

Minnesota Board of Pharmacy

EIGHT HUNDRED AND SEVENTH MEETING

At approximately 9:00 a.m., on September 15, 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. 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. Stuart Vandenberg, Mr. Leslie Kotek, 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 a hearing in the case of pharmacist Michel Pobuda. Her case came before the Board due to an alleged violation of her disciplinary order. Ms. Pobuda was not present at the hearing. Mr. Hart, the Board's advising attorney, presented the Board with instructions. At that point, Dr. Wiberg, Dr. Jassey, Ms. Kay Hanson and Mr. Karls left the hearing so that the Board could deliberate. Mr. Hart advised the Board on legal requirements and the options available. After a discussion, Mr. Jim Koppen moved and Ms. Laura Schwartzwald seconded that the Board accept the Findings of Fact, Conclusions, and Final Order proposed by the Complaint Review Panel. Ms. Karen Bergrud will sign the Findings of Fact, Conclusions, and Final Order. The motion passed.

The second item of a quasi-judicial nature to come before the Board was the case of Mr. Daniel Jonas, who petitioned the Board for reinstatement of his suspended license. Dr. Wiberg presented the Board with background information regarding Mr. Jonas' case. Mr. Jonas was present at the meeting and presented information in support of his petition. After a brief discussion, Ms. Laura Schwartzwald moved and Dr. Stacey Jassey seconded that Mr. Jonas' request be denied. The motion passed.

The third item of a quasi-judicial nature to come before the Board was the case of Pharmacist Laura Mahlendorf, who petitioned the Board to have certain conditions removed from her disciplinary order. Dr. Wiberg presented the Board with background information regarding Ms. Mahlendorf's case. Ms. Mahlendorf was present at the meeting and presented information in support of her petition. After a brief discussion, Ms. Kay Hanson moved and Ms. Laura Schwartzwald seconded that Ms. Mahlendorf's order be amended wherein part E, paragraph 2 G & H are removed and paragraph I is modified to reflect that the prohibition against being a traveler or temporary pharmacist be lifted and replaced by a prohibition that prevents her from working for more than one employer simultaneously or a temporary staffing agency and that Executive Director Dr. Cody Wiberg be empowered to sign a new Order on the Board's behalf. The motion passed.

The fourth item of a quasi-judicial nature to come before the Board was the case of pharmacist Amy Swanson, who petitioned to have an unrestricted license reinstated. Dr. Wiberg presented the Board with background information regarding Ms. Swanson's case. Ms. Swanson was present at the meeting and presented information in support of her petition. After a brief discussion, Mr. Ikram-UI-Huq moved and Mr. James Koppen seconded that Ms. Swanson's petition be granted and that Executive Director Cody Wiberg sign an Order of Unconditional License 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 Mr. Gregory Schouweiler. 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. Schouweiler on August 18, 2010, at which an allegation of failing to certify prescriptions and conduct quality assurance checks on prescriptions according to board rules and an allegation of dispensing a controlled substance for a family member without a legal prescription were considered. The proposed SCO has been agreed to and signed by Mr. Schouweiler. After discussion, Ms. Kay Hanson moved and Mr. Ikram-UI-Huq seconded that the Board accept the proposed SCO and that Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The Board returned to general session.

The Board next discussed the minutes of the July 14, 2010. Mr. Ikram-UI-Huq moved and Dr. Stacey Jassey seconded that the minutes of the meeting be approved. The motion passed.

Mr. Ikram-UI-Huq moved and Mr. James Koppen seconded to approve the items on the consent agenda and to approve the consent agenda. The motion passed.

◆ Consent Agenda

○ New Pharmacy Applications.

- Coborn's Pharmacy #2042
1010 E. Enterprize Drive
Belle Plaine, MN 56011

Temporary PIC Thomas DeBoer
Approve pending final inspection and naming of
permanent PIC

- Goodrich Pharmacy Fridley Suite 180
480 Osborn Road
Fridley, MN 55432

Temporary PIC Scott Benson

Approve pending final inspection and naming of permanent PIC

- Sam’s Club Pharmacy 10-8183
207 County Road 120
Sartell, MN 56377

Permanent PIC Darin Bucholz

Final inspection done by Candice Fleming on 8/19/10
Approve

- Variances
 - **Variance Committee Report** - approve
- Continuing Education. CEATF Reports for the periods 7/01/2010 – 08/10/2010. Approve those recommended for approval and deny those recommended for denial
- Examination Committee
 - Examination Candidates Report – approve

Certificate Number	Name	Original Licensure Date	Registration Number
10680	Kelly Jean Marrs	07/02/2010	120056
10681	Melissa A Siers	07/02/2010	120057
10682	Mary Jo Vierkant	07/02/2010	120058
10683	Jenna Senora Phelps	07/02/2010	120059
10684	Jennifer J Ellison	07/02/2010	120060
10685	Kathryn Belle Nordick	07/02/2010	120061
10687	Ashlee Nicole Kinzel	07/02/2010	120063
10688	Katherine M Deering	07/02/2010	120064
10689	Daniel Carroll Wahl	07/02/2010	120065
10690	Luke Thomas Merkel	07/02/2010	120067
10691	Pamela S Ekern	07/02/2010	120068
10692	Yevgeniya Rabets	07/02/2010	120069
10693	Alida Erin Casey	07/02/2010	120070
10694	Brenna Marie Kane	07/02/2010	120071
10696	Jay Jangsoo Yun	07/02/2010	120073

10697	Katherine Marie Backes	07/02/2010	120074
10699	Christine S Zenzen	07/06/2010	120076
10700	Colette Therese O'Shea	07/06/2010	120077
10701	Heather Marie McGinnis	07/06/2010	120078
10702	Lindsey C Yzermans	07/06/2010	120079
10703	Jennifer May Sparrow	07/06/2010	120080
10704	John C Sandstrom	07/06/2010	120081
10705	Jill Nicole Condon	07/06/2010	120082
10706	Erin Ann Olson	07/06/2010	120083
10707	Lynn Renae Herbranson	07/06/2010	120085
10708	Ashley R Gray	07/06/2010	120086
10709	John Thomas Krier	07/06/2010	120087
10710	Christine M Johnson	07/06/2010	120088
10711	Angella Marie Hegdahl	07/07/2010	120089
10712	Heather Leigh Lorenz	07/08/2010	120090
10713	Hatice Lavonne Gagne	07/07/2010	120091
10714	Jenny L Rivera	07/07/2010	120092
10715	Kelly M Gulbrandson	07/07/2010	120093
10716	Anna E Battcher	07/08/2010	120094
10717	Krista Lee Huot	07/08/2010	120095
10718	Lucas E Swingley	07/08/2010	120096
10719	Megan Anne Clairmont	07/07/2010	120097
10720	Dianna Tevy Seng	07/08/2010	120098
10721	Whitney Jean Goede	07/08/2010	120099
10722	Kristen Briana Zorich	07/08/2010	120100
10725	Christopher A Olson	07/09/2010	120103
10726	Kathryn V Pedersen	07/09/2010	120104
10727	Cortney B Hindahl	07/09/2010	120105
10728	Timothy James Mitzen	07/09/2010	120106
10729	Siri Waytulonis	07/09/2010	120107
10730	Maureen Odile Hickey	07/09/2010	120108
10731	Jeong Min Ym	07/09/2010	120109
10732	Kristen Melius	07/09/2010	120110
10733	Anna A Christensen	07/12/2010	120111
10734	Danielle M Hirsch	07/12/2010	120112
10735	Bhushan Gadam	07/12/2010	120113
10736	Kari L Ridlehoover	07/12/2010	120114
10737	Eddu Oparie-Addoh	07/12/2010	120115
10738	Lauren Elizabeth Haak	07/12/2010	120116
10739	Jennifer Rae Lissick	07/12/2010	120117
10740	Rebecca L R Guenther	07/12/2010	120118

10741	Mark Janku	07/12/2010	120119
10742	Jennifer Susan Steel	07/12/2010	120120
10743	Tessa Lynn Lahr	07/13/2010	120121
10744	Tiffany Leigh Schmidt	07/13/2010	120122
10745	Laura Rebecca Hansen	07/13/2010	120123
10746	Allison Leigh Schons	07/13/2010	120124
10747	William J Planton	07/14/2010	120125
10748	Kristina Degiovanni	07/14/2010	120126
10749	Katherine E King	07/14/2010	120127
10750	Brittany Joy Allen	07/15/2010	120128
10751	Kristin J Slocum	07/15/2010	120129
10752	Tara Kathleen Piastowski	07/15/2010	120130
10753	Laura L Pollak	07/16/2010	120131
10754	April M Sondag	07/16/2010	120132
10755	Vanessa L Fischer	07/16/2010	120133
10756	Kayla Schroeer	07/16/2010	120134
10757	Jill Marie Topeff	07/16/2010	120135
10758	Paul C Morales	07/16/2010	120136
10759	Amy Marie Kauffman	07/16/2010	120137
10760	Sara Ann Metzger	07/19/2010	120138
10761	Rachel Patrice Baker	07/19/2010	120139
10762	Thao T Nguyen	07/19/2010	120140
10763	Tyler W Waller	07/20/2010	120141
10764	Jessica K Hummel	07/20/2010	120142
10765	Samuel Annor Oduro	07/21/2010	120143
10766	Megan Marie Pruter	07/21/2010	120144
10767	Kai G Viergutz	07/21/2010	120145
10768	Jennifer Delia Chudy	07/21/2010	120146
10769	Jena Koshaiash	07/23/2010	120147
10770	Anastasiya N Shtulman	07/23/2010	120148
10771	Clay Funkhouser	07/23/2010	120149
10772	Philip Valdes	07/23/2010	120150
10773	Lindsey A Sorn	07/26/2010	120151
10774	James Gregory Cross	07/26/2010	120152
10775	Andrew Joseph Thoreson	07/26/2010	120153
10776	Melissa Lea Nelson	07/27/2010	120154
10777	Douglas T Wunderich	07/27/2010	120155
10778	Arinzechukwu Nkemdirim Okere	07/27/2010	120156
10779	Theresa Anne Emond	07/28/2010	120157
10780	Jason Lloyd Moore	7/28/2010	120158

10781	Ross Andrew Narloch	07/28/2010	120159
10782	Lindsey Rae Wrigley	07/28/2010	120160
10786	Jill S Streiff	07/30/2010	120164
10787	Alex O'Brien Hasek	07/30/2010	120165
10788	Corrine Lynne Webster	07/30/2010	120168
10789	Susan Jackie Van Loon	07/30/2010	120167
10790	Nicole E DeSchepper	07/30/2010	120166
10791	Elvis Dinga Gwanyalla	08/02/2010	120169
10792	Kingsly N Fombe	08/02/2010	120170
10793	Bryan C McCarthy Jr	08/03/2010	120171
10794	Joshua Woods	08/05/2010	120172
10797	Alexia Jess Knick	08/06/2010	120175
10798	Josef W Czerniecki	08/09/2010	120176
10799	James Michael Mikula	08/09/2010	120177
10800	Anna Tu Tran	08/09/2010	120178
10801	Courtney Jo Smith	08/09/2010	120179
10802	Jema Lynn Marsolek	08/10/2010	120180
10803	Faith E Wentzel	08/11/2010	120181
10804	Nicholas Blaine Dunbar	08/11/2010	120182
10805	Nicholas Blaine Dunbar	08/11/2010	120182
10806	Jacob Peter Reuter	08/13/2010	120183
10807	Kristen Marie Francis	08/16/2010	120184
10808	James Oscar LaBerge	08/17/2010	120185
10809	Luke Richard Palmer	08/17/2010	120186
10810	Jennifer S Chen	08/18/2010	120187
10811	Michael M Sulzbach	08/20/2010	120188
10812	Tony Jerry Abraham	08/20/2010	120189
10818	Elizabeth Burchill	08/23/2010	120194
10819	Matthew Scott Ditmore	08/24/2010	120195
10820	Brandon J Bloomgren	08/27/2010	120196
10821	Maari Lynn Loy	08/30/2010	120197
10822	Lisa M Hlavenka	08/30/2010	120198
10823	Elliot D Klapperich	09/01/2010	120199
10824	Matthew H Kramer	7/2/2010	120066
10825	Laura Akerman	7/6/2010	120084

- Reciprocity Candidates Report - approve

Certificate Number	Name	Original Licensure Date	Registration Number
10686	Charles Lloyd Barr, Jr.	07/02/2010	120062
10695	Megan Rose Leloux	07/02/2010	120072
10698	Zachary J. Pollock	07/02/2010	120075
10723	Amanda Victoria Woloszyn	07/09/2010	120101
10724	Danielle Amy Cherrill	07/09/2010	120102
10783	Angela Lynn Karls	07/29/2010	120161
10784	Lisa S Lange	07/29/2010	120162
10785	Katherine Anne Miller	07/29/2010	120163
10795	Joanna Michelle Roberg	08/06/2010	120173
10796	Rinaben P Patel	08/06/2010	120174
10813	Andrea N Nedved	08/20/2010	120190
10814	Brian G Lounsbery	08/20/2010	120191
10815	Brian G Lounsbery	08/20/2010	120191
10816	Ihuoma N Eseonu	08/20/2010	120192
10817	Brittney Meyer	08/20/2010	120193

The Board reviewed the remaining agenda for this meeting. Ms. Laura Schwartzwald moved and Mr. James Koppen seconded that the remaining agenda be approved with an addition regarding NABP. The motion passed.

Dr. Stacey Jassey updated the board on the CPD Steering Committee. No action was taken at this time.

At this time the Board reviewed the Guidelines for Dispensing with Remote Distribution via Telepharmacy. Ms. Candice Fleming explained the changes to the Guidelines. After much discussion, that board tabled the guidelines and asked that staff look at the Illinois, Missouri, and North Dakota statutes and regulations to revamp the guidelines in #26 and #27 and bring them back to the next meeting.

The Board next reviewed two pharmacies and their variances that came before the full Board:

- Keaveny Drug MedCenter #1
333 Washburne Avenue
Belgrade, MN 56312

Permanent PIC Deborah Keaveny

Ms. Deborah Keaveny and Mr. Matt Sneller were present at the meeting. After much discussion Mr. James Koppen moved and Ms. Kay Hanson seconded that the variances to M.R. 6800.0700 and 6800.2150 and the new pharmacy application be approved with the variances approved for one year on condition that the pharmacist-in-charge visits the remote pharmacy weekly. The motion passed.

- Park Nicollet Clinic Sterile Compounding Pharmacy
3800 Park Nicollet Blvd.
St. Louis Park, MN 55416

Temporary PIC Julie Beckman

After much discussion Mr. Ikram-Ul-Huq moved and Dr. Stacey Jassey seconded that the variance to M.R. 6800.1050 and the new pharmacy application be approved and the variance be approved permanently. The motion passed.

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

- ◆ Park Nicollet Clinic Sterile Compounding Pharmacy
 - Request for variance to M.R. 6800.1050

See motion above under the new pharmacy application.

- ◆ Fairview Pharmacies (31 Requests)
 - Request for variance to M.R. 6800.3100

Ms. Lisa Ganske was present at the meeting. Ms. Laura Schwartzwald moved and Dr. Stacey Jassey seconded that the variances be approved for one year on condition that the two pharmacist certification process must occur within one licensed pharmacy. The motion passed.

- ◆ Rochester Methodist Pharmacy
 - Variance to M.R. 6800.3200

Dr. Jassey temporarily took over as chair of the meeting. Ms. Karen Bergrud explained the changes that they have made to policies and procedures regarding this variance request. Mr. Carleton Crawford moved and Mr. James Koppen seconded that the variance be approved for two years. The motion passed with Ms. Karen Bergrud abstaining.

- ◆ Thrifty White Pharmacy (4)

- Variance to M.R. 6800.3100 for Clearbrook, Fertile, Karlstad, & Renville

Present at the meeting was Mr. Tim Weippert. Ms. Candice Fleming discussed the variance and stated concerns that Pharmacy Board Surveyors noted during their inspections. Mr. Weippert addressed these concerns. Mr. Carleton Crawford moved and Ms. Kay Hanson seconded that the variance above and the variance for the 4:1 technician: pharmacist ratio at the Central Fill in Fargo, ND, which didn't go before the Variance Committee meeting, be approved for one year. The conditions remain unchanged from those which were required for Thrifty White's previous telepharmacy variance approvals. The motion passed.

- ◆ Walgreens Pharmacies (138 Variances for Vision)

- Variance to M.R. 6800.3100

Tony Fields, Market Pharmacy Director, and Greg Boll were present at the meeting. Ms. Candice Fleming discussed the variance and stated the concerns that the Surveyors and the Executive Director have. After much discussion, Mr. James Koppen moved and Ms. Laura Schwartzwald seconded that the variance be approved until the November board meeting to allow time for Walgreens to supply the Board with requested information. The motion passed with Dr. Stacey Jassey abstaining.

- ◆ PharmaTrust™ MedCenter – See Keaveny Drug discussion above.
- ◆ Moustafa Hassan Intern Registration
 - Transfer Student qualifying for intern status

Mr. Moustafa Hassan was present at the meeting and presented information in support of his variance request. Mr. James Koppen moved and Ms. Laura Schwartzwald seconded that he be allowed to register as an intern. The motion passed.

- ◆ Karl Wetzsteon Reciprocity Application

Mr. Wetzsteon has worked in the pharmaceutical industry but has never worked as a pharmacist. Mr. Wetzsteon would like to do a license transfer to Minnesota without taking the NAPLEX examination. Dr. Stacey Jassey moved and Ms. Kay Hanson seconded that the variance request be granted pending completion of 480 hours of internship and the successful completion of the MPJE examination.

◆ Criminal Sexual Conduct Issue

Dr. Wiberg provided the Board with some background information concerning this issue. Mr. Karls, from the Attorney General's office, informed the board on what the statute involves. (Certain changes to the way in which some health licensing boards handle licensees who have been convicted of criminal sexual misconduct). Ms. Laura Schwartzwald moved and Ms. Kay Hanson seconded that the Board support the amending of the statutes to include other health licensing boards, including the Board of Pharmacy. The motion passed.

◆ Proposed rule changes

Dr. Wiberg informed the Board that he has completed the SONAR on the large rule package and all required information has been sent to the Governor's office for action. No action was taken by the Board.

Dr. Wiberg also provided information to the board controlled the proposed Controlled Substance Rule package, which would place synthetic cannabinoids in Schedule I of the state's controlled substances scheduls. After some discussion, Mr. Carleton Crawford moved and Ms. Laura Schwartzwald seconded that the following resolution be approved. The motion passed.

“RESOLVED, that Cody Wiberg, the Executive Director of the Board Of Pharmacy, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent To Adopt Rules without a public hearing governing the Scheduling of Controlled Substances, Minnesota Rules 6800.4210 et seq. to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are fewer than 25 outstanding hearing requests, Cody Wiberg, the Executive Director of the Board of Pharmacy, is hereby granted the authority and directed to sign the Order Adopting Rules and to perform any and all acts incidental thereto.

FURTHER RESOLVED, that, if there are 25 or more outstanding hearing requests, Cody Wiberg, the Executive Director of the Board of Pharmacy, is hereby granted the authority and directed to act as the Board's representative at the hearing and to perform any and all acts incidental thereto.”

◆ Update on Board's budget legislation

Dr. Wiberg updated the board on budget planning for the upcoming biennium. The consensus of the Board was to have Dr. Wiberg begin work on a budget proposal that includes a fee increase.

The Board next discussed Office Administration:

- ◆ Update on Board's budget

See discussion above under "Update on Board's budget legislation".

- ◆ Additional fee for on-line processing

Dr. Wiberg provided information to the Board concerning the fees that the Board has to pay when pharmacists and technicians renew their licenses and registrations on-line. No action was taken at this time.

The board next discussed miscellaneous items:

- ◆ Update on Prescription Monitoring Program

Mr. Keith Hovland and Ms. Sojourner Killingsworth provided the Board with an update concerning the MN PMP Program. No action was taken at this time.

- ◆ NABP/AACP District V Meeting

The Board determined that it would discuss this next month.

- ◆ Patient Profile & DUR review

This topic was tabled until the next Board meeting.

- ◆ Zipnosis

Dr. Wiberg and Ms. Kay Hanson explained Zipnosis to the Board members. Mr. Carleton Crawford moved and Ms. Kay Hanson seconded that until the Board does further investigation of Zipnosis the Board will not discipline a pharmacist, under the provisions of Minnesota Rules 6800.2250, who chooses not fill a Zipnosis prescription. The motion passed.

- ◆ NABP Meeting for Kay Hanson

Ms. Kay Hanson advised the Board that she would discuss this at the next meeting.

There being no further business requiring action by the Board, Ms. Laura Schwartzwald moved to adjourn the meeting. The motion occurred at approximately 2:30 PM. Mr. Carleton Crawford seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR