

September 19, 2013
North Dakota State Board of Pharmacy
1906 East Broadway Ave – Bismarck, ND 58501

9:30 AM Call to Order - President Diane Halvorson

AGENDA

Review and sign minutes of the July 18, 2013 Board Meeting

MINUTES

May 2014 Exam Dates: Graduation is 17th *CONFLICT*

TAB 1

NABP= May 17-20, 2014 in Phoenix AZ

Sherri Oxford RPH 4214 – Stipulation and Settlement Agreement

TAB 2

9:40 AM Janae Klindt – Intern

10:00 AM Kyle Schwandt – September 2007 NDSU Grad

10:30 AM Corey S Melroe – Tech837 and PharmD Student Int568

10:45 AM Justin P Hanson – Technician-in-Training applying for Registration

11:00 AM Carla K Jacobson, PharmD – Reciprocity from MT

11:20 AM Mark Pajala RPh3988 request for Order modification

Collaborative Agreement: Brody Mack + Family Healthcare Physicians in Fargo

CE Approval request – District V Attendees

ND Healthcare Review – Jayme Steig

James L Roerig – ND RPh5100

Thrifty White Pharmacists

12:00 NOON Working Lunch discussion with Compliance Officer Judith Swisher

Request for Re-instatement – cancelled for Non-payment

Tech908 Emma R Buttke – 3/1/2012

Remodeling floor plans: Thrifty White 73 – Jamestown

Thrifty White #15

ND Pharmacy – Williston

Financial Review

Budget Tab

Financial sponsorship request – NDSU for a nutritional out-reach

Program \$3,000.00

1:45 PM Prescription Retention issue

TAB 3

2:00 PM Working with NDHIN on prescription information

TAB 4

2:30 PM discussion of Going on Pass policy in LTC

3:00 PM Interpretation of CFR 1306.22 Refilling Prescriptions

TAB 5

4:00 PM Electronic Units as Emergency Kits in LTC-

Curtis McGarvey R.Ph. FASCP - Professional Pharmacy Inc.

THURSDAY - September 19, 2013 Exam Schedule

Candidates

Adrienne L Fisher Fiedler – August 2013 NDSU Grad

1:15 - 1:30 PM Roll Call and Orientation of Candidates

1:30 - 3:00 PM Laboratory Section 1

3:00 - 3:30 PM Errors and Omissions 1

3:30 - 4:00 PM Oral Examination

Senior Member Gary Dewhirst called the meeting to order at 9:30 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. - Bonnie J Thom, R.Ph. - Shane Wendel, R.Ph. - Gayle D. Ziegler, R.Ph. - PharmD Student Intern Molly Irsfeld - Executive Director Howard C. Anderson, Jr., R.Ph. and Assistant Executive Director Mark J Hardy, PharmD Also present was Compliance Officer Judith Swisher.

Absent was: President Diane M. Halvorson, RPhTech due to illness in her family, we all wish her husband well.

It was moved by Pharmacist Wendel and seconded by Pharmacist Haroldson to approve the Agenda with the addition of some rural hospital issues in the discussion with Compliance Officer Swisher over lunch. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Ziegler to approve the minutes of the July 18, 2013 Board Meeting as printed. All Board Members present voted aye – the motion carried.

Discussion followed about the May 2014 Board Meeting, where graduation occurs on the 17th of May and the National Association of Boards of Pharmacy [NABP] meeting is May 17-20, 2013 in Phoenix, AZ. It was the consensus of the Board that the meeting should begin at 5:00 PM on Tuesday May 27th, 2013 with the Laboratory and Errors & Omissions examinations held on the Wednesday 28th and the Oral examinations on Thursday May 29th and continue on the 30th until the Board business is completed. The College of Pharmacy was contacted and the concept pharmacy lab has been reserved for the 28th; details of the other meeting rooms will follow from the Dean's Office.

It was moved by Public Member Gronberg and seconded by Pharmacist Haroldson to approve the Stipulation and Settlement Agreement for Sherri Oxford ND Pharmacist RPh4214 as signed. All Board Members present voted aye – the motion carried.

Janae Klindt, North Dakota Intern Int135 appeared before the Board to discuss court actions taken against her. She explained that she had not been paying attention and had additional items in her shopping cart when she left a store.

It was moved by Public Member Gronberg and seconded by Pharmacist Wendel that no formal action be taken against the Intern License of Janae Klindt. All Board Members present voted aye – the motion carried.

Dr. Kyle Schwandt appeared before the Board to discuss his situation with the Members. He explained that he has been sober for 9 months now, which is the longest he has reached in 7 years, since before he graduated from NDSU College of Pharmacy.

Pharm-Assist Committee Member Larry E Nelson, R.Ph., who has been working with Kyle, expressed that in his opinion Kyle has been doing well in his recovery over the past 9 months.

It was moved by Pharmacist Wendel and seconded by Pharmacist Thom that Dr. Kyle Schwandt be asked to sign a contract with the Pharm-Assist Committee, follow their recommendations, which would include the release to the Board of Pharmacy of all the treatment episodes, drug screens, physician and counselor reports. Upon application Dr. Kyle Schwandt will be granted an intern license so he may obtain 1,500 hours of internship, which must include 400 hours in a hospital setting and 400 hours in a retail pharmacy, the additional 700 hours may be obtained in the pharmacy setting of his choice. Dr. Schwandt's preceptor must file quarterly reports of the hours obtained, as well as an assessment of his work, with the Board of Pharmacy. All Board Members present voted aye – the motion carried.

Corey S Melroe – Tech837 and PharmD Student Int568 appeared before the Board of Pharmacy to discuss the charge of Driving Under the Influence in February 2013. Intern Melroe had an evaluation done and a subsequent interview with Pharm-Assist Committee Member Agnes Harrington. Member Harrington recommended no further actions were needed by the Pharm-Assist Committee.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to accept the recommendations of the Pharm-Assist Committee and no further action be taken against the registration/license of Mr. Corey S. Melroe Tech837 and PharmD Student Int568. All Board Members present voted aye – the motion carried.

Carla K. Jacobson, PharmD appeared before the Board of Pharmacy to discuss her reciprocity from Montana. She is seeking a position in two different pharmacies in Dickinson, North Dakota. Discussion followed.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to approve the reciprocity of Carla K. Jacobson, PharmD without restrictions. All Board Members present voted aye – the motion carried.

Justin P. Hanson, currently a Technician-in-Training applying for full Registration as a North Dakota Pharmacy Technician appeared before the Board of Pharmacy.

It was moved by Pharmacist Ziegler and seconded by Public Member Gronberg to grant Justin P. Hanson Registration as a North Dakota Pharmacy Technician without restrictions. All Board Members present voted aye – the motion carried.

Mark Pajala, North Dakota Pharmacist RPh3988 appeared before the Board of Pharmacy to request a modification to his present Order.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to ask Pharmacist Mark Pajala to continue with his current employment or other employment of his choice, that he keep up his continuing education and return to

the Board of Pharmacy March 20, 2014 meeting when the board will consider a return to work as a pharmacist, as seems appropriate at that time. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Haroldson to approve the collaborative agreement submitted by Pharmacist Brody Mack and the Family Healthcare physicians in Fargo. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Thom to approve up to 8.5 hours of continuing education for attendees at the District V NABP/AACP meeting in Winnipeg Manitoba in August 2013. Attendees should use the Manitoba Continuing Education form and keep it with their CE records until needed. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Wendel to approve 6 hours of continuing education for pharmacists and technicians attending the North Dakota Healthcare Review meeting held September 11, 2013. All Board Members present voted aye – the motion carried.

It was moved by Public Member Gronberg and seconded by Pharmacist Thom to approve 30 hours of continuing education for Pharmacist James I Roerig ND RPh5100 for sessions he attended at the American Psychiatric Association annual meeting. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to approve 1.5 hours of continuing education for the Thrifty White Pharmacists who attended the "Lawful Prescribing and Prevention of Diversion; Pharmacy Safety & Security presented by Purdue Pharma. All Board Members present voted aye – the motion carried.

At noon over a working lunch Board Members discussed the progress of compliance visits with Compliance Officer Judith Swisher. Pharmacist Swisher indicated that she had completed many of the pharmacy inspections and that she was enjoying the work and anticipated completion by the time the snow flies. Several questions that arose at various pharmacies were answered by Board Members and Compliance Officer Swisher will relay the answers back to the pharmacies. She indicated that she had some concerns about the preparedness of some of the critical care hospitals for the impending final compliance date on the sterile products rules. There are several facilities in which the current hood or its location will not comply with the rule. Some of these facilities have been reluctant to make changes as administrators look forward to the new rule. We do not want to encourage

risk compounding at their facility. One hospital seems to have concentrated potassium chloride available to the nursing staff, and she will take steps to have that removed and placed in the pharmacy without access to the nursing staff as a safety concern in all hospitals. Otherwise, good progress is being made in most facilities with their movement towards compliance with the sterile products rules. Counseling continues to be a concern in some pharmacies with high volumes and very low staffing levels. Compliance Officer Swisher will continue to work with these pharmacies to be sure that counseling occurs on all prescriptions as required by North Dakota Rules. One Warning Notice was issued to Carl Nilles, R.Ph. at Nilles Drug in Fessenden and she will follow up at that pharmacy to be sure that all of her directives have been complied with as indicated by owner\pharmacist-in-charge Nilles. Board Members thanked Compliance Office Swisher for her work to encourage pharmacies towards the best patient care possible.

During the afternoon the Board Members rotated in and out of the meeting to administer the examinations to Adrienne L Fisher Fiedler an August 2013 NDSU Grad, who passed the examinations and may proceed towards licensure as a pharmacist.

It was moved by Pharmacist Wendel and seconded by Public Member Gronberg to grant re-instatement to Emma R Buttke ND Tech908 who had been cancelled for non-payment. All Board Members present voted aye – the motion carried.

Pharmacist Tanya Schmidt and NDSU PharmD Intern Kathleen Powlish joined the Board Meeting to discuss the remodeling plans for Thrifty White #73 and Thrifty White #15 in Jamestown, ND and Thrifty White #47 dba Bell Drug in Devils Lake.

Board Members Laurel Haroldson disclosed that she is employed at Thrifty White #73 in Jamestown and Gary Dewhirst disclosed that he is employed at Thrifty White #55 in Hettinger and that unless there were any objections they intended to vote – none were forthcoming.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Thom to approve the remodeling floor plans for Thrifty White #73 in Jamestown, ND. All Board Members present voted aye – the motion carried.

It was moved by Pharmacist Thom and seconded by Pharmacist Wendel to approve the relocation and floor plans for Thrifty White #15 from 320 10th Street SE to 213 10th Street SE in Jamestown, ND. All Board Members present voted aye – the motion carried.

It was moved by Public Member Gronberg and seconded by Pharmacist Thom to approve the remodeling plans for Thrifty White #47 dba Bell Drug in Devils Lake. This will add approximately 200 sq ft to the current pharmacy bringing it up to 1,000 sq ft within the grocery store, which is in compliance with current rules. A complete plan of the building will need to be furnished, including the bathrooms to determine compliance with the sanitary standards. The consultation room will

need to be closed off so that it has both auditory and visual separation to provide confidentiality. All Board Members present voted aye – the motion carried.

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Pharmacist Bob Treitline and his wife, Cheryl appeared before the Board to discuss the remodeling plans presented for ND Pharmacy in Williston, ND.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Ziegler to approve the remodeling plans for ND Pharmacy in Williston, ND. All Board Members present voted aye – the motion carried.

The Board Members reviewed the Profit & Loss vs Budget to date and the Balance Sheet presented with the financial statements. Assistant Executive Director Hardy explained some of the items and answered questions from the Board Members.

It was moved by Public Member Gronberg and seconded by Pharmacist Thom to add \$3,000 to the budget for an allocation to NDSU for a Nutritional Outreach Program through the Department of Pharmacy Practice and the University Extension Service. On a vote by Roll Call: Pharmacist Dewhirst – Aye Public Member Gronberg – Aye Pharmacist Haroldson – Aye Pharmacist Thom – Aye Pharmacist Wendel – Aye Nays none – the motion carried. Pharmacist Ziegler was engaged in investigative committee work.

Assistant Executive Director Hardy presented an Application for an Out-of-State Pharmacy Permit for KVP Pharmacy, Inc in Glendale, CA. There had been disciplinary actions taken against this pharmacy by the CA Board of Pharmacy for failing to conduct a recall on some contaminated or sub potent product that they had dispensed.

It was moved by Pharmacist Wendel and seconded by Pharmacist Haroldson to require that KVP Pharmacy, Inc in Glendale, CA, obtain an inspection from NABP Inspection service and pass that inspection before issuing them a North Dakota Out-of-State Pharmacy Permit and follow up that inspection with an additional inspections every 6 months for two years, that being three additional inspections. All Board Members present voted aye – the motion carried.

Executive Director Howard Anderson explained North Dakota Century Code [NDCC] 43-15-31 relative to the preservation of a prescription dispensed by the Pharmacy. It is the interpretation of this section that scanning in a prescription to the pharmacy's computer system and that prescription being retrievable through the system, would comply with North Dakota's requirements for retention of a copy. Any controlled substances received by hardcopy must be retained by the pharmacy for the two-years required by Drug Enforcement Administration [DEA]. At that time, the scanned copy could serve as the record for the additional three years required under North Dakota Law.

Sheldon Wolf of the North Dakota Department of Health Information Technology Office was present to discuss with the Board of Pharmacy the possibility of making all prescriptions filled by a North Dakota Pharmacy or dispensed to a North Dakota citizen by an out-of-state pharmacy available through the ND Health Information Network to practitioners and

pharmacists seeking to care for these patients. A letter from Assistant Attorney General Pamela Crawford to Sheldon Wolf elucidated the clear authority for the Health Information Network to obtain this information and make it available to practitioners for the purpose of better care for patients.

It was moved by Pharmacist Ziegler and seconded by Public Member Gronberg to cooperate with the North Dakota Health Information Network to make all patient medication prescriptions available to practitioners and pharmacists for better patient care. All Board Members present voted aye – the motion carried.

Executive Director Anderson reviewed the recent meeting held with the Board of Nursing and the North Dakota Department of Health trying to reach an accommodation for a policy for patients going on pass from long-term-care facilities. The current basis for an agreement is up to 96 hours supply might be furnished by a nurse when the patient is going on pass. The preferred method would be for the pharmacy to package and label those medications for the patient or the patient's family use when out on pass. However, in situations when that is not possible because of an emergency or exigent situation, details are being developed about what kind of packaging and labeling will be required during that 96 hour on pass time frame. In response to a question asking whether a nurse could participate in a tech-check-tech procedure with a registered technician, executive director Anderson answered that, since the Board of Pharmacy has no authority over a nurse who is not also registered as a technician, the nurse, who is not cross trained and registered with us, could not participate in a tech-check-tech scenario developed for the pharmacy, or Telepharmacy.

Executive Director Anderson discussed interpretation of CFR 1306.22 relative to prescription refilling documentation. Our interpretation, in concurrence with Special Agent Jack Henderson, our DEA agent in charge of the Minneapolis office, is that if the computer system at the pharmacy can furnish a report upon request of the prescriptions and the refills of the prescriptions filled, along with the identification of the pharmacist responsible, a daily printout will not be required by the pharmacy. The caveat is that the pharmacists who appear in the computer with their initials as having dispensed the prescription will not later be able to deny that they participated in the dispensing of that refill medication.

Pharmacist Curtis McGarvey appeared before the Board to discuss the use of an electronic E-Kit for long-term-care use. Current rules require that a list of medications be on the outside of the emergency kit with an expiration date of the first drug expiring in the kit.

It was moved by Pharmacist Haroldson and seconded by Public Member Gronberg that an electronic E-kit would comply with the rule, if it was capable of showing on the electronic display a list of the products in the kit and the expiration of those products. And, while this would comply with the emergency kit authorization, if the kit was being used for 1st dose or narcotic dose administration it would require a pharmacy permit and a DEA registration for that specific site. All board members present voted aye, nays none. The motion carried.

Senior Member Dewhirst adjourned the meeting at 4:30 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.