

# Minnesota Board of Pharmacy

## EIGHT HUNDRED AND TWENTY SECOND MEETING

At approximately 9:00 a.m., on August 1, 2012, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance with the exception of Ms. Laura Schwartzwald. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, Mr. Steven Huff, Mr. Timothy Litsey, and Ms. Patricia Eggers. The Board's President, Mr. James Koppen, called the meeting to order.

The Board immediately went into a closed session.

At the conclusion of the closed session, the meeting was reopened to the public.

The Board then discussed the minutes of the June 20, 2012 business meeting. Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that the minutes be approved. The motion passed.

Ms. Bergrud moved and Mr. Williams seconded to approve the items on the Consent Agenda and to approve the Consent Agenda. The motion passed. The Consent Agenda for this meeting was as follows:

- Variances
  - Variance Committee Report: approve
- CEATF Report:
  - CEATF Report: approve

Mr. Williams moved and Mr. Bob Goetz seconded to add to the Agenda, in the Statutes and Rules section, the issue of civil penalties for pharmacists and to approve the Agenda. The motion passed.

The Board next considered variances that were deferred to the Board by the Variance and Policy Review Committee:

- ◆ Review of Pyxis automated drug distribution systems (ADDS)
  - Consider approval of ADDS pursuant to Minnesota Statutes §151.58.

Mr. Goetz moved and Mr. Williams seconded that the Pyxis Med Station and Pyxis Specialty Station be approved for use in the health care facilities specified in Minnesota Statutes §151.58, subd. 2(b) on condition that they be operated only when

interfaced with a managing pharmacy's dispensing software and that they be used in accordance with the relevant rules and statutes. The motion passed.

- ◆ Review of AP Passport automated drug distribution systems (ADDS)
  - Consider approval of ADDS pursuant to Minnesota Statutes §151.58.

Mr. Williams moved and Mr. Goetz seconded that the AP Passport Automated Drug Distribution System be approved for use in the health care facilities specified in Minnesota Statutes §151.58, subd. 2(b) on condition that it is operated only when interfaced with a managing pharmacy's dispensing software and that it is used in accordance with the relevant rules and statutes. The motion passed.

- ◆ Review of Merwin policies and procedures for use of AP Passport in health care facilities

Ms. Bergrud moved and Mr. Williams seconded that Merwin's policies and procedures for the use of the AP Passport System be approved. Present at the meeting and joining in the discussion were Mr. Rick Steinhauer, President of Merwin LTC Pharmacy; Dr. Jessica Androff and Mr. Steven Langemo, also representing Merwin LTC Pharmacy; and Mr. Jim Moncrief, from Advanced Pharmacy. The motion passed.

- ◆ Sanaz Mozayyan - review of Canadian pharmacist experience

Ms. Bergrud moved and Mr. Goetz seconded that this pharmacist's internship experience and work as a licensed pharmacist in Canada be considered equivalent to the 1600 hours of internship required for licensure in Minnesota. The motion passed.

At this time Mr. Koppen introduced and welcomed new Pharmacy Board Surveyor, Mr. Timothy Litsey, to the Board.

The Board next heard the following presentations:

- ◆ Proposed pharmacist application of dental varnish

Dr. Amos Deinard, from the Department of Pediatrics at the University of Minnesota, made a presentation to the Board concerning the possibility of having pharmacists apply dental varnish to the teeth of children. The Board directed Dr. Wiberg to work with the Attorney General's Office to determine what needs to be done so that pharmacists can legally perform this service.

- ◆ Prescription drug container safety - Rexam Prescription Products, Inc.

Present at the meeting were Mr. David Sanford and Mr. Ned Milenkovich of McDonald Hopkins, LLC, Attorneys at Law. These individuals presented information to the Board concerning the possibility that some prescription drug containers may not meet applicable standards. After much discussion, the Board decided that no action was necessary.

The Board next discussed issues related to statutes and rules. The first item under this section concerned the standards for technician training. The Board received a request from *Pharmacist's Letter* to allow one of their programs, Pharmacy Technicians University (PTU), to be used as part of an employer-based program for technician training. Mr. Goetz moved and Mr. Williams seconded that the Board approve this request. The motion passed.

The second item under this section concerned an interpretation of Minnesota Statutes §151.58. Ms. Bergrud moved and Mr. Goetz seconded that Board interpret Minnesota Statutes §151.58 to allow the pharmacy that is responsible for the operation of an ADDS that is located within a healthcare facility to use a different pharmacy to do after-hours review, interpretation and approval of prescription drug orders, provided that the two pharmacies follow the provisions of Minnesota Rules 6800.4075 and have appropriate central pharmacy services policy & procedures in place. The motion passed.

Mr. Williams opined that if a pharmacist is assessed a civil penalty as part of a disciplinary order, that the Board should require that the individual pay the civil penalty - and not someone else (e.g an employer). The Board requested that Dr. Wiberg and the Attorney General's Office structure all future disciplinary orders to include a provision requiring an individual to personally pay a civil penalty and prohibiting the civil penalty from being paid by an employer.

Dr. Wiberg asked the Board for authorization to begin the process of expedited rule-making for the purpose of placing additional drugs into Schedule I of the State's controlled substances schedules. Mr. Williams moved and Ms. Bergrud seconded that the Board grant Dr. Wiberg authorization to begin the process of expedited rule-making for this purpose. The motion passed.

Dr. Wiberg asked the Board for authorization to begin the regular rule-making process for the purpose of changing the controlled substance schedules found in Minnesota Rules Chapter 6800 to reflect the changes recently made by the Legislature to the controlled substance schedules found in Minnesota Statutes §52.02. Mr. Goetz moved and Mr. Williams seconded that Dr. Wiberg be authorized to begin the regular rule-making process for this purpose. The motion passed.

Dr. Wiberg presented the Board with information concerning recent and planned personnel changes, including the hiring of Mr. Tim Litsey as a Pharmacy Surveyor, the imminent filling of a vacant Office Specialist position, and the creation of a new Office Specialist, Intermediate position. No action was necessary.

Dr. Wiberg next presented the Board with information concerning the use of the iPads for future Board meetings. No action was required.

Dr. Wiberg next gave the Board an update concerning the Prescription Monitoring Program. No action was required.

Dr. Wiberg next provided the Board with information concerning three different meetings that the National Association of Boards of Pharmacy (NABP) is sponsoring or co-hosting. They are the Interactive Board Member Forum, the Interactive Executive Director Forum and the Tri-Regulator Symposium. The cost of the first two meetings will be covered by NABP but the cost of sending representatives to the third meeting will have to be covered by the Board. The consensus of the Board was to have Mr. Koppen represent the Board at the Interactive Board Member Forum. Ms. Bergrud moved and Mr. Koppen seconded that Mr. Williams, Mr. Goetz and Dr. Wiberg represent the Board at the Tri-Regulator Symposium and that the Board cover the allowable expenses. The motion passed.

There being no further business requiring action by the Board, Mr. Williams moved to adjourn the meeting. The motion occurred at approximately 12:10 p.m. Ms. Bergrud seconded the motion. The motion passed.

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PRESIDENT

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EXECUTIVE DIRECTOR