

# Minnesota Board of Pharmacy

## EIGHT HUNDRED AND NINETH MEETING

At approximately 9:00 a.m., on January 5, 2011, 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 Mr. Carleton Crawford. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, the Board's legal counsel, Assistant Attorney General Karen Andrews and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, Ms. Michele Mattila, Ms. Karen Schreiner, and Ms. Patricia Eggers. The Board's President, Ms. Karen Bergrud, called the meeting to order.

The Board went into a closed session to discuss matters of a quasi-judicial nature.

The Board returned to general session.

The Board next discussed the minutes of the November 10, 2010. Ms. Kay Hanson moved and Mr. James Koppen seconded that the minutes of the meeting be approved. The motion passed.

Mr. James Koppen moved and Dr. Stacey Jassey seconded to approve the items on the consent agenda and to approve the consent agenda. The motion passed.

- Membership in NABP
  - Continue Membership in NABP.
- New Pharmacy Applications
  - Alexandria Apothecary  
1525 Broadway Street, Suite 100  
Alexandria, MN 56308  
  
Temporary PIC William Seiler  
Approve pending inspection and naming of permanent PIC
  - CVS Pharmacy #6810  
1714 Center Avenue West  
Dilworth, MN 56529  
  
Temporary PIC Robert Hasquet  
Approve pending inspection and naming of permanent PIC

- ◆ CVS Pharmacy #3054  
1175 Madison  
Mankato, MN 56001

Permanent PIC Kenneth Buckley  
Approve pending inspection

- ◆ CVS Pharmacy #6635  
1614 Monk  
Mankato, MN 56001

Permanent PIC Jennifer Bodmer  
Approve pending inspection

- Prescription Shoppe South  
1301-33<sup>rd</sup> Street South  
St. Cloud, MN 56301

Permanent PIC Kenneth R. Bieganek  
Approve pending inspection

- Thrifty-White Pharmacy  
225 Main Street  
Pierz, MN 56364

Temporary PIC Matt Kessler  
Approve (has already been inspected)

- White Bear Health Mart Pharmacy  
2008 County Road E  
White Bear Lake, MN 55110

Permanent PIC Joseph Jorgenson  
Approve pending inspection

- Examination Committee

- Exam Candidates Report – approve

Certificate Number	Name	Registration Number
10851	Amy R LeBrun	120231
10860	Louise B Peterson	120240
10856	Ranjeeta Bhatia	120236
10857	Jessica Rae Johnson	120237
10861	Becky Ngoc Thieu	120241
10862	Jacub M Kaliszewski	120242
10846	Teresa Ann Johnson	120224

- Reciprocity Candidates Report – approve

Certificate Number	Name	Registration Number
10852	Alan P Atchison	120232
10848	Akila Subramanian	120226
10855	Bernadette Behm	120235
10850	Kip Jon Meroz	120228
10849	James Woznicki	120227
10847	Joulan Sadek Elbarhamtoshi	120225
10863	Laura A Vogel	120243
10864	Suzanne P Kluge	120244
10865	Sarah A Rustad	120245
10866	Kristen M Nelson	120246
10854	Sylvia M Thomley	120234
10853	Chad A Panning	120233
10858	Ronna M Jackson	120238
10859	Patricia Finnegan-Baker	120239

- o Variances

- [Variance Committee Report](#) - approve

The Board reviewed the remaining agenda for this meeting. Dr. Stacey Jassey moved and Mr. James Koppen seconded that the remaining agenda be approved. The motion passed.

Ms. Kay Hanson moved and Ms. Laura Schwartzwald seconded that the approval of the consent agenda be reversed and that the Health Partners and Mayo variances be pulled from the consent agenda and brought before the full Board. The motion passed.

Ms. Laura Schwartzwald then moved and Mr. James Koppen seconded to approve the remaining items on the amended consent agenda and to approve the amended consent agenda. The motion passed.

The Board next turned its attention to election of officers and designation of officials for the year of 2011. For the office of President, Ms. Kay Hanson nominated Dr. Stacey Jassey. Ms. Laura Schwartzwald seconded the nomination. There being no further nominations, the nominations were closed and Dr. Jassey was elected to the office of President by a unanimous ballot.

Dr. Jassey then took over the duties of the presidency.

For the office of Vice President, Ms. Kay Hanson nominated Mr. Jim Koppen. Ms. Karen Bergrud seconded the nomination. There being no further nominations, the nominations were closed and Mr. Jim Koppen was elected to the office of Vice President by a unanimous ballot.

For the office of Secretary, Ms. Karen Bergrud moved that Dr. Cody Wiberg be continued as the Secretary (Executive Director) of the Board of Pharmacy for the year of 2011. Ms. Laura Schwartzwald seconded the nomination. There being no further nominations for the position, the nominations were closed and Dr. Wiberg was elected as Secretary (Executive Director) by a unanimous ballot.

For the position of Associate Director for Compliance, Ms. Kay Hanson moved that Ms. Candice Fleming be continued in that position. Ms. Karen Bergrud seconded the nomination. The motion prevailed and Ms. Candice Fleming was continued in the position of Associate Director for Compliance by a unanimous ballot.

For the position of Assistant Director for Administrative Affairs, Ms. Karen Bergrud moved that Ms. Patricia Eggers be continued in that position. Ms. Kay Hanson seconded the nomination. The motion prevailed and Ms. Patricia Eggers was continued in the position of Assistant Director for Administrative Affairs by a unanimous ballot.

Dr. Stacey Jassey next congratulated Karen Bergrud on her year of service to the Board.

President Jassey next began a discussion of appointments to the Board's standing committees. After a brief discussion, the following committee appointments were made:

Continuing Education Advisory Task Force will be Pharmacy Board Surveyor Stuart Vandenberg, Ms. Kay Hanson, and Dr. Stacey Jassey. Ms. Karen Bergrud moved and Mr. James Koppen seconded that these individuals be appointed to the committee. The motion passed.

Committee on Professional Standards will be all members of the Board, with the exception of the President, and will rotate through the committee meetings, two members per meeting.

Complaint Review Panel (CRP) will be all members of the Board, with the exception of the President, and will rotate through the committee meetings, two members per meeting.

Ms. Kay Hanson moved and Ms. Karen Bergrud seconded that the COPS and CRP appointments be approved. The motion passed.

Internship Committee will be Dr. Stacey Jassey, Past Board Member Donald Gibson, and Ms. Candice Fleming. Ms. Laura Schwartzwald moved and Ms. Karen Bergrud seconded that these individuals will be appointed to the committee. The motion passed.

For the Variance Committee, all members of the Board will rotate through the committee meetings, two members per meeting and the Board's Pharmacy Surveyors will rotate as well, two Surveyors per meeting. Mr. Jim Koppen moved and Ms. Karen Bergrud seconded that these individuals will be appointed to the committee. The motion passed.

Dr. Stacey Jassey will serve as the Board's representative to the Health Professionals Services Program, with Ms. Kay Hanson being the alternate. Mr. Ikram-Ul-Huq moved and Ms. Laura Schwartzwald seconded that these individuals be so appointed. The motion passed.

The Board next turned its attention to new pharmacy applications that it has received since the last meeting:

- ◆ GuidePoint Pharmacy  
112 E 2nd St  
Winthrop, MN 55396  
  
Permanent PIC Ellen A. Anderson  
Approve (has already been inspected)

Ms. Karen Bergrud moved and Ms. Kay Hanson seconded that the applications be approved. The motion passed with Ms. Laura Schwartzwald abstaining.

- ◆ Target Pharmacy T-2406  
449 Commerce Drive  
Woodbury, MN 55120

Temporary PIC Lisa Marsh  
Approve pending inspection & naming of permanent PIC

Ms. Laura Schwartzwald moved and Mr. James Koppen seconded that the applications be approved. The motion passed with Ms. Kay Hanson abstaining.

- ◆ Walgreen's #11764  
790 Highway 110  
Mendota Heights, MN 55125

Permanent PIC Andrew Heuer  
Approve pending inspection by Board Surveyor

Ms. Karen Bergrud moved and Mr. James Koppen seconded that the applications be approved. The motion passed.

Variances and policies that were deferred to the Board by the Variance Committee:

- ◆ Variance and Policy Committee recommendation concerning variances to Minnesota Rules 6800.3100, requesting that responsibility for certification be assumed by more than one pharmacist, with each pharmacist being responsible for only one portion of the dispensing process.

HealthPartners submitted 15 variance requests asking the Board to allow the certification of the prescription dispensing process by more than one pharmacist and to allow prescription order entry, verification, and/or certification to be separately performed at any of HealthPartner's licensed pharmacies. Mr. David Busch was present at the meeting. Ms. Karen Bergrud moved and Mr. Ikram-UI-Huq seconded that the variance be approved for one year on condition that they follow the policies and procedures they presented to the Board and on condition that necessary upgrading of the system by the vendor occurs within 60 days. The motion passed.

Mayo Clinic submitted six variance requests asking the Board to allow the certification of the prescription dispensing process by more than one pharmacist and to allow prescription order entry, verification, and/or certification to be separately performed at any of the six Mayo Clinic pharmacies involved. Ms. Kay Hanson moved and Ms. Laura Schwartzwald seconded that the variance be approved until the next meeting. The motion passed with Ms. Karen Bergrud abstaining.

The Board next discussed statues and rules.

1. Medication Reconciliation. The Board received requests from some metro-area hospital pharmacy administrators, the Minnesota Pharmacists Association and the Minnesota Society of Health-system Pharmacists and MSHP asking for a reversal of an interpretation involving medication reconciliation that was approved at the November 10, 2010 board meeting. The requests further request that the Board work with health-system pharmacists and technicians to develop guidelines related to medication reconciliation that allow for technicians to support the work of pharmacists. The following individuals presented verbal comments to the Board about this issue:

Mr. Craig Else, Pharmacy Director at Fairview Ridges Hospital and a member of MSHP and MPhA; Ms. Coleen Sogard, hospital pharmacist at Fairview Southdale Pharmacy; Ms. Helen Peng, a clinical pharmacist at Fairview Southdale Hospital; Ms. Jamie Sinclair, Director of Pharmacy at St. Joseph's Hospital in St. Paul and current President of MSHP; Mr. Bruce Thompson, Director of Pharmacy at Hennepin County Medical Center (HCMC) and immediate past president of MPhA; Mr. Dick Reese, pharmacist at Fairview Southdale Hospital; Mr. Todd Burkhardt, staff pharmacist at North Memorial; Ms. Janice Lee, third year pharmacy intern at the University of Minnesota and an intern at North Memorial; Dr. Steve Meisel, Patient Safety Officer for Fairview and Pharmacist; Dr. Scott Knoer, Director of Pharmacy for Fairview University Medical Center; Dr. Carl Woetzel, Director of Pharmacy at Fairview Southdale Pharmacy; Dr. Nicole Kulinski, a teacher at the U of M and staff pharmacist at HCMC; Dr. Kelly Hadsall, staff pharmacist at North Memorial; and Dr. Howard Juni, Omnicare Pharmacy.

After extensive discussion, Mr. Ikram-UI-Huq moved that the decision that the Board made at its last meeting be reaffirmed with the clarification that the decision was based on Minnesota Statutes §151.01, subd. 15a and that the Board finds that the clear meaning of that subdivision allows technicians to be involved in medication reconciliation only to the extent that they are performing data entry and manipulative tasks. Ms. Kay Hanson seconded the motion. The motion passed. During the Board's discussion of this issue it reaffirmed that interviewing patients and verbally collecting prescription information from other pharmacies are not manipulative or data entry tasks but are tasks that require professional judgment. Consequently, those specific tasks may not be performed by pharmacy technicians.

Ms. Karen Bergrud moved and Mr. Ikram-UI-Huq seconded that Dr. Wiberg and Ms. Andrews be authorized to look into this issue to determine whether the Board can make changes in this area through the rule-making process (rather than seeking a change in statutes). They are to report back to the Board at its next meeting. The motion passed.

Dr. Wiberg next asked the Board for permission to work on the following amendments to Minnesota Statutes Chapter 151.

1. In §151.44 to include an exception that would clarify that a vendor, under contract to the National Institute of Health to distribute drugs to be used in clinical research trials, does not need to be licensed as a drug wholesaler in the state of Minnesota.
2. In §151.37 to include an exception so that educational institutions can purchase legend drugs for the sole purpose of training students enrolled in their health care programs.
3. To update sections of Chapter 151 that concern discipline of licensees, registrants, and applicants in order to make the disciplinary process more efficient.
4. To add definitions of the terms “limited pharmacy license” and “medication therapy management” and to include MTM in the definition of the practice of pharmacy.

After some discussion, Mr. James Koppen moved that Dr. Wiberg be allowed to work on these amendments. Mr. Ikram-UI-Huq seconded the motion and it passed.

Dr. Wiberg next asked the Board for permission to work on the following amendments to Minnesota Statutes Chapter 152.

1. Changes to §152.126 (the enabling legislation for the Prescription Monitoring Program): to require reporting of Schedule V controlled substances and tramadol; to allow prescribers and pharmacists to generate patient profiles for any valid clinical purpose; to require pharmacists to check the photo ID of all individuals who pick up prescriptions for drugs reported to the PMP; to clarify that the PMP can exchange data with other states through a system such as the Prescription Monitoring Information Exchange (PMIX); and to eliminate the reporting exceptions involving patients in long-term care facilities, hospices, and home IV infusion programs.
2. Update controlled substance schedules found in statute so that they are consistent with the changes that the Board has made to rule.
3. Modify the Board’s authority to reschedule substances that are in Schedule I.
4. Remove a reference to a task force that is no longer in existence.

After some discussion, Ms. Karen Bergrud moved that Dr. Wiberg be allowed to work on these amendments. Mr. James Koppen seconded the motion and it passed.

Dr. Wiberg requested that the Board renew permission for staff to work with MPhA, MSHP, and other organizations on legislation that would establish operational standards for electronic prescribing. Ms. Kay Hanson moved that staff be allowed to continue to work on this issue with other interested organizations. Ms. Laura Schwartzwald seconded the motion and it passed..

Dr. Wiberg requested permission to attempt to repeal statutory language that includes the health licensing boards in the Minnesota License program and requires licensees and registrants to pay a 10% license surcharge. Ms. Karen Bergrud moved and Mr. Ikram-UI-Huq seconded to authorize staff to work with the other Health Related Licensing Boards and with professional associations to try to affect these changes. The motion passed.

Dr. Wiberg requested permission to work with the other boards to support legislation that would dedicate all revenue collected by the boards to the exclusive use of the boards and to prevent it from being diverted into the general fund or to other departments. Ms. Laura Schwartzwald moved and Ms. Karen Bergrud seconded to grant Dr. Wiberg permission to work with the other boards on this. The motion passed.

Dr. Wiberg requests permission to work with the other health licensing boards to modify those portions of Minnesota Statutes Chapter 214 that deal with complaint investigation and resolution. Ms. Karen Bergrud moved and Mr. James Koppen seconded that Dr. Wiberg be granted permission to work with the other boards for that purpose. The motion passed.

Dr. Wiberg explained that he has been shown legislation that MPhA is working on that would place some restrictions on the auditing practices of pharmacy benefit managers. Ms. Laura Schwartzwald moved and Ms. Kay Hanson seconded to have the Board support such legislation to the extent that it contains provisions that ban PBMs from effectively interfering with the Board's authority to interpret and enforce statutes. The motion passed.

Dr. Wiberg informed the Board that he is waiting to receive the final draft of the proposed rule changes from the Revisor's Office.

Dr. Wiberg explained that the controlled substances rules package has been officially withdrawn and that staff is working with the legislature to enact statutory changes that would make the sale and possession of synthetic cannabinoids illegal.

Dr. Wiberg's informed the Board that his evaluation survey will be sent to Board members and staff soon. Board members and staff will be asked to return the completed surveys to the Executive Director Evaluation Committee so that the EDEC can prepare a report for the next board meeting.

Dr. Wiberg next presented the board with information about delegation of authority to the Executive Director. Mr. James Koppen moved and Mr. Ikram-UI-Huq seconded that the Board delegate authority to the Executive Director to perform the duties as listed on the Delegation of Authority Form, with the President signing the form. The motion passed.

Dr. Wiberg provided the Board with an update concerning activities of the Prescription Monitoring Program.

There being no further business requiring action by the Board, Mr. James Koppen moved to adjourn the meeting. The motion occurred at approximately 2:36 PM. Ms. Karen Bergrud seconded the motion. The motion passed.

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PRESIDENT

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EXECUTIVE DIRECTOR