was going well, the policy and procedures were established and it appeared that all patients were being counseled appropriately. She reported that she had a follow up Inspection scheduled for Saturday May 19th, 2012 and she would help manage the perpetual inventory setup at that time.

At 10:00 AM Dr. Hardy contacted owner Peter Riccio and his Attorney Carl Riccio by telephone and Attorney David Lindell gave a summary of the complaints of Hellertown Pharmacy – 11 Main Street in Hellertown PA and Towne Pharmacy – 2 Washington Ave in Dunellen, NJ. Pharmacist Peter Riccio gave an explanation of what was happening at his pharmacies, relative to shipping tramadol into North Dakota. Questions were asked by Pharmacist Riccio and Board Members.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to approve the signed stipulated agreement of Hellertown Pharmacy and Pharmacist Peter Riccio as presented. All Board members present voted Aye – nays none - motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to approve the signed stipulated agreement of Towne Pharmacy and Pharmacist Peter Riccio as presented. All Board members present voted Aye – nays none - motion carried.

Assistant Director Hardy presented Applications for Out-of-State Pharmacy Permits for Hellertown Pharmacy and Towne Pharmacy, which have been received after the complaint was issued and the investigation had begun on these two pharmacies.

It was moved by Public Member Gronberg and seconded by Pharmacist Ziegler to deny the Applications for Out-of-State Pharmacy Permit for both Hellertown Pharmacy and Towne Pharmacy for cause, as they were obviously participating in illegal activities at the time the Applications were submitted. All Board members present voted Aye – nays none - motion carried.

Assistant Director Hardy presented an Application for Out-of-State Pharmacy Permits for Palmer Pharmacy & Much More – 3769 Nicholas Street in Easton, PA. The President and 100% owner of this pharmacy is Pharmacist Peter Riccio. The same Peter Riccio who was involved in both Hellertown Pharmacy and Towne Pharmacy as well.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson to deny the Palmer Pharmacy & Much More a pharmacy permit for cause, due to the involvement of Peter Riccio in the illegal activities of Hellertown Pharmacy and Towne Pharmacy. All Board members present voted Aye – nays none - motion carried.

Joan Slusser, Pharmacist-In-Charge at the North Dakota State Hospital in Jamestown arrived to discuss the telepharmacy project that would eventually connect all eight of the Human Service Centers through telepharmacy links to the North Dakota State Hospital in Jamestown. This would allow a pharmacist to review all orders, dispense the medications to the patients over the telepharmacy links and be able to counsel all the patients receiving medications at the Human Service Centers.

Pharmacist Slusser presented Applications for Pharmacy Permit, one for a subclass K- Telepharmacy to be added to the North Dakota State Hospital's current Class H - Government Agency + B - Hospital Pharmacy and another for a Class H – Government Agency Pharmacy with a K – Telepharmacy for the South Central Human Services Center in Jamestown, along with the floor plans, lease and Telepharmacy Procedures.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve the Applications for Pharmacy Permit to add a subclass K – Telepharmacy to the North Dakota State Hospital's current Class H - Government Agency + B - Hospital Pharmacy and to approve the issue of a new Pharmacy Permit to the South Central Human Services Center – 520 3rd Street NW in Jamestown a Class H - Government Agency with a subclass K – Telepharmacy Permit; that these be granted under the following conditions:

- ***A variance is being granted to the Telepharmacy Rules, since this Human Service Center and future Human Service Centers will generally be located in larger communities with more than one pharmacy already located in those communities.***
- ***The public health benefits of the pharmacist first dose review, proper labeling, dispensing and counseling of the patients in these Human Service Centers will be a significant benefit to the health and welfare of these patients and is a positive step which will justify the variance in the Telepharmacy Rules.***
- ***The nurses now working in the Human Service Centers who have one year of experience and who have entered into the NDSCS Technician-in-Training program will be granted a variance to serve as Technicians-In-Training in these Class K – Telepharmacies to work under the supervision of the pharmacist designated by Pharmacist-In-Charge Joan Slusser and they will have one-year to complete the module program and become PTCB Certified. This variance is being granted because these nurses are currently working with these patients and their medications in these Human Service Centers and assisting the physicians in the dispensing of those medications. The Board does not wish to delay this valuable service to these patients by making the nurses complete the step down program for the technician training and receive one year experience after Registration as a Technician to be able to work in a Telepharmacy. New nurses will not be allowed to work at Technicians-In-Training in***

these telepharmacies until such time as they have completed their training and received their certification.

- *The pharmacy system being developed for these Human Services Centers must have a proper labeling system included within two months of granting this Telepharmacy Pharmacy Permit. It is understood that the labels will be typed during the time this facility is being developed. It is anticipated that there will be one Human Service Center started immediately and another added under the variance provision. Nurses in all of the other Human Service Centers who anticipate working in the telepharmacies will begin the NDSCS Technician-in-Training module program immediately so that they have progressed significantly in the module program by the time those Human Service Centers open. It is anticipated that all of the nurses will complete the program and become PTCB Certified within one year.*

All Board members present voted Aye – nays none - motion carried.

Board Members reviewed cases where pharmacists, Interns or Technicians were still under probation or those with recent final orders.

It was moved by Technician Halvorson and seconded by Pharmacist Dewhirst to approve all legal actions of the Executive Director since the last motion was made and passed. All Board members present voted Aye – nays none - motion carried.

It was moved by Technician Halvorson and seconded by Public Member Gronberg to approve all paid invoices since our January 2012 Meeting. On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

It was moved by Technician Halvorson and was seconded by Pharmacist Ziegler that portfolios score sheets be modified so there is one column for the goals and objectives; four care plans are required in each patient centered rotation; and directions to the students state the summary should contain the goals and objectives which are being satisfied by those summary statements. Also, we will revise our score sheet to reflect that seven members will be scoring on the orals. We will send a cover letter to Wanda M. Roden, R.Ph. to be distributed to all of the students stating what is expected relative to the portfolios and point out that the scoring for the operative pharmacy examination has been modified so that the portfolio now comprises 20 points of the total score. All Board members present voted aye, nays none, the motion carried.

Vouchers were completed and the meeting adjourned.

Bonnie J. Thom, R.Ph.
President

Gary W. Dewhirst, R.Ph.
Senior Member

Member
Laurel A. Haroldson, R.Ph.

Member
Gayle D. Ziegler, R.Ph.

Member
Diane M. Halvorson, RPhTech

Member
Shane R. Wendel, R.Ph.

Member
Fran Gronberg

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