

# MINNESOTA BOARD OF PHARMACY

## SEVEN HUNDRED AND FORTY-NINTH MEETING

At approximately 8:30 a.m., September 18, 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. Also in attendance was the Board's Executive Director, Mr. David Holmstrom.

After reviewing, revising, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of July 31, 2002. Mr. Gary Schneider then 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 that it has received since its last meeting. The first such application was submitted on behalf of Cub Pharmacy #745, in Coon Rapids, Minnesota, by Ms. Denise Peterson, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Gary Schneider moved and Mr. Chuck Cooper seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy, and subject also 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.

The second application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of the Minnesota Veterans Home Pharmacy, in Luverne, Minnesota, by Ms. Pamela Barrows, Administrator. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Betty Johnson moved and Mr. Tom Dickson seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy, and subject also 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.

The third application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of Target Pharmacy #T-1484, in Lakeville, Minnesota, by Mr. Reese Puckett, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, and noting that Pharmacy Board Surveyor Stuart Vandenberg has already visited the pharmacy for an on-site inspection, Mr. Tom Dickson moved and Mr. Gary Schneider seconded that the application be approved and a license issued. The motion passed.

The final application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of Walgreens Pharmacy #06730, in Hopkins, Minnesota, by Ms. Susan Topp, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Carol Peterson moved and Ms. Jean Lemberg seconded that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy, and subject also 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.

At this time the Board adjourned to a closed session in order to discuss matters of a quasi-judicial nature.

The first matter of a quasi-judicial nature involved the appearance before the Board of Mr. Christopher McDonough and his petition to terminate his probation with the Board. Appearing with Mr. McDonough was Mr. Frank McAnulty, Mr. McDonough's attorney. After discussing Mr. McDonough's petition for termination of probation and determining that Mr. McDonough has met all of the conditions of his probation, the Board directed Mr. Holmstrom to terminate the probation of Mr. McDonough and to confirm the termination of probation by a letter to Mr. McDonough.

At this time the Board returned to its open session. After observing that Mr. Paul Iverson was present to discuss the variance committee's recommendation regarding his proposed telepharmacy project to provide pharmacy services to the hospital in Bagley, Minnesota, from his community pharmacy in Bemidji, the Board addressed itself to that issue.

After a lengthy discussion with Mr. Iverson about his request to implement a telepharmacy project, Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that Mr. Iverson's request be approved and that he report back to the Board six months from the time of implementation of the project detailing the relative successes and failures of the system. Approval was also made contingent on Mr. Iverson accepting the notion that, if a pharmacist from Bagley desires to provide personal on-site pharmacy services to the hospital in Bagley, Mr. Iverson will discontinue the provision of pharmacy services through the telepharmacy link. 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 July 9, 2002 and August 13, 2002. After reviewing the list of programs submitted to and reviewed by the Continuing Education Advisory Task Force, Ms. Carol Peterson moved and Ms. Jean Lemberg 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.

Mr. Holmstrom next presented the Board with an update of the status of continuing education reporting compliance of Minnesota pharmacists. Continuing education reporting is due by October 1, 2002. As of September 17, 2002, 4,392 pharmacists out of 5,893 licensed active pharmacists have reported completion of their continuing education requirement.

Mr. Holmstrom next requested guidance from the Board on how to handle requests for an extension of time in which to complete the continuing education requirement. After a brief discussion, it was determined that an extension to December 31, 2002, should be made available to any pharmacist who, for a good reason, requests such an extension.

The Board next turned its attention to the performance of candidates for licensure by examination that have completed all parts of the June 2002 Board examination.

For the Full Board Examination candidates, the Board determined that, in grading the examination, 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, Mr. Chuck Cooper moved and Ms. Carol Peterson seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Chris J. Poncelet	8188	117589-5
Lori Kay Morrissey	8189	117590-5
Eleonor Gerbuz	8190	117591-8
Julianna Burzynski	8191	117592-1
Amit Sule	8192	117593-4
Aimee Kobernat	8194	117594-7
Nicole Marie Webb	8196	117598-9
Lisa Marie Anderson	8197	117597-6
Debbie Dee Miller	8198	117599-2
David E. Gamache	8199	117600-1
Amanda Marie Scotting	8200	117601-4
Tara Marie Suihkonen	8201	117602-7
Jennifer R. Riss	8202	117603-0
Jayne A. Steig	8203	117604-3
Eric Matthew Maass	8204	117605-6
Kathy A. Hoopes	8205	117606-9
Carrie Agler	8208	117608-5
Christina M. Greco	8209	117609-8
Melissa M. Varghese	8210	117610-8
Kim Hoa Liu	8211	117611-1
Helen M. Mbiyu	8212	117612-4
Chad David Rieger	8218	117618-2
Johanna Ohannessian	8219	117619-5
Tracy Lee Tomasek	8220	117620-5
Michael M. Lukkason	8221	117621-8
Baochau Mai Tran	8223	117622-1
Travis D. Meidinger	8229	117629-2

The Board next addressed itself to the performance of the 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 candidates for licensure by reciprocity, Mr. Chuck Cooper 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>
8193	Elizabeth Dianne Hermsen	NE
8195	Tom Kim Huynh	IL
8207	Jennifer Jean Bishop	PA
8213	Victoria Louise Dillon-Bader	IL
8214	Christina Marie Hoffman	WI
8215	Randy Lyle Gettis	IA
8216	Michael Christian Brown	WI
8217	Bryan F. Yeager	MO
8222	Joy Lynn Morton	NE
8224	James Michael Guertin	ND
8225	Joshua Conrad Welborn	WA
8226	Michelle Lee Magarity	IA
8227	Richard Altman Parks	TX
8228	Michael P. Kelsch	ND

The Board next considered a letter from Board candidate Ms. Aaliya Khan requesting that the Board regrade certain parts of her June 2002 examination. After discussing Ms. Khan's request and concluding that Ms. Khan's examination was graded under the same standards applied to all other candidates for licensure at the June 2002 examination, Ms. Jean Lemberg moved and Mr. Chuck Cooper seconded that the Board deny Ms. Khan's request. The motion passed.

Mr. Holmstrom next presented the report of the Variance Committee to the Board. The [Variance Committee report](#) is appended to these minutes. After reviewing the report of the Variance Committee, Mr. Tom Dickson moved and Mr. Gary Schneider seconded that the Board approve the Variance Committee report and grant the variances recommended for approval by the Variance Committee and deny those variances recommended for denial by the Variance Committee. The motion passed.

In the Variance Committee report, the committee passed to the Board the variance extension request submitted by Ms. Pepper Meyer, of ProPharmacy, regarding an immunization program. The Board now considered that request. After discussing the immunization issue and the political repercussions of the Board's approval of the immunization pilot project of a year ago, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that the Board deny the request by Ms. Meyer for reauthorization of an immunization program. The motion passed.

Mr. Scott Knoer and Ms. Bonnie Senst now appeared before the Board to discuss their variance request that the Tech-Check-Tech project, approved by the Board for use in unit-dose cart filling approximately ten years ago, now be expanded to include a reduced initial validation/revalidation standard for all checking technicians and that the use of the Tech-Check-Tech system be expanded to include the setting up and stocking of automated medication distribution systems.

After a lengthy discussion with Ms. Senst and Mr. Knoer, Mr. Chuck Cooper moved and Mr. Tom Dickson seconded that the Board approve the request on condition that MSHP and participating hospitals formalize didactic training of technicians; that hospital pharmacies intending to implement the Tech-Check-Tech program have acceptance and sign off by risk management, patient care and safety committee, administration, nursing staff, and pharmacy staff before implementation; that a policy be developed on how high-risk drugs will be handled as exceptions to the Tech-Check-Tech system; that the Tech-Check-Tech system cannot be used to reduce pharmacist staff at participating hospitals; and that any hospital wanting to implement the Tech-Check-Tech program individually request a variance from the Board. The motion passed.

Mr. Holmstrom next presented to the Board the issue that was withdrawn from the Board's recently enacted rules package relating to the ability of pharmacists to leave pharmacy technicians in charge of the prescription department during the time that the pharmacist is no longer present in the licensed area, as a result of taking a lunch break.

Mr. Jerry Edwards from Snyder Drug Stores Inc., Mr. Vic Antille from Target Stores, and Ms. Liz Carpenter from the Minnesota Pharmacists Association addressed the Board in support of the proposal that the Board proceed with a rulemaking hearing on this issue. After a lengthy discussion of the process that needs to be followed under the Administrative Procedures Act and a discussion of the change in the pharmacy landscape since the original inclusion of this issue in the package of proposed rules, Ms. Betty Johnson proposed the following resolution:

"Resolved, that David Holmstrom, the Executive Director of the Minnesota Board of Pharmacy, is hereby granted the authority and is directed to sign and to give the notice of the Board's intent to adopt rules, after holding a public hearing, governing operation of a pharmacy during the absence of a pharmacist to all persons who have registered their names with the Board for that purpose, to publish the notice and the proposed rules in the State Register, and to perform any and all acts incidental thereto."

Mr. Gary Schneider seconded the motion. The motion passed.

Mr. Holmstrom next presented the Board with copies of a letter from Mr. Al Vogt, Administrator at the Cook Hospital, in Cook, Minnesota, regarding pharmacy services to the hospital. Mr. Vogt is seeking the Board's flexibility and understanding during the time of transition from obtaining pharmacy services from the hospital pharmacy in Virginia, Minnesota, to a not yet determined alternative source.

After discussing Mr. Vogt's request, the Board directed Mr. Holmstrom to inform Mr. Vogt that the Board is willing to be flexible regarding pharmacist coverage at the hospital until the end of this calendar year and to keep the Board informed as to the steps being taken to assure pharmacist coverage.

The Board next briefly discussed the requirement of Board of Pharmacy rules that patient-counseling areas in pharmacies offer an assurance of privacy and how the interpretation of that language might be affected by the new HIPPA regulations being implemented at the federal level. Further discussions of this issue will be held at a future Board meeting.

The Board next addressed itself to a letter received from Dr. Amos Deinard regarding prescribing protocols involving the treatment of head lice. Dr. Deinard is inquiring as to whether the Board can be of assistance in addressing certain prescribing and billing issues that come into play during the treatment of entire families for head lice. Dr. Deinard wishes to generate only one prescription for an amount of medication large enough to treat the entire family, but runs into problems when various family members are covered by different insurance plans. Each insurance company requires that a separate prescription be generated for its enrollee only.

After discussing this issue and Dr. Deinard's letter, Ms. Jean Lemberg moved and Mr. Tom Dickson seconded that the Board indicate to Dr. Deinard that there is nothing we can do in that it is an insurance issue rather than a Board of Pharmacy issue. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Professor David Brushwood, at the University of Florida College Pharmacy. Mr. Brushwood is about to begin a research project to study appropriate responses to pharmacy errors and is looking for additional states to participate in the project. After a brief discussion of the opportunities to participate with Mr. Brushwood in this research project, Mr. Tom Dickson moved and Ms. Carol Peterson seconded that Mr. Holmstrom contact Mr. Brushwood and indicate our interest in participating. The motion passed.

The Board next reviewed the guidelines developed by Board of Pharmacy surveyors for the use of automated counting machines in pharmacies in Minnesota. Mr. Tom Dickson suggested that the rule and law sections referred to in the guidelines be appended to the guidelines. With that modification, Mr. Chuck Cooper moved and Mr. Gary Schneider seconded that the Automated Counting Machine Guidelines be approved for distribution. The motion passed.

There being no further business to come before the Board at this time, President Kassekert adjourned the meeting at approximately 2:30 p.m.

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PRESIDENT

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EXECUTIVE DIRECTOR