

May 13-14-15-16, 2013

Wingate Inn

Fargo, ND

A G E N D A

MAY 13-14-15-16, 2013

Monday – May 13, 2013 WINGATE INN 4429 19th Ave S - Fargo ND 58103
(1-701-281-9133)

5:00 PM - Call to Order – President Laurel Haroldson

A. BUSINESS SESSION

Review and Approval of Agenda

AGENDA TAB

Make final preparations for tomorrows exams

Candidate TAB

Review Candidate Files = **53**

Review Intern Portfolios

Review & Approval of Minutes of the March 21, 2013 Meeting

MINUTE TAB

**** CE Request: Patrick Brunelle - RPh4487**

Justin Heiser, PharmD – Thrifty White #52 workflow proposal

Relocation of Midwest Drug Distribution and Unit Pak -Fargo– Pete Lee, RPh

Reinstatement: RPh3764 Dale Whitehead cancelled for non-payment

Stipulated Agreement of surrender – Gwen K Hartje, ND RPhTech 88

Sign Pharmacist and Technician Certificates

Appoint two Board Members to review all paid expenses.

Budget and Financials

BUDGET TAB

Compliance officer's rate adjustment

Executive officers salaries

Meeting dates 2013-2014

Election of President for the July 1, 2013 – June 30, 2014 year

Appoint Audit Committee and representative for PDMP Advisory Board

Plan B – Discussion on FDA and legal rulings

Tab 1

6:30 Dinner

TUESDAY - MAY 14, 2013 - COLLEGE OF PHARMACY - NDSU SUDRO HALL

ALL 7:15 - 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 15, 2013 - WINGATE INN 4429 19th Ave S - Fargo ND 58103

7:00 AM Board Breakfast

ORAL EXAMINATION SCHEDULE

9:00 - AM	SECTION	1	1 st Room: <u>Executive Board Room</u>
9:20 - AM	SECTION	2	
9:40 AM	SECTION	3	2 nd Room: <u>Flickertail Room</u>
10:00 - AM	SECTION	4	
10:20 - AM	SECTION	5	3 rd Room: <u>Meadowlark Room</u>
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	

Review Intern Portfolios
Final Scoring of Exams

6:30 Dinner

Thursday May 16, 2013 - WINGATE INN 4429 19th Ave S - Fargo ND 58103

- 8:30 AM Tanya Schmidt, PharmD – Thrifty White #68 **TAB 2**
variance request on tech ratio
- 9:30 AM Derek L Gaffney – Intern477
- 10:00 AM Mark Pajala **TAB 3**
- 11:00 AM Joan Slusser [Human Services Centers] Class K Telepharmacy Requests:
Off Main Fargo, ND
South East Human Service Center Fargo, ND
North East Human Service Center Grand Forks, ND

**** St. Joseph’s Hospital – Dickinson – Rick Boehm, R.Ph.**

- 11:30 AM Issac Aasen, PharmD
- Continued discussion on compounding practices **TAB 4**
- Hospital continuum of care **TAB 5**
- Consider Approval of the actions of the Executive Director and Assistant Executive Director
- Approval of all paid expenses.
- Approval of Executive Director’s hours. **TAB 6**
- Other business
- Complete Vouchers

ADJOURNMENT

At 5:00 PM on Monday May 13, 2013 the Board of Pharmacy Board meeting was called to order by President Laurel Haroldson.

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. who planned to join the meeting in the morning

Also present were: Assistant Executive Director Mark J Hardy, PharmD. - Executive Director Howard C. Anderson, Jr, R.Ph. - Justin Heiser, PharmD and Tanya Schmidt, PharmD of Thrifty White Drug.

A revised Agenda was presented and reviewed. ***It was moved by Pharmacist Thom and seconded by Public Member Gronberg to approve the Agenda as presented. All Board Members present voted aye - the motion carried.***

The minutes of the March 21, 2013 Board Meeting were reviewed. ***It was moved by Pharmacist Thom and seconded by Technician Halvorson to approve the revised March 21, 2013 Board of Pharmacy Meeting minutes. All Board Members present voted aye - the motion carried.***

President Haroldson asked Justin Heiser, PharmD and Tanya Schmidt, PharmD to explain the relocation request of White Drug #52. Dr. Heiser explained that they were packaging medications in 14 day cards, applying barcodes to that specific processed product, which might include even a half tablet or two tables in each blister. The technology they anticipate using takes a picture of the card, both front and back. Their goal is to look at only the exceptions identified by the technology as needing further review.

Dr. Heiser further explained that their timeline was that they wanted their technology installed by January 2014, at which time they would run a 14 day time check, with a redundant process of checking every card, then subsequently use random checks.

The Board Members explained that they had no objections to the technology or the intended use, but that it should be noted that the technology does not absolve White Drug nor the pharmacist-in-charge from the responsibility of the patient getting the correct medication. Also, since this is a repackaging process, White Drug would need to stick to company owned stores for the use of the repackaged product. They would not be able to redistribute them to franchise stores.

Board Members requested an update at our January 2014 or March 2014 meeting, once the technology was in place and the tests had been run.

Assistant Director Hardy described the planed relocation of Midwest Drug Distribution and discontinuation of Unit Pak in Fargo. As it was explained to Dr. Hardy by Pharmacist Pete Lee, he had planned to close Unit Pak and relocate Midwest Drug Distribution to that current space and requested the Boards approval.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the relocation of Phar951 Midwest Drug Distribution to the space currently occupied by Unit Pak, which will be closed, at 4153 12th Ave N in Fargo, ND. All Board Members present voted aye - the motion carried.

It was moved by Pharmacist Ziegler and seconded by Public Member Gronberg to approve the reinstatement of Dale H. Whitehead ND RPh3764, which had been cancelled for nonpayment. All Board Members present voted aye- the motion carried.

Assistant Director Hardy presented a signed Stipulated Settlement of surrender from Gwen K Hartje, North Dakota Pharmacy Technician Tech88. Ms Hartje has moved on to another line of work and does not wish to pursue Pharm-Assist Committee assistance in retaining her registration.

It was moved by Public Member Gronberg and seconded by to Pharmacist Dewhirst to approve the Stipulated Settlement signed by Gwen K Hartje, North Dakota Pharmacy Technician Tech88. All Board Members present voted aye- the motion carried.

It was moved by Pharmacist Thom and seconded by Public Member Gronberg, contingent upon proof of attendance and completion, to approve 1.5 hours of Continuing Education for "Focus on What Matters: Improving Glycemic Control for Adult Patients with Type 2 Diabetes" as requested by Patrick Brunelle RPh4487. All Board Members present voted aye- the motion carried.

Assistant Executive Director Hardy presented, discussed and explained the financials and proposed budget to the Board.

It was moved by Pharmacist Ziegler and seconded by Technician Halvorson to approve the financials and budget as presented. 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.

President Haroldson asked that the Compliance Officer's rate adjustment be held over until Thursday morning, when Compliance Officer Judith Swisher planned to be in attendance.

It was moved by Technician Halvorson and seconded by Pharmacist Ziegler to give Executive Officers a 3% salary increase for the coming year. 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.

Assistant Executive Director Hardy distributed a list of proposed 2013-2014 meeting dates.

It was moved by Public Member Gronberg and seconded by Pharmacist Dewhirst to approve the next meeting schedule of: July 18, 2013 – September 19th, 2013 – November 21st, 2013 – January 6-8, 2014 – March 20, 2014 and May 12-15th, 2014. All Board Members present voted aye - the motion carried.

President Haroldson opened nominations for President of the Board of Pharmacy for the July 1, 2013 to June 30, 2014 year. Diane M. Halvorson was nominated.

It was moved by Public Member Gronberg and seconded by to Pharmacist Dewhirst that nominations cease and that a unanimous ballot be cast for Diane M. Halvorson as president of the Board of Pharmacy for the July 1, 2013 to June 30, 2014 year. All Board Members present voted aye - the motion carried.

President Haroldson appointed Pharmacist Thom and Pharmacist Dewhirst to review all the paid invoices since the January 2013 meeting.

President Haroldson appointed Public Member Gronberg as chair of the Audit Committee along with Pharmacist Dewhirst.

The recent judge's ruling relative to Plan B birth control system and the new product being marketed by Teva for 15 year olds were discussed. The Board directed Executive Director Anderson to draft a policy for the Board's review addressing this issue.

President Haroldson recessed the meeting for the Board to have dinner at Grazies restaurant.

President Haroldson reconvened the meeting at the Wingate Inn at 9:00 PM and asked if any Board business was discussed at dinner for entry into the meeting minutes. All Board Members indicated no Board business was discussed during dinner.

The Board Members reviewed the 53 Candidate files for tomorrow's examination schedule.

The Board Members signed original Certificates for Pharmacists and Pharmacy Technicians for future use as the candidates become licensed and technicians complete their courses.

Board Member Shane Wendel joined the Board at approximately 11:00 PM at the Wingate and to participate in the Examinations scheduled for the next day. He suggested that 10 points be added to the planned score sheets used for the portfolio reviews. This recommendation was accepted by the Board and included in the score sheet and the meeting adjourned for the evening.

Upon completion of the candidates file review and signing of certificates, President Haroldson recessed the Board meeting until the 7:15 AM orientation to be held in Sudro Hall at NDSU College of Pharmacy.

7:15 AM Tuesday May 14, 2013 Roll call and candidate orientation was held in Sudro Hall at NDSU College of Pharmacy. Eight laboratory sections with some new innovations for the

preparation of sterile products was introduced by Technician Halvorson and conducted throughout the course of the day, as well as three Errors and Omission sections.

After the examinations concluded the Board members had dinner and at approximately 7:00 PM returned to the Wingate Inn to tabulate the examination scores.

The Board met for breakfast at 7:15 AM on Wednesday May 15, 2013 to finalize the details for the Oral Examinations scheduled to begin at 9:00 AM.

There were 14 oral examination sections to be administered throughout the day, with the last student group exiting at 4:08 PM. The final scoring of the examinations was tabulated and it was reported that all 53 candidates had passed.

At 8:00 AM on Thursday May 16, 2013 President Haroldson reconvened for the final business session in the Meadowlark Room of the Wingate Inn.

All the Board Members were present along with Executive Director Anderson, Assistant Executive Director Hardy and Attorney David Lindell.

Pharmacist Brent Solseng – RPh4946 asked to speak to the Board about a recent DUI for which had been convicted. Since Pharmacist Solseng had a couple of prior incidents with the Board, one in 1999 and in 2005, there was an extensive discussion with him about his situation.

It was moved by Pharmacist Dewhirst and seconded by Technician Halvorson to require that Pharmacist Brent Solseng – RPh4946 – contact the Pharm-Assist Committee and sign a contract with them for a five-year probationary period, that he maintain sobriety, continue his 12-step meetings and violate no laws or rules during that time. Five Board Members voted Aye – two voted Nay – the motion carried.

At 8:30 Tanya Schmidt, PharmD representing Thrifty White #68 was present to ask the Board for a variance for Thrifty White Drug #68 to allow 4 Technicians per Pharmacist. The pharmacy currently has 9 technicians; three Technicians-in-Training and six fully Registered Technicians. The pharmacy currently only does about 2 ½ - 3 % of their business as a Class A pharmacy and does the balance of their business in nursing home work.

It was moved by Pharmacist Wendel to deny the variance request based on the difficulty in determining which percentage was the right level when a Class A permit was in question, Public Member Gronberg seconded the motion – Pharmacist Dewhirst and Pharmacist Haroldson disclosed that they are employed with Thrifty White but intended to vote unless there was an objection, there were none and the motion carried unanimously.

Derek L Gaffney – Intern 477 appeared before the Board along with Pharm-Assist Committee Member Larry Nelson. Intern Gaffney is scheduled to begin his internship on June 24th, pending a positive outcome for a varicella titer. Board members asked various questions of Intern Gaffney to assess progress since his intern license was returned in March. Pharmacist

Nelson indicated that he felt Mr. Gaffney was doing well, was always punctual and complied with anything Pharmacist Nelson asked him to do.

Pharmacist Mark Pajala, ND RPh3988, his wife Linda, and a supportive member from one of his group sessions were present, along with Pharm-Assist Committee Members Larry Nelson and Agnes Harrington.

President Haroldson asked Pharmacist Pajala to explain what happened with his recent relapse.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Dewhirst to approve the Stipulation that had been signed by Pharmacist Mark Pajala – ND RPh3988. All Board Members voted aye – the motion carried.

Barbara Lacher, Assistant Director of the Technician Program at North Dakota State College of Science was present to discuss the remodeling plans for the internal portion of the pharmacy at NDSCS.

It was moved by Pharmacist Thom and seconded by Pharmacist Wendel to approve the remodeling of the NDSCS pharmacy. All Board Members voted aye – the motion carried.

Pharmacist Joan Slusser was present to explain the plans for Class K Telepharmacies in three additional Human Service Centers.

It was moved by Pharmacist Ziegler and seconded by Technician Halverson to approve the plans and Application for Pharmacy Permit for Off Main Human Service Center – 122 1st Ave North in Fargo for a Class H with a subclass K – Telepharmacy Permit. All Board Members voted aye – motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the plans and Application for Pharmacy Permit for Southeast Human Service Center – 2624 9th Ave South in Fargo for a Class H with a subclass K – Telepharmacy Permit. All Board Members voted aye – the motion carried.

It was moved by Technician Halverson and seconded by Pharmacist Ziegler to approve the plans and Application for Pharmacy Permit for Northeast Human Service Center – 151 South 4th Street Suite 401 in Grand Forks for a Class H with a subclass K – Telepharmacy Permit. All Board Members voted aye – the motion carried.

Pharmacist Slusser also discussed the cross-training of the nurses at the Human Service Centers as Pharmacy Technicians. She felt that it might be appropriate for the Board of Pharmacy to require one module every two months, which would give adequate time for the technicians-in-training to complete the program and become registered within one year. Board Members instructed the executives to implement this policy.

Pharmacist Dewhirst left the meeting in order to get home in time to leave almost immediately for the NABP Meeting scheduled in St Louis, MO.

Pharmacist Rick Boehm was present to explain the plans for the pharmacy in the new St. Joseph's Hospital to be built in Dickinson, North Dakota.

After review of the proposed plans, the Board members suggested that Pharmacist Boehm return with a plan which provided access to the pharmacy without going through a nurses station, where patient confidential records might be present. The Board suggested a small recessed entryway in the hallway where the lockers or pharmacist office was currently located, this could provide access through an open window for nurses to obtain drugs or supplies from the pharmacy and others who might need to access the pharmacy or make deliveries could do so without passing through the nurse's station.

Pharmacist Boehm briefly discussed plans for an out-patient pharmacy space which was indicated on the drawings. Location of patient counseling area and access to this pharmacy was a concern, as it was a long narrow space and an internal configuration would need to be provided before someone could apply for a pharmacy permit in that space.

No action was taken on the St. Joseph's Hospital in Dickinson, North Dakota plans as presented, Pharmacist Boehm would take the suggestions into consideration and return at a later date with a better solution.

At 12:25 PM President Haroldson asked Pharmacists Issac Aasen and Randy Aasen to address the Board with their request. Pharm-Assist Committee Member Tim Carlson was also in attendance. Both Pharmacists Carlson and Randy Aasen indicated that Issac was doing very well in his recovery. Pharmacist Issac Aasen requested the work alone and the inventory provision of his Stipulation be lifted so he could seek full-time employment either at Aasen Drug or another pharmacy.

It was moved by Pharmacist Thom and seconded by Public Member Gronberg to lift the restriction on the number of hours Issac Aasen could work per week, the provision that he not be able to work alone would be lifted and the required quarterly inventories at the place of his employment would also be lifted, all other provisions of his Order would remain in place. All Board Members vote aye – the motion carried.

President Haroldson indicated that the compounding discussions had occurred throughout the meeting and that there were no further pieces of information that required discussion at this time.

At 12:45 PM Compliance Officer Judith Swisher, R.Ph. addressed the Board with a list of questions that she had gleaned during the last inspection cycle. Board Member answered the questions and discussed possible directions for inspection focus during the year.

It was moved by Pharmacist Wendel and seconded by Public Member Gronberg to increase the hourly compensation for Compliance Officers to \$40 per hour, leaving the travel time the same and follow the state rate for mileage

and meals. On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Wendel – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

It was moved by Pharmacist Wendel and seconded by Pharmacist Ziegler to make Compliance Officer Judith Swisher a flex employee, where the Board would pay the Board's portion of the Medicare and Social Security for her. The Board would also withhold from Compliance Officer Judith Swisher's paycheck as designated by her on a W-4 form. On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Wendel – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

The Hospital Continuum of Care was discussed and the letter written by Executive Director Anderson to Robert Biberdorf, Pharmacist-In-Charge at Sanford, explaining the Board's position on continuum of care was discussed. No alterations were made at this time.

It was moved by Technician Halvorson and seconded by Public Member Gronberg to approve all the legal actions of the Executive Director and the Assistant Executive Director since the last such motion was passed. All Board Members vote aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Technician Halvorson to approval all of the paid invoices since the last such motion was passed. On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Wendel – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

It was moved by Public Member Gronberg and seconded by Pharmacist Ziegler to approve the payment of the hours logged by Executive Director Howard C Anderson, Jr in March-29 and April-26 for a total of 55 hours . On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Technician Halvorson – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Wendel – Aye Pharmacist Ziegler – Aye Nays none – the motion carried.

President Haroldson called for any further business – none forthcoming, the Board Members handed in their expense vouchers and adjourned the meeting at 2:30 PM.

Laurel A. Haroldson, R.Ph.
President

Gary W. Dewhirst, R.Ph.
Senior Member

Member
Bonnie J. Thom, R.Ph.

Member
Gayle D. Ziegler, R.Ph.

Technician Member
Diane M. Halvorson, RPhTech

Member
Shane R. Wendel, R.Ph.

Public Member
Fran Gronberg

Assistant Executive Director
Mark J. Hardy, PharmD

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