

MINNESOTA BOARD OF PHARMACY

SEVEN HUNDRED AND FORTY-FIFTH MEETING

At approximately 9:00 a.m., March 20, 2002, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue SE, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance, with the exception of Mr. Gary Schneider. Also in attendance was the Board's Executive Director, Mr. David Holmstrom.

After reviewing, amending and approving the agenda for this meeting, the Board addressed the minutes of the meeting of February 20, 2002. Ms. Betty Johnson moved and Mr. Chuck Cooper seconded that the minutes be approved as written. The motion passed.

The Board next turned its attention to applications to conduct new pharmacies, which it has received since its last meeting. The first such application was submitted on behalf of Fairview Wholesale Service Pharmacy, in Minneapolis, Minnesota. Mr. Bill Weiers from Fairview Pharmacy Services appeared before the Board to discuss this application. In addition to licensure as a pharmacy, Fairview is seeking licensure as a wholesaler with both the Fairview Wholesale Service Pharmacy and the Fairview Wholesale Service Pharmacy's licensure as a drug wholesaler being located within the existing space already licensed as a pharmacy by the Fairview system. After thoroughly discussing these applications with Mr. Weiers, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that both the pharmacy application and the wholesale application for Fairview Wholesale Services Pharmacy be approved. The motion passed.

The second application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of Herman Pharmacy, in Herman, Minnesota, by Dr. Stanley Gallagher, Pharmacist-in-charge. After noting that a previous pharmacy in Herman had recently closed, and that there currently is no pharmacy service to the community of Herman at all, and noting that Dr. Gallagher is both a physician and a pharmacist and that the proposed Herman Pharmacy is located within Dr. Gallagher's clinic, Mr. Chuck Cooper moved and Mr. Tom Dickson seconded that a variance relating to size of the licensed area, the location of a sink with hot and cold running water, and required equipment be granted and that the application be approved subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with other pharmacy rules dealing with licensure. The motion passed.

The third application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of Snyder's Drug Store, in Plymouth, Minnesota, by Mr. Bradley Roesler, Pharmacist-in-charge. After noting that this proposed pharmacy has already been inspected by Pharmacy Board Surveyor Candice Fleming, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the application be approved and a license issued. The motion passed.

The fourth application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of RedPharm Drug, in Minnetonka, Minnesota, by Mr. Randy Feldman, Pharmacist-in-charge. Mr. Feldman and Ms. Terri Woodhull, Chief Operating Officer of Mendota Healthcare, now appeared before the Board to discuss this application. In addition to the application for licensure as a pharmacy, RedPharm Drug is also requesting licensure as a drug wholesaler.

After discussing these applications with Mr. Feldman and Ms. Woodhull, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that the applications be approved and licenses issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

Mr. Holmstrom next presented to the Board an application for licensure as a drug manufacturer submitted by Stearns Veterinary Outlet Store. Stearns Veterinary Outlet Store currently holds a pharmacy license, but specializes in the distribution of veterinary drugs to farmers and other livestock producers. Stearns is now seeking licensure as a drug manufacturer to enable it to repackage and sell, to the end user, over-the-counter veterinary drugs, which are applied to the teats of dairy animals prior to and following milking. After reviewing and discussing this application, Mr. Chuck Cooper moved and Ms. Carol Peterson seconded that the application for licensure as a drug manufacturer be approved. The motion passed.

The Board next addressed itself to matters of a quasi-judicial nature and temporarily closed the meeting to the public.

The Board next addressed its package of proposed rule changes and entered into a discussion of the sections of the proposed rules upon which it had received comments during the official comment period. The first section of the proposed rules to be addressed was MN Rule 6800.4210 relating to the scheduling of GBH. The Board received a comment suggesting that the language relating to GBH be amended to conform to Minnesota Statutes 152 wherein the categorization of various Schedule I substances includes the esters and ethers of those substances. Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that the Board add the esters and ethers language to MN Rule 6800.4210. The motion passed.

The next section to be addressed by the Board was the proposed language relating to lunch breaks for pharmacists found in MN Rule 6800.2150. After noting that the Board received 31 requests for a hearing on this specific rule section, Mr. Chuck Cooper moved and Mr. Tom Dickson seconded that the proposed new language relating to lunch breaks for pharmacists be withdrawn from the package of proposed rules. The motion passed.

The issue of whether to proceed to a public hearing on the issue of lunch breaks for pharmacists or whether to simply withdraw the rule then was held. Ms. Betty Johnson then moved and Mr. Chuck Cooper seconded that the Board begin the process of scheduling a public hearing on this section of the proposed rules. The motion passed with Mr. Tom Dickson voting in opposition.

The third section of the proposed rules to be addressed was the language of proposed Rule 6800.3110, subp. 4. The Board received two comments suggesting that the language be amended to attempt to ensure that pharmacists are allowed to bill third-party insurance programs for the service they provide in resolving drug related problems identified during the DUR that will now be mandated for all patients. After discussing the language proposed by the commenter and discussing other alternative language, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that the Board proceed with the language as proposed, with the understanding that if reimbursement for the services provided by pharmacists in resolving identified drug related

problems becomes an issue, the Board may revise the language at a future time. The motion passed.

Mr. Holmstrom next presented to the Board a list of continuing education programs submitted to and reviewed by the Continuing Education Advisory Task Force between the dates of January 15th and February 12th, 2002, and between February 12th and March 12th, 2002. After reviewing the lists of programs submitted to and reviewed by the Continuing Education Advisory Task Force, Ms. Carol Peterson moved and Ms. Betty Johnson seconded that those programs recommended for approval be so approved, and that those programs for which denial of approval was recommended be denied. The motion passed.

The Board next turned its attention to the review of variance requests that have been submitted to the Board. The Board first addressed itself to new variance requests that were getting their first reading.

The first variance request to be considered by the Board was submitted on behalf of Walgreens Pharmacy, in Duluth, Minnesota, by Ms. Diane Winship, Pharmacist-in-charge. In keeping with its established policy of requiring two readings for all variance requests, the Board took this request under consideration and will give it the second reading at the Board's meeting of April 24, 2002. In the meantime, Mr. Holmstrom was directed to send Ms. Winship the variance request form for her to complete and to obtain additional information regarding her request.

The second variance request to be considered by the Board was submitted on behalf of various Fairview Pharmacies, by Mr. Bill Schommer, of Fairview Pharmacy Services. Mr. Schommer is requesting a variance that would provide for substantial changes to previously granted variances relating to the five locations involved in receiving telepharmacy services from Fairview – Lino Lakes Pharmacy. In keeping with its established policy of requiring two readings for all variance requests, the Board took this request under consideration and will give it the second reading at the Board's meeting of April 24, 2002.

The Board next turned its attention to new variance requests receiving their second readings.

The first such request was submitted on behalf of Care Alliance Pharmacy, by Mr. Kevin Burns. Mr. Burns is requesting a variance that would allow Care Alliance Pharmacy to establish Omnicell dispensing machines in four long-term care facilities in Minneapolis and in the LeSueur Hospital with computer connections to pharmacists at Care Alliance Pharmacy, who would do drug use reviews and electronically release medications when patients in subacute units of the identified nursing homes were in need of immediate administration of medications. Mr. Burns and Mr. Howard Juni now appeared before the Board to discuss this request.

Mr. Burns and Mr. Juni indicated that there would always be an RN involved at each facility. In addition, Care Alliance Pharmacy has a pharmacist on duty 24 hours a day, 7 days a week, so a pharmacist will always be available to perform the drug use reviews and to electronically release the medication. Mr. Burns and Mr. Juni indicated that the Omnicell units would be refilled by pharmacy technicians, from Care Alliance Pharmacy, who go to the home to

load the equipment. Plastic baggies would be used for each different medication to be loaded, with the baggies being identified as to the location of the drawer being restocked. After discussing this proposal with Mr. Burns and Mr. Juni, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the variance requested be approved for a one-year period of time and that Mr. Burns and/or Mr. Juni report back to the Board at the Board's meeting of March 2003. The motion passed.

The next request for a variance to receive its second reading was submitted on behalf of Divine Providence Health Center Pharmacy, in Ivanhoe, Minnesota, by Ms. Kathryn Davidson, Pharmacist-in-charge. Ms. Davidson is requesting a variance that would allow Divine Providence Health Center Pharmacy to stock prepackaged medications at the Divine Providence Clinic in Minneota, Minnesota, for dispensing by physicians at that location. After noting that Ms. Davidson's policies and procedures for the transfer of the medication and the billing of the medication from the Minneota location appears to have an internal conflict, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that Ms. Davidson's variance request be approved, but that Mr. Holmstrom require Ms. Davidson to amend the policies and procedures relating to the billing of the medications dispensed at Minneota. The motion passed.

The next request for a variance to receive its second reading was submitted on behalf of Fairview Northland Elk River Pharmacy, by Ms. Lisa Ganske, Regional Manager for Fairview Pharmacy Services. Ms. Ganske is requesting a variance to the technician ratio at Fairview Northland Elk River Pharmacy. After again reviewing this request and noting that, if Ms. Ganske has one of her technicians obtain certification from the Pharmacy Technician Certification Board, there will no longer be a need for this variance request, the Board acted to deny the request and directed Mr. Holmstrom to suggest that Ms. Ganske work with the technicians at Fairview Northland Elk River Pharmacy to help one or more of them become certified.

The next request for a variance to receive its second reading was submitted on behalf of ShopKo Pharmacy, in Winona, Minnesota, by Mr. Tom Williams, Pharmacist-in-Charge. Mr. Williams is requesting a variance that would exempt a pharmacist at ShopKo Pharmacy from reviewing the manufacturer's original container, from which the medication was withdrawn, during the certification process for each prescription, due to the use of automated tablet counting equipment that results in prescriptions being filled from the automated equipment rather than from the manufacturer's original container. After discussing this issue, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the variance requested by Mr. Williams be approved for a six-month period of time and that Pharmacy Board surveyors review compliance with the Board's guidelines for automated counting systems at the time that Mr. Williams might apply for an extension of this variance. The motion passed.

The next request for a variance to receive its second reading was submitted on behalf of Stearns Veterinary Outlet Store Pharmacy, by Mr. Richard Peifer, General Manager at Stearns. Mr. Peifer is requesting a variance relating to the frequency with which the pharmacist at Stearns is required to review the records of the dispensing of veterinary drugs from that location. Currently, the pharmacist reviews the dispensing records on a twice a week basis. Mr. Peifer is requesting a variance that would allow such review to take place every three months. After discussing this request and reviewing the report of Pharmacy Board Surveyors

Byron Opstad and Candice Fleming, the Board acted to deny the request, but indicated that the Board may be willing to reconsider this action at the conclusion of the meetings of the Veterinary Pharmacy Task Force that is being established.

The next request for a variance to receive its second reading was submitted on behalf of The Medicine Shoppe, in Bemidji, Minnesota, by Mr. Richard Chernugal, Pharmacist-in-charge. After noting that additional information was required of Mr. Chernugal after the first reading of this request during the Board's February meeting, and after noting that no additional information has yet been submitted by Mr. Chernugal, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that this variance request be tabled until Mr. Chernugal provides the additional information requested by the Board. The motion to table was passed.

The Board next turned its attention to requests for extensions of previously granted variances that it has received since the last meeting.

The first request for an extension of a previously granted variance was submitted on behalf of Fairview-University Medical Center Pharmacy, by Ms. Pamela Phelps, who is a new Pharmacist-in-charge at that facility. As a new pharmacist-in-charge, Ms. Phelps is required to review all existing variances and determine whether they should be continued under her name. As a result, Ms. Phelps has submitted five requests for extensions of previously granted variances.

These variances relate to the use of a Matrix drawer in the Pyxis units at the hospital, the use of a Tech-Check-Tech program for preparing Pyxis batch medication fills, a variance allowing the pharmacy to store pharmaceuticals outside of the main central pharmacy location, a variance allowing the facility to keep NCR copies of medication orders for 30 days on the condition that the original copy is kept in the patient's chart permanently, and a variance allowing the facility to store pharmacy records outside of the licensed area. Ms. Carol Peterson moved and Ms. Jean Lemberg seconded that all of these variances be approved for a one-year period of time from today's date. The motion passed.

The next request for an extension of a previously granted variance was submitted on behalf of International Falls Memorial Hospital, by Mr. Richard Peterson, a new Pharmacist-in-charge at Falls Memorial Hospital. As a new pharmacist-in-charge, Mr. Peterson's responsibility was to review all variances previously granted to the facility and determine whether they should be extended under his name. Mr. Peterson is requesting an extension of the previously granted variance that allows the pharmacy to prepare prepackaged antibiotic suspensions for dispensing, out of the hospital's emergency room by ER physicians, when the pharmacies and clinic in the town of International Falls are closed. Mr. Tom Dickson then moved and Ms. Betty Johnson seconded that this variance be extended for a one-year period of time from today's date. The motion passed.

The next request for an extension of a previously granted variance was submitted on behalf of Chronimed Pharmacy, by Mr. David Busch, Pharmacist-in-charge. Mr. Busch is also a new pharmacist-in-charge and, as a result, is requesting an extension of a previously granted variance. After reviewing this request, Mr. Tom Dickson moved and Ms. Betty Johnson

seconded that the variance requested by Mr. Busch, relating to access to the licensed area at Chronimed, be approved for a two-year period of time. The motion passed.

The final request for an extension of a previously granted variance was submitted on behalf of Fairview Northland Pharmacy, in Zimmerman, Minnesota, by Ms. Lisa Ganske, Regional Manager for Fairview Pharmacy Services. Ms. Ganske is requesting a variance, which allows Fairview Northland Pharmacy, in Zimmerman, to secure and distribute sample medications for physicians of the Fairview Northland Clinic in Zimmerman, which is located within the same building. After reviewing this variance, Ms. Betty Johnson moved and Ms. Carol Peterson seconded that the previously granted variance be extended for an additional one-year period of time. The motion passed.

The Board next turned its attention to the performance of candidates for licensure by examination that have now completed all parts of the January 2002 Board Examination. For Full Board Examination candidates, the Board determined that, in grading the examinations, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination weighted at 20% of the total, the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Ms. Betty Johnson moved and Ms. Jean Lemberg seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Dennis James O'Brien	8015	117416-8
Maria C. Kenny	8019	117419-7
Karlie M. Douglas	8020	117421-0

The Board next addressed itself to the performance of candidates for licensure by reciprocity that have taken the Multistate Pharmacy Jurisprudence Examination for Minnesota since the Board's last meeting. After a thorough review of the performance of the candidates for licensure by reciprocity, Ms. Betty Johnson moved and Ms. Carol Peterson seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
8013	Angela Marie Larson	MO
8014	Patricia Lynn Brusky	WI
8016	Matthew Kendall Powers	WI
8017	William Scott Cody	IA
8021	Peter Joel Lee	ND
8022	DeeAnn Ranae Powers	CO
8023	Robert Dougall Ferguson	NV
8024	Dean Vincent Fenenga	SD

Mr. Holmstrom next described for the Board the need for a Board member volunteer to join him in traveling to the NABP office in Chicago, in September, to work on the further development of the item pool Multistate Pharmacy Jurisprudence Examination. Mr. Vern Kassekert agreed to participate.

Mr. Holmstrom next presented the Board with a letter from Mr. Bruce Painter, Director of Professional Services, for Wal-Mart's Pharmacy Division. Mr. Painter is requesting that Wal-Mart Pharmacies be allowed to replace the hard copy text "Facts and Comparisons" with an on-line reference "Clinical Pharmacology." After discussing this issue, the Board determined that Clinical Pharmacology is not comparable to Facts and Comparisons in that Clinic Pharmacology provides pharmacology information; whereas, Facts and Comparisons is categorized as a dosage and toxicology reference. The Board directed Mr. Holmstrom to discuss this issue with Mr. Painter and report back.

Mr. Holmstrom next presented to the Board a letter from Mr. John Frandson, at Nash Finch Pharmacy Department. Mr. Frandson is requesting authorization to use three electronic PDA versions of references as the sole references in Econofood Pharmacies in Minnesota. Mr. Frandson is proposing to provide each Econofood pharmacist with a PDA that would be loaded with Lexi-Drugs Drug Handbook, Lexi-Drugs Natural Products and Lexi-Drugs Interact, which is a drug interaction reference. In addition, Mr. Frandson indicated that current FDA alerts and manufacturer announcements would also be downloaded into each pharmacist's PDA. After discussing this proposal, the Board indicated that it is inclined to require each pharmacy to maintain at least one hard copy reference, such as Facts and Comparisons, in each pharmacy. Mr. Holmstrom was directed to communicate this position to Mr. Frandson.

Mr. Holmstrom next presented to the Board a letter from Mr. Chad Rieger, who is a pharmacist licensed to practice pharmacy in Canada. Mr. Rieger is seeking the opportunity to become licensed in Minnesota, and is requesting that the Board consider his experience, as a pharmacist-intern and as a licensed pharmacist in Canada, as fully meeting the Board's internship requirements. After reviewing Mr. Rieger's documentation, Ms. Carol Peterson moved and Ms. Betty Johnson seconded that the Board grant Mr. Rieger credit for all 1500 hours of the Board's internship requirement. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Mr. Carl Woetzel, Director of Pharmacy at Fairview Southdale Hospital, in Edina. Mr. Woetzel is requesting an opinion from the Board as to whether pharmacy technicians would be allowed to obtain and record patient drug histories, that would be completely reviewed by a pharmacist and an attending physician before being acted upon. The pharmacy technicians would work in the surgical admission department and would be under the direction of a pharmacist, either in person or via telephone/pager at all times. At no time would the technician assess drug therapy or counsel patients regarding any medication issue. After reviewing Mr. Woetzel's letter and discussing this issue, the Board directed Mr. Holmstrom to inform Mr. Woetzel that it is permissible to utilize pharmacy technicians in this manner.

There being no further business requiring Board action at this time, President Kassekert adjourned the meeting at approximately 2:05 p.m.

PRESIDENT

EXECUTIVE DIRECTOR