

**September 18, 2014 - North Dakota State Board of Pharmacy
1906 East Broadway Ave – Bismarck, ND 58501**

President Halvorson called the meeting to order at 9:30 AM on Thursday September 18, 2014 in the Conference Room of the ND State Board of Pharmacy Office, located at 1906 East Broadway in Bismarck, North Dakota.

Present were: Gary W. Dewhirst, R.Ph. - – Fran Gronberg - Diane M. Halvorson, RPhTech - Laurel Haroldson, R.Ph. – Steven P. Irsfeld, R.Ph. - Shane Wendel, PharmD - Gayle D Ziegler, R.Ph. Also present Chief Compliance Officer / Treasurer Howard C. Anderson Jr, R.Ph.; NDSU P4 Student Alex Wald, Board Attorney David Lindell and Executive Director Mark J Hardy, PharmD.

After review of the presented Agenda, President Halvorson asked if there were any additions or corrections. Executive Director Hardy declared that two items for discussion were a late addition to the current meeting agenda, namely: Requirement for granting of Internship to pre-pharmacy students & In-Range Systems – remote medication management system. These two items were not on the early version of the agenda that had been posted to the state website and our Board of Pharmacy website. The presented meeting Agenda has been posted on both websites.

It was moved by Public Member Gronberg and seconded by Pharmacist Haroldson to approve the revised Agenda. All Board Members voted aye – the motion carried.

It was moved by Pharmacist Irsfeld and seconded by Pharmacist Ziegler to approve the Minutes of the July 17, 2014 Board Meeting as printed. All Board Members voted aye – the motion carried.

Board members then signed Pharmacist and Technician Original Certificates and finalized Examination preparations.

At 9:35 AM President Halvorson asked if there were any objections to moving forward with later agenda items. Hearing none she asked Executive Director Hardy to review the financials for the board.

It was moved by Public Member Gronberg and seconded by Pharmacist Ziegler to accept the financials as presented. All Board members voted aye. The motion carried.

At 9:45 AM Pharmacist Bob Treitline and his wife Sheryl arrived at the meeting and President Halvorson invited them to present the plans and application for a new pharmacy, ND Pharmacy West, in Dickinson.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Dewhirst to approve the floor plans and application for a new Class A pharmacy permit, ND Pharmacy West to be located at 1283 Roughrider Blvd in Dickinson, ND, pending receipt of an acceptable lease. All Board members voted aye. The motion carried.

At 10:00 AM President Halvorson asked Executive Director Hardy and Board Attorney David Lindell to summarize the reason Sheila Howes was appearing before the Board. Both Sheila Howes, Technician #Tech697 and her mother, Betty Howes were present. President Halvorson asked Sheila Howes to explain her side of the issue.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Irsfeld to approve the stipulation previously signed by Technician Howes. All Board members voted aye. The motion carried.

The case of Chad Hartje – Tech536 has been deferred until the November 20, 2014 meeting.

The case of Jacqueline Spicer – Tech1074 was reviewed by Attorney Lindell.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Wendel to accept the voluntary surrender of technician registration Tech1074 as signed by Jacqueline Spicer. All Board members voted aye. The motion carried.

The case of Jessica Kram – Tech1051 was reviewed by Attorney Lindell. No response has been received from Ms. Kram since the service of her notice of hearing.

It was moved by Pharmacist Wendel and seconded by Public Member Gronberg to revoke the registration of Jessica Kram-Tech1051. All Board members voted aye. The motion carried.

Pharmacist Robert Schultz arrived to be present for the review of and discussion on the remodeling / relocation plans of Innovis [Essentia] Health hospital pharmacy in Fargo.

It was moved by Pharmacist Dewhirst and Seconded by Pharmacist Wendel to approve the submitted remodeling/ relocation plans for Innovis [Essentia] Health hospital pharmacy located at 3000 32nd Ave SW in Fargo, ND. All Board Members voted aye – the motion carried.

Executive Director Hardy reviewed the remodeling plans for Wahpeton Drug – Laurie Straus, R.Ph.

It was moved by Pharmacist Haroldson and seconded by Pharmacist Irsfeld to approve the floor plans for the remodeling of Wahpeton Drug located at 508 Dakota Ave in Wahpeton, ND. All Board members voted aye. The motion carried.

It was moved by Pharmacist Haroldson and seconded by Public Member Gronberg to approve two hours of continuing education for Lorraine Rohde, RPh Tech839 for her attendance at the program “Antidepressant training for Nurses”. All Board members voted aye. The motion carried.

David Leedah, PharmD – of Sanford Health was contacted by phone to discuss his request for the Clinical Director at Sanford Health to be pre-approved as a CE provider for North Dakota. Pharmacist Leedah indicated that it is cost prohibitive for Sanford Health to work with or become an ACPE Provider.

It was moved by Public Member Gronberg and seconded by Pharmacist Irsfeld to approve David Leedah, Pharm., the Clinical Director at Sanford Health, as a CE provider for North Dakota on a one year pilot project basis. Objectives and materials for the programs are to be provided to the Board of Pharmacy’s office two weeks in advance of each specific session. Pharmacist Ziegler announced that she would abstain from the vote, as she is employed by Sanford. Four remaining board members voted aye, nays two. The motion carried.

At 11:00 AM Mark Pajala, his wife Linda and his son Michael arrived at the board meeting to discuss his request for modification of his order to allow him to seek employment as a pharmacist.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Ziegler to modify Mark Pajala, RPh3988's, stipulated agreement to allow employment as a pharmacist in a non-dispensing role where he has no access to pharmaceuticals. Pharmacist Pajala is to keep the Board and PharmAssist Committee informed of his employment. All other tenet of Pharmacist Pajala's stipulation remains intact. All Board members voted aye. The motion carried.

Lunch was delivered and the Board members then took a working lunch, eating while continuing with the agenda items.

Executive Director Hardy reviewed the reinstatement request, which is accompanied by the required fee, of Deanna Houle, Tech498, which had been canceled for non-payment of the 2005 renewal fees.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Haroldson to approve the reinstatement of Deanne Houle, Tech498. All Board members voted aye. The motion carried.

Executive Director Hardy explained the relocation and change of class of pharmacy permit request made by Mark Aurit, RPh for Gateway Health Mart Sunrise.

It was moved by Pharmacist Dewhirst and seconded by Public Member Gronberg to approve the floor plans and the relocation of Gateway Health Mart /Sunrise Pharmacy from 4007 State Street Suite 30 to the new location at 3103 Yorktown Drive Suite #2 in Bismarck, ND and to grant a Class A Pharmacy Permit with a Sub-Class D Permit. All Board members voted aye. The motion carried.

At 1:00 PM Blanche Ding was present to discuss her request for reconsideration of a previous board decision relative to her reinstatement as a Pharmacy Technician. Ms. Ding says she was not aware, at the time she took employment out of state that she would need to pay back fees if and when she returned to seek work in North Dakota. The rule codifying the previous policy was passed subsequent to Ms. Ding letting her registration lapse.

It was moved by Pharmacist Ziegler and seconded by Pharmacist Wendel to waive the late fees and allow Ms. Ding to reinstate her technician registration by paying only the registration fees which would have been due had she kept her registration current. These fees currently total 5 x \$35 or a total of \$175. The motion carried with 6 members voting aye - one nay. The motion carried.

Discussion items:

The use of technicians in CLIA Waived Tests. At 12:30 Alan Pope, RPh of Thrifty White Drug Company arrived to discuss the use of technicians in CLIA Waived Tests. Howard Anderson explained that the situation in North Dakota was that the Clinical Laboratory Board does not recognize the Clinical Laboratory Improvement Act (CLIA) and only those test specifically approved in NDCC 43-15 are allowed by pharmacists.

A change in the law could be sought to add our technicians to the list of those authorized to provide the tests listed.

At approximately 1:15 PM the board oriented the 6 – Candidates for the licensure exam.

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| 1. Alimin, Marcela | 2. Asmus, Sara N | 3. Baldner, Chad |
| 4. Haugen, Tyler J | 5. Peterson, Chase M | 6. Skrundevskiy, Arthur |

Examination Schedule:

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

DEA rule on Hydrocodone to Schedule II and new rules on disposal of Controlled Substances.

Executive Director Hardy distributed the Board's guidance document regarding the finalized DEA rule on Hydrocodone to Schedule II. The DEA rule for disposal of controlled substances in pharmacies discussion centered on working with the Attorney General and perhaps the Environmental Healthcare Services, Inc. to structure a program across the state of North Dakota.

Reciprocating pharmacist license – need for original state licensure this topic was tabled until the next meeting.

Requirement for granting of Internship to pre-pharmacy students was discussed at length.

It was moved by Pharmacist Dewhirst and seconded by Pharmacist Irsfeld to direct Executive Director Hardy to write up a policy to be considered at the November meeting. All Board members voted aye - the motion carried.

In-Range Systems – remote medication management system - At 1:45 Donna DuLong, MS, RN and Robin Harmon-Tataum, RPh. arrived to provide the Board with a demonstration of an In-Range System, a remote medication management system they set up in the Board meeting room.

Board members stressed that the pharmacy doing the dispensing be licensed with North Dakota and that all patient counseling be done by pharmacists licensed with North Dakota. It will also be necessary for the manufacturer of the Class II medical device obtain the appropriate licensure.

The Board Members then administered the Oral Examination to the six candidates for licensure. All six candidates were successful in the examinations.

Candidate Chase Peterson met with the board to discuss his reckless driving conviction which occurred on April 6, 2014.

It was moved by Public Member Gronberg and seconded by Pharmacist Wendel that no action be taken against the Intern License of Chase Peterson and that we license him without restrictions as soon as he has passed all examinations. All board members voted aye. The motion carried.

The Board Members completed their vouchers and the meeting was adjourned at 5:15 PM.

Diane M. Halvorson, RPhTech.
President

Gary W. Dewhirst, R.Ph.
Senior Member

Public Member
Fran Gronberg

Member
Gayle D. Ziegler, R.Ph.

Member
Laurel A. Haroldson, R.Ph

Member
Shane R. Wendel, PharmD.

Member
Steven P Irsfeld, R.Ph.

Executive Director
Mark J. Hardy, PharmD