

November 21, 2013
North Dakota State Board of Pharmacy
1906 East Broadway Ave – Bismarck, ND 58501

9:30 AM Call to Order - President Diane Halvorson

AGENDA

Sign Original Pharmacist and Technician Certificates
Review and sign minutes of the September 19, 2013 Board Meeting

MINUTES

10:00 AM Abby Schwan – TinT1907

Pharmacist Aaron Anderson, RPh5149

Possible Rule Change: Chapter 61-02-01-01 Permit Required [Class L]

Chapter 61-04-02 Physician Exemption

Chapter 61-04-08-07 Collaborative Agreement Signature Form

Chapter 61-11 Fees update

Chapter 61-12-01-02 Dispenser Reporting [PDMP 19-03.5-02]

**** New Rule sections:** Chapter 61-02-01 Pharmacy Permits

61-02-01-18 Continuous Quality Improvement

61-02-01-19 Policy and Procedure Manual Required

Tab 1

Tab 2

Reinstatement: Robin Hohenstern RPh4433 [cancelled for non-payment]

Letters of compliance of Previous Disciplinary Actions:

Jody Doe + Tech Barb Buzalsky; Gerald Gettel;

Laren Meadows: Richard Moe; Carl Nilles; Larry Patterson

CE Non-compliance: Pharmacists: Alan Copa; Matthew Kessler; Gregory M Pfister
Pamela Benson

Techs: Cheryl Eshenko; Denise Mau; Julie Olson; Nikole Schmaltz

Request for CE Credit: Steven L Spanier, RPh4175

Advance Cardiac Life Support – ACLS Refresher

11AM Remodeling Plans: Southwest Healthcare – Bowman Hospital
Unit Pak – Fargo – Pete Lee, R.Ph.

Tab 3

New Pharmacy Permit Application:

Northeast Human Service Center Outreach – Grafton – Sandra Offutt, R.Ph.

Collaborative Agreement: Mercy Medical Center – Williston

Sanford Medical Center Fargo - Jeff Wilson, PharmD,

Sanford Medical Center Fargo – Monte Roemmich, PharmD

Financial & Budget Report

Distribute and discuss the Audit Report

BUDGET TAB

LUNCH – Jack’s Steak House

Discussion of Long-Term-Care prescription procedures

President Diane Halvorson, RPhTech called the meeting to order at 9:34 AM in the conference room of the Board of Pharmacy Office located at 1906 East Broadway Ave in Bismarck, ND.

Present were: Gary W. Dewhirst, R.Ph. - Fran Gronberg, Public Member - Laurel Haroldson, R.Ph. - Diane Halvorson, RPhTech, Technician Member - Bonnie J Thom, R.Ph. - Shane Wendel, R.Ph. - Gayle D. Ziegler, R.Ph. - Board Attorney David A. Lindell - PharmD Student Intern Tyler Haugen and Assistant Executive Director Mark J Hardy, PharmD.

Absent was: Executive Director Howard C. Anderson, Jr., R.Ph. who is on his way home from the Mayo Clinic after having a medical procedure - everyone wishes him well.

While waiting for all the Board Members to arrive for the meeting, the Board Members present signed original Pharmacist and Technician Certificates to be issued as need until the next Board Meeting.

It was moved by Pharmacist Thom and seconded by Public Member Gronberg to approve the agenda with the addition of Aaron[Ace] Anderson, RPh and a discussion about nursing home orders. All members voted aye - motion carried.

It was it was moved by Pharmacist Thom seconded by Pharmacist Haroldson to approve the minutes from the September 19, 2013 Board meeting as written. All members voted aye - motion carried.

Assistant Executive Director Hardy explained the Stipulated Settlement from technician-in-training Abby Schwan. Ms. Schwan had a contract with the Pharm-Assist Committee which she did not uphold. Therefore a report was made to the Board of Pharmacy by Pharm-Assist Committee Member Daniel Churchill that Ms Schwan has decided she does not want to maintain her pharmacy technician-in-training registration and has voluntarily surrendered the registration in the Stipulated Agreement.

It was moved by Public Member Gronberg and seconded by Pharmacist Dewhirst to accept the Stipulated Agreement of voluntary surrender of registration from Ms Abby Schwan, technician-in-training number TinT1907. All members voted aye- the motion carried.

Assistant Executive Director Hardy then explain to the Board Members the events surrounding Pharmacist Aaron Anderson, RPh5149 and the potential voluntary surrender of his license. Board Attorney David Lindell indicated that he had spoken to Pharmacist Anderson's attorney and he intends to sign the stipulation to surrender his license due to diversion of narcotics.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Wendel to accept the stipulation, once it is received from pharmacist Aaron [Ace] Anderson RPh5149. All members voted aye- the motion carried.

Assistant Executive Director Hardy presented the various proposed potential rule changes to:
Chapter 61-02-01-01 Permit Required [Class L]
Chapter 61-04-02 Physician Exemption
Chapter 61-04-08-07 Collaborative Agreement Signature Form
Chapter 61-11 Fees updates
Chapter 61-12-01-02 Dispenser Reporting [PDMP 19-03.5-02]

And new Rule sections to Chapter 61-02-01 Pharmacy Permits
61-02-01-18 Continuous Quality Improvement
61-02-01-19 Policy and Procedure Manual Required

A discussion ensued on the quality improvement and policy and procedure changes. Pharmacist Wendel reported the importance of discussing the proposed and potential rule changes at North Dakota Pharmacists Association [NDPhA] meeting in the spring [April 4-6, 2014 in Fargo]. He also felt it was important to clarify what would be needed to be reported and tracked as a quality related event. Assistant Executive Director Hardy indicated that our feeling would be that it should be up to the pharmacist to determine what events need to be tracked, in that the inspector from the board would be able to review them and ensure pharmacies are acting upon the reports that they are collecting and making quality improvements to their processes to account for the identified shortcomings.

It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve the reinstatement request of Robin Hohenstern, RPh4433 who was cancelled for non-payment. All members voted aye- the motion carried.

Assistant Executive Director Hardy explained to the Board Members the process that we will begin utilizing to issue letters to those individuals who have met and satisfied their disciplinary orders and are granted full restoration of their licensure or registration. The letters will be attached to their records, which are on our website.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to return the license of Jody A. Doe, RPh4525 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to return the registration of Barbara Buzalsky Kamholz, Tech1182 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Haroldson and seconded by Public Member Gronberg to return the license of Gerald W. Gettel, RPh3545 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Wendel and seconded by Pharmacist Haroldson to return the license of Laren G. Meadows, RPh3104 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to return the license of Richard D. Moe, RPh4208 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Ziegler and seconded by Public Member Gronberg to return the license of Carl D. Nilles, RPh2806 to full and unrestricted status. All members Voted aye - motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Haroldson to return the license of Larry E. Patterson, RPh4729 to full and unrestricted status. All members Voted aye - motion carried.

The Board Members then reviewed the pharmacists and technicians who in the recent CE Audit were found to be out of compliance with the Continuing Education requirements and who have completed the required CE and paid the assessed fine, as set forth in their stipulations.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to send satisfaction of disciplinary order letters to:

Pamela B. Benson - RPh3903

Alan K. Copa - RPh4462

Matthew L. Kessler - RPh5200

Gregory M. Pfister - RPh4473

Cheryl A. Eshenko –Tech52

Denise R. Mau - Tech641

Julie A. Olson - Tech1149

Nikole J. Schmaltz - Tech1044

and attach to their records, restoring their licensure and registration to full and unrestricted status. All members voted aye – the motion carried.

At 10:30 AM Valerie Kunze, Pharmacist-in-Charge of Southwest Healthcare Services Pharmacy in Bowman, North Dakota arrived at the meeting to discuss the floor plans for a new pharmacy being built in the new hospital facility. She indicated that the expanded pharmacy would be conducting low risk compounding and are considering Avera McKenna for their first dose review via a telepharmacy connection. After review and discussion, the Board suggested adding a door to the compounding area to make it an ISO-Class 7 compliant area. The Board members also reminded her to apply for a subclass K Telepharmacy when apply for the new location pharmacy permit when construction has been completed.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the new floor plans for Southwest Healthcare Services Pharmacy in Bowman in the new hospital location. All members voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Dewhirst to approve a subclass K to the current Class B Pharmacy Permit issued to Southwest Healthcare Services Pharmacy in Bowman, North Dakota at their new location. All members voted aye – the motion carried.

It was moved by Pharmacist Wendel and seconded by Pharmacist Haroldson to approve 11 hours CE for completion of an Advanced Cardiac Life Support – ACLS Refresher course provided by Sanford in Fargo on October 16, 2013 requested by Pharmacist Steven L. Spanier, RPh4175. Pharmacist Ziegler disclosed that she is also employed by Sanford and if there were no objections she intended to vote – none were forthcoming. All members voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Wendel to approve the remodeling plans for Unit Pak located at 4153 12th Ave N Suite B in Fargo. All members voted aye – the motion carried.

Assistant Executive Director Hardy presented an Application for a New Pharmacy Permit submitted by Pharmacist-In-Charge Sandra Offutt for Northeast Human Service Center Outreach in Grafton, North Dakota. He indicated that this location would be a branch of the Human Service Center in Grand Forks. Sandra Offutt, Pharmacist-In-Charge of the Grafton Developmental Center will oversee the operation in Grafton and will check packaged medications for patients. She will utilize a med-room that is currently being used within the facility.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the Class H Government Pharmacy Permit for Northeast Human Service Center Outreach – 901 West Midway Drive in Grafton, North Dakota. All members voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the renewal of the Collaborative Agreement between Pharmacists Baisch, Wendy and Price, Karalynne and Physicians Keene, David - Kemp, Robert - Small, W.C and Wiens, Glenn all of Mercy Medical Center in Williston, North Dakota. All members voted aye – the motion carried.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Thom to approve the amended renewal of the Collaborative Agreement between the following Pharmacists & Physicians of Sanford Anticoagulation Clinic:

Pharmacists

Frank, Allison

Meyer, Anne

Richter, Lisa

Strawsell, Heather

Physicians

Clardy David

Dowsley, Taylor

Dyke, Cornelius

Frarkas, Susan

Haldis, Thomas

Hall, Nathaniel

Kolman-Petrick, JoEllen

Kouba, Craig

Li, Hung-kei

Manjunath, Heeraimangalore

McDowell, Christina

Newman, Roxanne

Otero-Cagide, Manual

Surma, Hanna

*Pierce, Christopher
Rawa, Sarji
Wayne, Joshua
Wiisanen, Matthew*

Pharmacist Ziegler disclosed that she is also employed by Sanford and if there were no objections she intended to vote – none were forthcoming. All members voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve the Collaborative Agreement between the following Pharmacists & Physicians of Sanford Renal Dialysis:

Pharmacists

*David Anderson
Stacy Belehar*

Elise Carlson

Jessina Mohl

Andrea Plath

Physicians

*Gopal Chemiti
Teresa Levitski-Heikkila
Daniel Louvar
Adit Mahale
Gautam Phadke
Eram Shahira
Ahmer Qarni
Binaya Khanal*

Pharmacist Ziegler disclosed that she is also employed by Sanford and if there were no objections she intended to vote – none were forthcoming. All members voted aye – the motion carried.

It was moved by Pharmacist Wendel and seconded by Pharmacist Thom to approve the collaborative agreement of the Sanford Medical Home Internal Medicine Pharmacists & Physicians:

Pharmacists

Helbling, Nicholas

Mathias, Susie

Meyer, Anne

Physicians

*Aravapalli, Aruna
Bhuinia, Kaushik
Blehm, Julie
Brekke, Brooke
Carr, Kristen
Chavour, Sreekanth
Dahl, Lindsey
Gigstad-Stave, Doreen
Hall, Katherine
Hoffmann-Carroll, Joanna
Juhl, Kirsten
Kallamadi, Rekha
Ladewig, John
Lang, Darin
Machani, Sathya
Marsden, Jenny
Mears, Julie*

Petry, Natasha

***Montplaisir, Pam
Parvathraeddy, Vishnu
Raum, Jennifer
Sand, Michael
Sanda, Janelle
Sheldon, Peggy
Sjoquist, Nina
Trout, Malachia
Twedt, Heidi
Wilke, Russe***

Roemmich, Monte

Pharmacist Ziegler disclosed that she is also employed by Sanford and if there were no objections she intended to vote – none were forthcoming. All members voted aye – the motion carried.

Assistant Executive Director Hardy distributed the July 1, 2011 to June 30, 2012 fiscal year Audit reports we recently received from Widmer Roel. The Board Members briefly reviewed the audit report and took a copy home for their reading pleasure. Assistant Executive Director Hardy asked if there were any questions and assured the Board they could contact him at any time if there were questions or concerns after a detailed review.

The Board then reviewed the profit and loss and the balance sheet for the current fiscal year to date. The various line items were discussed and explained by Assistant Executive Director Hardy and Board Members asked questions of the current audit that was recently done. Assistant Executive Director Hardy reported that it seemed to go well and was done in a much timelier manner with the QuickBooks financial software that we are currently using.

At 12:15 the meeting recessed for lunch at Jack's Steak House – no business was discussed.

At 1:30 PM the Board meeting reconvened and the Investigational Committee met to discuss various cases.

Pharmacist Thom began the discussion of long-term-care orders and what is needed for a patient's prescription in a nursing home. Assistant Executive Director Hardy discussed the various situations that occur and reiterated the fact that a refill and quantity must be included on a prescription, before the prescription is filed away at a pharmacy.

Assistant Executive Director Hardy distributed the current policy regarding patients going on pass from long-term-care facilities, indicating that this is the last draft. This policy is intended for allowing patients going on temporary leave to receive medications in a limited supply. He indicated that the Board of Nursing and the Department of Health is working on clarifying what Medication Aids are allowed to do in this process and once that has been clarified; a full document will be completed for distribution to all interested parties.

Assistant Executive Director Hardy distributed a draft of rules, Chapter 75-09.1-10 proposed by the Department of Human Services for Licensing and Treatment Standards for Opioid

Treatment Programs. He indicated that he would be going through these rules to determine if any comment are necessary to ensure proper procedures for medications and the importance of utilizing the Prescription Drug Monitoring Program [PDMP] in these treatment programs. All board members were in agreement.

Assistant Executive Director Hardy presented a letter we received from Anthony T. Pavel with a Washington DC law firm regarding the practices of a veterinary pharmacy, which is licensed as a North Dakota Out-of-State Pharmacy Phar398. Attorney Pavel provided some insight into the business practices of this facility and asked the Board Members for their guidance on how their business model of reimbursing practitioners would comply with the Kickback provisions within our rules for pharmacies. Board Members thought that more research needed to be done on various business models for veterinary pharmacies so a clear guidance could be developed on what is allowed and what is not allowed regarding veterinary prescriptions. The Board did feel it was important to be consistent with what is expected in the human prescription pharmacies.

The Board then discussed Technicians-in-Training and the various experiences that they have had in their own practices and how the process could be improved. They felt that it was very disconcerting that many of the Technicians-in-Training make little or no progress in the modules during the two-year time period currently allowed for completion. They felt it important to seek potential solutions to address this oversight, which may include putting clear guidance on how many modules must be completed within the first year of registration. The Board members would like to consult with ND State College of Science [NDSCS] Technician Program to determine if there are any solutions that could be developed between us to monitor Technicians-in-Trainings progress, specifically in regards to the PATSIM program.

President Halvorson called for any further business, none was forthcoming, she adjourned the meeting at 3:10 PM.

Diane M. Halvorson, RPhTech.
President

Gary W. Dewhirst, R.Ph.
Senior Member

Member
Bonnie J. Thom, R.Ph.

Member
Gayle D. Ziegler, R.Ph.

Member
Laurel A. Haroldson, R.Ph

Member
Shane R. Wendel, R.Ph.

Member
Fran Gronberg

Assistant Executive Director
Mark J. Hardy, PharmD

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