

**AGENDA November 15, 2018**

**Board of Pharmacy Office –**

**1906 E Broadway Ave - Bismarck, ND**

**[701-328-9535]**

**9:30 AM** – Call to Order – Tanya L Schmidt PharmD, President

**AGENDA**

**Recite Mission Statement**

**Agenda – Review and Approve**

Review and sign September 27, 2018 Board Minutes

**MINUTES**

Sign original Pharmacist and Technician Certificates

**CE Request:** James L Roerig, PharmD RPh5100

**New Pharmacy Permit:** Class L Dispensing Device TWP #068 RS3

\*\* Thrifty White Pharmacy #084 – NE Bismarck Cashwise

**Remodeling Plans:** Oakes Family Pharmacy [add counseling/immunization room] Phar858

**Tab 1**

**Collaborative Agreement:** Anticoagulation Clinic CHI St. Alexius Health  
Williston Medical Center - Matthew Song, PharmD

**10:45** Teri Evers - Tech1244 Reinstatement Request

**Tab 2**

**12:00 Lunch Break**

**Budget and Financial Reports**

**Budget Tab**

**Discussion Items:**

*Update on RPDMA-15 - Tufte [Potential Executive Session]*

*USP 800 Updates*

*ASHP/AFPE Pharmacy Technician Program changes*

*Report from Attorney General's meeting*

*2019 Legislative Session*

*NACPSA and ASPE Meetings*

\*\* *Measure Scales in Pharmacies - calibrations*

\*\* = additions to Agenda

President Tanya Schmidt, PharmD called the meeting to order on Thursday November 15, 2018 at 9:40 AM in the Conference Room of the Board of Pharmacy Office, 1906 East Broadway in Bismarck, ND.

President Schmidt read the mission statement: *The Board of Pharmacy protects, preserves and promotes the public health and welfare of the citizens of North Dakota by assuring that the highest quality pharmaceutical care is delivered and that appropriate use of pharmaceuticals is upheld through education, communication, licensing, legislation, regulation, and enforcement.*

Present were: President Tanya Schmidt, PharmD - Public Member Fran Gronberg - Diane M. Halvorson, R.Ph. Tech, - Steven Irsfeld, RPh - Shane Wendel, Pharm D, Gayle D Ziegler, R.Ph. - Executive Director Mark J Hardy, PharmD

Also present: Nicole Grinsteinner, PharmD Student Intern on rotation with Board Member Irsfeld, Teri Evers Tech 1244 and Mr. John Ward representing Express Scripts

Absent is: Board Member Tyler G Lannoye, PharmD. who was sent to Alaska on job duties and Attorney David Lindell. Howard Anderson, Jr RPh will arrive later in the day .

The Board Members signed Technician Registration Certificates for use in the future.

**It was moved by Public Member Fran Gronberg and seconded by Technician Member Diane Halvorson to approve the agenda with the addition of a new plans for the Thrifty White Pharmacy #084 in Northeast Bismarck and the discussion of calibration of measuring scales in pharmacies. On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

**It was moved by Public Member Fran Gronberg and seconded by Pharmacist Gayle Ziegler to approve the minutes of the September 27, 2018 Board Meeting as printed. On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

Since Ms. Teri Evers was present at the meeting President Schmidt asked the Board Members to bring her Agenda item forward. Executive Director Hardy gave an overview of Ms. Evers case and reviewed her previously approved Stipulated Agreement with the Board of Pharmacy with the Members.

Ms Evers addressed the Board, reporting her progress with the Pharm-Assist Committee, including courses she has attended and what she has learned from the incident that lead to her Technician Registration to be suspended. She was eager to get back into practice as a Registered Pharmacy Technician and maintained that she is seeing a psychologist for her issues. The Board Members asked questions and Executive Director Hardy gave the perspective of Pharm-Assist Committee Member Tim Carlson, who expressed support for her to return to practice.

**It was moved by Pharmacist Shane Wendel and seconded by Pharmacist Steven Irsfeld to modify the order of Ms. Teri Evers - Tech1244 to allow her to obtain employment within a North Dakota Pharmacy, maintaining the stipulation that she must inform any potential employer of the Order she is under with the Board of Pharmacy. She must also maintain compliance with her contract with the Pharm-Assist Committee.**

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**On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye;**

**and Pharmacist Tanya Schmidt – recused herself from voting as she was previously employed with Ms. Evers. The motion carried.**

**It was moved by Public Member Fran Gronberg and seconded by Pharmacist Gayle Ziegler to approve 30 hours continuing education requested by Pharmacist James L Roerig, RPh5100 for attendance at the American Psychiatric Association 2018 Annual meeting based on the additional documentation he provided. On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

Mr. John Ward representing Express Scripts asked if the Board would consider addressing the discussion on Legislative items. This was granted and Executive Director Hardy explained the drafting of the customary Controlled Substance Bill, which achieves consistency with the rescheduling done by DEA since the last legislative session, as well as additions of Schedule I substances instituted by the ND Crime Laboratory. He also distributed a draft of language changes proposed to 43-15-01 Definitions (1). Administration relative to injectable medicines, which would allow pharmacists to provide emergency injections and lower the patient age for an appropriate injection as well as allow the Board of Pharmacy to develop rules for a more standard of care approach relative to injections and immunizations. The current out-of-date model restricts the pharmacist, requiring a Certificate of Authority be issued by the Board of Pharmacy. Since the Injections and Immunization inception in 1999 this course has been integrated into the PharmD curriculums. Board Members did feel discussion was warranted to lowering the immunization age to allow pharmacists to service entire families and help increase the low immunization rates across North Dakota. All the Board Members were very supportive of the legislative changes. Executive Director Hardy explained the actual legislation would more than likely come from the ND Pharmacists Association.

A discussion ensued relative to changes in the Consultation based on rule changes made in 2017-2018. There was a lively discussion as to whether legislation was needed during the 2019 Session and at this point the consensus was the Board Members did not think an agency bill would be appropriate.

Another item of consideration was the monitoring of suspicious orders. After discussion Mr. Ward departed the meeting.

**It was moved by Pharmacist Gayle Ziegler and seconded by Pharmacist Steven Irsfeld to approve the Collaborative Practice Agreement between the named pharmacists and practitioners of CHI St Alexius Health Medical Center in Williston. On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

**It was moved by Technician Diane Halvorson and seconded by to Pharmacist Steve Irsfeld to approve a Class L – Dispensing Device Permit for a Cubex machine to be named TWP #068 RS3 and located within Bethany on 42nd, 4255 30<sup>th</sup> Ave S in Fargo, North Dakota submitted by Thrifty White. *Pharmacist Schmidt disclosed that although she was employed with Thrifty White unless there was an objection she intended to vote – none were voiced.***

**On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

**It was moved by Pharmacist Shane Wendel and seconded by Public Member Fran Gronberg that upon receipt of the \$175 Pharmacy Permit Fee, to approve the floor plans and lease agreement for a new pharmacy permit for Thrifty White Pharmacy #084 to be located within the new grocery store under construction at 900 NE 43<sup>rd</sup> Ave in Bismarck, North Dakota and a Class A Pharmacy Permit be issued. *Pharmacist Schmidt disclosed that although she was employed with Thrifty White unless there was an objection she intended to vote - none were voiced.* On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

The Board addressed the plan and cubicle material to confine an area for privacy to administer immunizations and counseling submitted by Pharmacist-in-Charge Denise German for Oakes Family Pharmacy. After review and discussion the Board Members felt since this was not a structural or permanent change, they did not feel it was a requirement for the Board to formally approve and thought Dr German could utilize these movable panels as she saw fit. It was noted that Oakes Family Pharmacy currently had an area set aside that was utilized as a consultation area, but was quite far from the pharmacy. They did applaud Pharmacist Denise German for the ingenuity to allow the staff to provide the privacy to delivery these important services. Executive Director Hardy was instructed to communicate this to Pharmacist-in-Charge Denise German so they may proceed.

Lunch was brought in and distributed to the members. Senior Compliance Office Howard C Anderson, Jr, RPh arrived and joined the meeting after attending a USDA Rural Health Opioid Round Table discussion on behalf of the Board.

After lunch Dr. Hardy reviewed the financial reports for the board and Jesse Rue, PharmD, Coordinator of the "About the Patient" Program for the NDPhA arrived at the meeting to participate in the afternoon discussions.

**It was moved by Pharmacist Steve Irsfeld and seconded by Technician Diane Halvorson to approve the financial reports as presented. On vote by roll call: Pharmacist Gayle Ziegler, Aye; Technician Diane Halvorson , Aye; Public Member Fran Gronberg, Aye; Pharmacist Shane Wendel, Aye; Pharmacist Steve Irsfeld, Aye; and Pharmacist Tanya Schmidt, Aye. The motion carried.**

Dr. Hardy provided an update on the PCMA vs Tufte case. The 8<sup>th</sup> District Court did grant an extension of 30 days for PCMA to file their brief. We have not seen it yet and the state's response will be developed once that has occurred.

Executive Director Hardy explained the request made for Dr Jesse Rue to help create templates for compliance with the USP 800 for Retail Pharmacies as requested by the Board during a previous meeting. Dr. Jesse Rue, Pharm D explained his approach to developing and providing some information to pharmacies about planning for compliance once USP 800 becomes final in December 2019. We will likely need a rule making it a requirement in ND for those not already affected by CMS or Joint commission requirements. Dr. Hardy will have proposed language for review in January 2019. Board Members were supportive of Dr Rue's approach.

ASHP/ACPE Pharmacy Technician Program changes were discussed at length. Changes mainly concerning North Dakota's treatment of the new entry level/advanced level technicians. It was the consensus that we stay with one designation to make it easier for technicians to move into ND to work. We will continue to require completion of an ASHP/ACPE accredited program and will propose changes in the rule to allow certification through the ExCpt exam as well as the PTCB exam. Technician Member Halvorson suggested we invite PTCB and ExCpt representatives to the January 2019 meeting to discuss their exams and criteria for sitting for them as a requirement for North Dakota Registration and consideration of changes in our Rules.

Howard Anderson, Jr, RPh, Senior Compliance Officer and Public Member Fran Gronberg reported on the Attorney General's Professional Licensing Board Orientation and Training attended on October 30<sup>th</sup>, 2018.

Howard also reported on the Hope and Healing in the Opioid Crisis meeting held this morning and sponsored by USDA to provide information about ways they could help.

Executive Director Hardy asked Jesse Rue, Pharm D to give an update on the "About the Patient" Program. Dr Rue did that and answered several questions from board members.

Executive Director Hardy discussed the standards for calibrating scales utilized in pharmacies and suggested Compliance Officers utilize a weight when conducting inspections to ensure accurate calibrations of scales not regularly being tested. Executive Director Hardy indicated he would add this to the Compliance Officers inspection duties in the 2019 cycle.

Executive Director Hardy gave an overview of the NASCA and ASPL meetings he recently attended, with great information being provided.

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President  
Tanya L Schmidt, PharmD

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Senior Member  
Gayle D. Ziegler, RPh.

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Technician Member  
Diane M. Halvorson, RPhTech

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Member  
Steven P Irsfeld, RPh.

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Public Member  
Fran Gronberg

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Member  
Shane R. Wendel, PharmD

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Member  
Tyler G Lannoye, PharmD

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Executive Director  
Mark J. Hardy, PharmD