

Minnesota Board of Pharmacy

EIGHT HUNDRED AND NINETEENTH MEETING

At approximately 9:00 a.m., on April 4, 2012, 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, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Steven Huff, Ms. Michele Mattila, Mr. Leslie Kotek, and Ms. Patricia Eggers. The Board's President, Mr. James Koppen, called the meeting to order.

The Board immediately went into a closed, quasi-judicial session.

At the conclusion of the closed session, the meeting was reopened to the public.

The Board then discussed the minutes of the February 22, 2012 business meeting and its addendum. Ms. Karen Bergrud moved and Ms. Laura Schwartzwald seconded that the minutes and the addendum be approved. The motion passed.

Ms. Karen Bergrud moved and Ms. Kay Hanson seconded to approve the items on the Consent Agenda and to approve the Consent Agenda. The motion passed. The Consent Agenda for this meeting was as follows:

- Variances
 - Variance Committee Report – Approve

Mr. Stuart Williams moved and Mr. Ikram-Ul-Huq seconded that the remainder of the agenda be approved with a realignment of the agenda. The motion passed.

Prior to discussing variances that were deferred to the Board, Dr. Cody Wiberg next presented to the Board with information regarding the use of automated drug distribution systems in certain health care facilities (HF2626/SF2173). The consensus of the Board was that the Board go on record as remaining neutral on this bill.

The Board next considered variances that were deferred to the Board by the Variance Committee:

- ◆ Merwin's LTC Pharmacy
 - Use of ADDS in LTC facility

Dr. Wiberg and Ms. Candice Fleming provided information to the Board about this variance request. Present at the meeting were Mr. Steven Langemo, VP of Operations; Ms. Jessica Androff, Director of Pharmacy Operations; Mr. Jim Moncrief, of Advanced Pharmacy; Mr. Rick Steinhauser, President of Merwin Drug; and Mr. Mike

Campfield, pharmacist-in-charge at New Brighton. They provided information to the Board regarding a study of the AP Passport in long term care facilities and answered many questions presented by the Board members. After a lengthy discussion, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the five variances pertaining to this system be approved to allow the use of the ADDS at the Masonic facility for a period of one year. The motion passed.

- ◆ Wellfount Pharmacy
 - Use of ADDS in LTC facility

Ms. Fleming presented information to the Board about this variance request. Present, via telephone, was Mr. Kirk Peterson from Wellfount. Mr. Peterson gave some information and answered questions from the Board. After a discussion, Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the variance be denied. The motion passed.

- ◆ Geritom, Bloomington, MN
 - Minnesota Rules 6800.3000: delivery of filled prescriptions to a home health agency

Dr. Wiberg and Ms. Fleming provided information to the Board regarding this variance request. Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded to grant approval of this variance permanently. The motion passed.

- ◆ Lloyd's Pharmacy, St. Paul, MN
 - Minnesota Rules 6800.3000: delivery of filled prescriptions to a home health agency

Dr. Wiberg and Ms. Fleming provided information to the Board regarding this variance request. Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded to grant approval to the variance permanently. The motion passed.

- ◆ PharmaCorr/Corizon
 - Minnesota Rules 6800.6700: use of expanded emergency kit in correctional facilities

Dr. Wiberg and Ms. Fleming provided information to the Board regarding this variance request. Ms. Karen Bergrud moved and Mr. Stuart Williams seconded to grant approval until a related variance for state correctional facilities expires. The motion passed.

- ◆ MCHS-Mankato Hospital, Mankato, MN
 - Minnesota Rules 6800.7400: After hours remote order entry.

Dr. Wiberg and Ms. Fleming presented information to the Board regarding this variance request. Mr. Stuart Williams moved and Mr. Bob Goetz seconded to grant approval until other related variances expire. The motion passed with Ms. Karen Bergrud abstaining.

- ◆ Rochester Methodist Hospital, Rochester, MN
 - Minnesota Rules 6800.2600, subp. 3: return of unused, non-controlled substance drugs to Pyxis by non-pharmacy personnel

Ms. Candice Fleming provided information to the Board concerning the history relating to the rule and the variance request listed above. During the discussion, Ms. Bergrud explained their present system in their surgery areas is to have surgery staff pull patient drugs from Pyxis ahead of time and then surgery staff would return all unused non-controlled substances to the Pyxis and all unused controlled substances to the pharmacy. Approximately 1400 to 1500 medications per day are returned for credit by licensed surgery staff. Further, Ms. Bergrud explained that Mayo and Cleveland Clinic have requested Pyxis to update their technology for drugs not used to be returned via bar code. After much discussion, Mr. Stuart Williams moved (and wanted the minutes to reflect that this motion should not be construed as setting a precedence) and Mr. James Koppen seconded that the variance be approved for six months to allow Mayo time to work with Pyxis to come into compliance with the new rules. The motion passed with Ms. Karen Bergrud abstaining.

- ◆ Rochester St. Mary's Hospital, Rochester, MN
 - Minnesota Rules 6800.2600, subp. 3: return of unused, non-controlled substance drugs to Pyxis by non-pharmacy personnel

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Mayo time to work with Pyxis to come into compliance with the new rules. The motion passed with Ms. Karen Bergrud abstaining.

- ♦ Bigfork Valley Pharmacy, Bigfork, MN
 - request to change conditions of telepharmacy variance

Ms. Candice Fleming provided information to the Board regarding this variance request. Ms. Laura Schwartzwald moved and Mr. Stuart Williams seconded that the change in the variance conditions be approved until the current variance expires. The motion passed.

- ♦ Truax Patient Services, Bemidji, MN
 - limited services pharmacy variances

Ms. Candice Fleming provided information to the Board regarding this variance request. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the variance be approved for one year. The motion passed.

- ♦ Our Lady of Peace Cancer Home Pharmacy, St. Paul, MN
 - emergency kit variances

Ms. Candice Fleming provided information to the Board regarding this variance request. Ms. Laura Schwartzwald moved and Mr. Bob Goetz seconded that the variance be approved until other variances for this pharmacy expire. The motion passed.

Dr. Wiberg next presented the board with information regarding legislation put forward by the Legislature's Sunset Review Advisory Commission. The consensus of the board was to oppose the 5% fee decrease, support language regarding transfer of funds from the reserves to the general fund and support criminal background checks.

Dr. Wiberg next informed the board of legislation that was proposed by a clinic located in a small town in northern Minnesota. The legislation would allow the Board to grant a pharmacy license to a physician working in such a clinic, provided that the clinic was located in a federally designated health care professional shortage area. Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the Board oppose the legislation. The motion passed.

Dr. Wiberg next provided an update to the Board on the Prescription Monitoring Program. No action was required at this time.

Mr. Stuart Williams moved that the Board support efforts to amend Minnesota Statutes Chapter 214 to: 1). require that regulated individuals who have knowledge of

the diversion of controlled substances by other regulated individuals report the other individual to the appropriate licensing board; and 2). that the Health Professionals Services Program be allowed to share more information with a licensing board when there is evidence of misconduct or violation of the applicable practice act. Ms. Laura Schwartzwald seconded the motion. The motion passed.

There being no further business requiring action by the Board, Mr. Stuart Williams moved to adjourn the meeting. The motion occurred at approximately 2:25 p.m. Ms. Laura Schwartzwald seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR