

# Minnesota Board of Pharmacy

## EIGHT HUNDRED AND FOURTH MEETING

At approximately 9:00 a.m., on March 17, 2010, 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. Kay Hanson and Mr. James Koppen. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, the Board's legal counsel, Assistant Attorney General Geoffrey Karls and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, 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 first item of a quasi-judicial nature to come before the Board was the case of Pharmacist James Folden, who has completed the requirements of his 2008 Order. Mr. Folden was present at the meeting. Dr. Wiberg presented the Board with background information regarding Mr. Folden's case. After a brief discussion, Mr. Gary Schneider moved and Mr. Ikram-UI-Huq seconded that Mr. Folden be granted an unconditional license and that Executive Director Dr. Cody Wiberg be empowered to sign an Order of Unconditional License on the Board's behalf. The Board wishes Mr. Folden well in future endeavors. The motion passed.

The second item of a quasi-judicial nature to come before the Board was the case of Pharmacist Kathryn Raths, who has completed the requirements of her 2007 Order. Ms. Rath was present at the meeting. Dr. Wiberg presented the Board with background information regarding Ms. Rath's case. After a brief discussion, Mr. Carleton Crawford moved and Mr. Gary Schneider seconded that Ms. Rath be granted an unconditional license and that Executive Director Dr. Cody Wiberg be empowered to sign an Order of Unconditional License on the Board's behalf. The Board wishes Ms. Rath well in future endeavors. The motion passed.

The third item of a quasi-judicial nature to come before the Board was the case of Technician Dorothy Boerboom, who has completed the requirements of her 2006 Order. Ms. Boerboom was present at the meeting. Dr. Wiberg presented the Board with background information regarding Ms. Boerboom's case. After a brief discussion, Mr. Ikram-UI-Huq moved and Ms. Stacey Jasey seconded that Ms. Boerboom be granted an unconditional registration and that Executive Director Dr. Cody Wiberg be empowered to sign an Order of Unconditional Registration on the Board's behalf. The Board wishes Ms. Boerboom well in future endeavors. The motion passed.

The fourth item of a quasi-judicial nature to come before the Board was the case of Mr. Robert Duffee. Dr. Wiberg presented the Board with background information on the case and with a proposed Stipulation and Consent Order (SCO). The SCO was developed subsequent to a conference held with Mr. Duffee on January 27, 2010, at

which allegations of chemical dependency were considered. The proposed SCO has been agreed to and signed by Mr. Duffee. After a discussion, Mr. Ikram-UI-Huq moved and Mr. Carleton Crawford seconded that the Board accept the proposed SCO and that Mr. James Koppen and Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The fifth item of a quasi-judicial nature to come before the Board was the case of Pharmaceutical Returns and Owner Mark Andrew Goetz. Dr. Wiberg presented the Board with background information on the case and with a proposed Stipulation and Consent Order (SCO). The SCO was developed subsequent to a conference held August 19, 2009, wherein Mr. Goetz did not appear nor did he inform the Board that he would not be appearing, at which allegations of chemical dependency were considered. The proposed SCO has been agreed to and signed by Mr. Goetz. After a discussion, Mr. Gary Schneider moved and Dr. Stacey Jassey seconded that the Board accept the proposed SCO and that Ms. Kay Hanson and Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The sixth item of a quasi-judicial nature to come before the Board was the case of Ms. Michel Pobuda. Dr. Wiberg presented the Board with background information on the case and with a proposed Stipulation and Consent Order (SCO). The SCO was developed subsequent to a conference held with Ms. Pobuda on August 19, 2009, at which allegation that, when she was pharmacist-in-charge, the technicians were not adequately supervised and that there was a substantial shortage of controlled substances. The proposed SCO has been agreed to and signed by Ms. Pobuda. After a discussion, Mr. Carleton Crawford moved and Mr. Ikram-UI-Huq seconded that the Board accept the proposed SCO and that Dr. Jassey and Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The seventh item of a quasi-judicial nature to come before the Board was the case of Reciprocity Candidate Katy Vesel. Dr. Wiberg presented the Board with background information on the case and with a proposed Stipulation and Consent Order (SCO). The SCO was developed by mail without trial of any issue or fact regarding allegations that she was practicing pharmacy in the state of Minnesota without a license. The proposed SCO has been agreed to and signed by Ms. Vesel. After a discussion, Mr. Carleton Crawford moved and Dr. Stacey Jassey seconded that the Board accept the proposed SCO and that Ms. Kay Hanson and Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The eighth and final item of a quasi-judicial nature to come before the Board was the case of Mr. Ryan Grafft. Dr. Wiberg presented the Board with background information on the case. Mr. Grafft practiced pharmacy as an intern in the state of Minnesota without being registered as an intern. Dr. Stacey Jassey moved and Mr. Carleton Crawford seconded that Mr. Grafft register as an intern in the state of Minnesota, complete the manual, send in the appropriate forms to receive credit for the hours, minus 80 hours to be consistent with prior policy. The motion passed.

The Board returned to general session.

The Board next discussed the minutes of the January 20, 2010. Mr. Gary Schneider moved and Mr. Carleton Crawford seconded that the minutes of the meeting be approved. The motion passed.

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

o New Pharmacy Applications.

- Central Pharmacy  
402 Faxon Road  
Norwood, MN 55368

Temporary PIC John Marsden

Approve pending final inspection and naming of permanent PIC

- Fairview Pharmacy Blaine  
10961 Club West Parkway  
Blaine, MN 55449

Temporary PIC Michael Wagner

Approve pending final inspection and naming of permanent PIC

- Fairview Ridge Valley Pharmacy  
4151 Willowood Street SE  
Prior Lake, MN 55372

Temporary PIC Kathy Paulsen

Approve pending final inspection and naming of permanent PIC

- MeritCare Bemidji North Pharmacy  
1611 Anne Street NW  
Bemidji, MN 56601

PIC listed on application James M. Wille

Approve pending final inspection and confirmation of permanent PIC

- United Community Pharmacy

2500 New Brighton Blvd.  
St. Anthony, MN 55418

Temporary PIC Mikhail Epshteyn  
Approve pending final inspection and naming of permanent PIC

- Variances
  - Variance Committee Report - approve
- Continuing Education. CEATF Reports for the periods 11/18/2009 – 01/12/2010 and 01/13/2010 – 02/09/2010. Approve those recommended for approval and deny those recommended for denial
- Examination Committee
  - Exam Candidates Report – approve

Name	Original Licensure Date	Registration Number
Elma Georges Haber	02/02/2010	119930
Anne C Gorder	02/08/2010	119931
Jeremy Daniel Rogosheske	01/06/2010	119925

- Reciprocity Candidates Report - approve

Name	Original Licensure Date	Registration Number
Julie Marie Bubach	03/01/2010	119935
Steven Robert Sell	03/01/2010	119936
Lawrence T Walsh	02/18/2010	119932
Matthew William Ray	02/18/2010	119933
Suzanne L Stepaniuk	02/18/2010	119934
Cari Lynn Davis	01/11/2010	119926
Jennifer Ann O'Grady	03/04/2010	119937
Thomas Victor Antilley	01/29/2010	119929
Dibrell Wade Williams	01/29/2010	119928

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

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

- Walgreen's Pharmacy #13163  
18 SE 10<sup>th</sup> Street  
Grand Rapids, MN 55744

Permanent PIC Kendra Snell  
Approve pending inspection by Board Surveyor

Mr. Carleton Crawford moved and Mr. Gary Schneider seconded that the application be approved. The motion passed with Dr. Stacey Jassey abstaining.

The Board next discussed variances and policies deferred to the Board.

- ◆ Rochester Methodist Hospital
  - Electronic documentation of RPh certification
  - Allow technician to participate in controlled substances destruction

Mr. Gary Schneider moved and Mr. Carleton Crawford seconded that the variance be approved permanently as long as the pharmacist-in-charge remains the same. The motion passed.

- ◆ St. Mary's Hospital, Rochester
  - Electronic documentation of RPh certification
  - Allow technician to participate in controlled substances destruction

Ikram-UI-Huq moved and Mr. Gary Schneider seconded that the variance be approved permanently as long as the pharmacist-in-charge remains the same. The motion passed.

- ◆ Immanuel St. Joseph's (Mankato), Lake City Medical Center, Waseca Medical Center, Springfield Medical Center, St. James Medical Center, and Fairmont Medical Center
  - After-hours remote order entry

Mr. Gary Schneider moved and Mr. Ikram-UI-Huq seconded that the variance be approved for one year. The motion passed

- ◆ ePharmacist Direct (Fargo), Albany Area Hospital
  - After-hours remote order entry

Present at the meeting were Mr. William Seiler, consultant pharmacist at the Albany Area Hospital Pharmacy, and Mr. Howard Kenna, pharmacy director at St.

Gabriel's Hospital in Little Falls. Mr. Ikram-UI-Huq moved and Dr. Stacey Jassey seconded that the variance be approved until 7/29/2010 (when ePharmacist Direct's others variances expire) subject to there being an on-site inspection/consult in Albany and the policies on high risk drugs be completed. The motion passed.

- ◆ United Community Pharmacy
  - Have Pharmacist Michael Epshteyn serve as Pharmacist-in-charge at two pharmacies (United Community Pharmacy and the Regency Hospital of Minneapolis) until a new Pharmacist-in-charge can be hired.

Mr. Carleton Crawford moved and Mr. Gary Schneider seconded that the variance be approved until they hire a permanent pharmacist-in-charge, have an initial inspection, and until an opening date has been determined, which is not to exceed six months. The motion passed

- ◆ Delora Ann Pufall
  - Exemption to FPGEE Certification

Dr. Stacey Jassey moved and Mr. Gary Schneider seconded that the variance be deferred and that Dr. Cody Wiberg discuss this situation with NABP and bring it to the next meeting. The motion passed

The Board next discussed a proposed Continuing Professional Development pilot program for continuing education. Leading the discussion was Ms. Kristen Janke, from the University of Minnesota, and Dr. Stacey Jassey. They gave an update on the progress that the steering committee has made. No formal action was taken at this time.

Dr. Wiberg informed the Board that the controlled substances rules were adopted on March 13, 2010. No action was taken at this time.

Dr. Wiberg gave the Board an update on the proposed general rule changes. No action was taken at this time.

Dr. Wiberg next gave the Board an update on the Board's budget legislation. No action was taken at this time.

Dr. Wiberg next gave the Board an update on the following pharmacy related legislation.

- S.F. 895 – H.F. 1640 - Prescription drug education program establishment. No action was taken at this time.
- S.F.1237 – H.F. 1641- Drug and medical device manufacturers and distributors gift ban to physicians and drug formulary committee members

and payments to practitioner's disclosure. No action was taken at this time.

- S.F. 1568 – H.F. 1217 - Minnesota Safe Drug Disposal Act of 2009. No action was taken at this time.
- H.F. 3213 - Adding Tramadol to Schedule IV. No action was taken at this time.
- S.F.1137 – H.F. 1320 – Antiepileptic Drug Substitution Prohibited. Mr. Kevin Goodnough, president of the Epileptic Foundation, was present at the meeting. Mr. Carleton Crawford moved and Mr. Ikram-UI-Huq seconded that the amended amendment be supported.

Dr. Wiberg next gave the Board an update on the Prescription Monitoring Program. Mr. Ikram-UI-Huq moved and Dr. Stacey Jassey seconded that the Board support the proposed legislation.

Dr. Wiberg next discussed the NABP Annual meeting. No action was taken at this time.

There being no further business requiring action by the Board, Mr. Ikram-UI-Huq moved to adjourn the meeting. The motion occurred at approximately 12:40 PM. Mr. Carleton Crawford seconded the motion. The motion passed.

---

PRESIDENT

---

EXECUTIVE DIRECTOR