

# Minnesota Board of Pharmacy

## EIGHT HUNDRED AND SECOND MEETING

At approximately 9:00 a.m., on December 2, 2009, 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 Assistant Attorney General, Ms. Karen Andrews and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, Ms. Michele Mattila, Ms. Karen Schreiner, and Ms. Patricia Eggers. President Schneider 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 Dean Anderson, who petitioned to have an unrestricted license reinstated. Mr. Anderson was present at the meeting. Ms. Andrews presented the Board with background information regarding Mr. Anderson's case. After a brief discussion, Ms. Karen Bergrud moved and Ms. Kay Hanson seconded that Mr. Anderson's petition be granted and that Board President Gary Schneider sign an Order of Reinstatement on the Board's behalf. The motion passed.

The Board returned to general session.

Executive Director Cody Wiberg teleconferenced into the meeting at this time.

The Board next discussed the minutes of the September 23, 2009 meeting. Ms. Karen Bergrud moved and Ms. Kay Hanson seconded that the minutes of the meeting be approved. The motion passed.

The Board next discussed the minutes of the November 2, 2009 special meeting. Mr. Carleton Crawford moved and Mr. Jim Koppen seconded that the minutes of the meeting be approved. The motion passed.

Ms. Karen Bergrud moved and Mr. Jim Koppen seconded to approve the items on the consent agenda and to approve the consent agenda. The motion passed.

- New Pharmacy Applications
  - CVS Pharmacy #8285  
1010 Lake Street  
Minneapolis, MN 55419

Approve  
Temporary PIC – Richard Engelka  
Pending final inspection and naming of permanent  
PIC

- Fairview Infusion Services  
420 Delaware Street SE  
Minneapolis, MN 55455

Approve  
Temporary PIC – Jill A. Severson  
Pending final inspection and naming of permanent  
PIC

- Maple Grove Hospital  
9875 Hospital Drive  
Maple Grove, MN 55369

Approve  
Temporary PIC – Dennis Thelen  
Already inspected. Pending naming of permanent PIC

- River's Edge Quality Care Pharmacy  
1900 North Sunrise Drive  
St. Peter, MN 56082

Approve  
Temporary PIC – James B. Linden  
Pending final inspection and naming of permanent  
PIC

- Sterling Drug #21  
863 High Point Drive NE  
Byron, MN 55920

Approve  
Temporary PIC – Tim Gallagher  
Pending final inspection and naming of permanent  
PIC

- Polar Pharmacy  
2564 E 7th Avenue  
North St Paul, MN 55109

Approve  
Permanent PIC – Lola Ishola  
Pending final inspection

- Variances
  - Variance Committee Report - approve
- Continuing Education. CEATF Reports for the period 08/11/2009 – 10/13/2009. Approve those recommended for approval and deny those recommended for denial
- Examination Committee
  - Exam Candidates Report – approve

Name	Original Licensure Date	Registration Number
Bee Her Vang Xaivkhwb	09/17/2009	119889
Sherry Ann Ledonio	09/21/2009	119890
Wendy Gayle Stout Fleenor	09/22/2009	119891
Yarob M Yaghi	09/23/2009	119892
Eliza C Henrich	09/28/2009	119893
Erin K Revier	09/28/2009	119894
Sanita Kalnite	09/28/2009	119895
Sharon Joanne Elmore	10/13/2009	119899
Daniel Abebe Degaga	11/02/2009	119901
Lisa DuChene	11/02/2009	119902
Abdirizak Mire	11/10/2009	119907

- Reciprocity Candidates Report – approve

Name	Original Licensure Date	Registration Number
Michael David Schieffer	09/16/2009	119887
Christine L Goetting	09/16/2009	119888
Susan Prast	10/01/2009	119896
Kelly Jo Luschen	10/01/2009	119897
George M Zula	10/01/2009	119898
Pamela L Bernadella	10/15/2009	119900
Susan Jane Canniff	11/04/2009	119903
David R Olson	11/06/2009	119904
Sneha R Patel	11/06/2009	119905
David A Gums	11/06/2009	119906

The Board reviewed the remaining agenda for this meeting. Ms. Kay Hanson moved and Mr. Carleton Crawford seconded that the remaining agenda be approved. The motion passed.

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

- ◆ Good Samaritan Medical Clinic Dispensary  
120 North Broadway, Suite B  
Rochester, MN 55906

Approve  
Permanent PIC – Kevin Berg  
Pending final inspection

Mr. Jim Koppen moved and Dr. Stacey Jassey seconded that the application be approved. The motion passed with Ms. Karen Bergrud abstaining

- ◆ Walgreen's #12044  
8240 Flying Cloud Drive  
Eden Prairie, MN 55344

Approve  
Permanent PIC – Tara KleinKnight  
Pending final inspection

Ms. Kay Hanson moved and Ms. Karen Bergrud seconded that the application be approved. The motion passed with Dr. Stacey Jassey abstaining.

- ◆ Walgreen's #12972  
100 Chalupsky Avenue SE  
New Prague, MN 56071

Approve  
Temporary PIC – Tim Affeldt  
Pending final inspection and naming of permanent PIC

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

The Board next turned its attention to variances that the Variance Committee deferred to the Board:

- ◆ **Good Samaritan Health Center Variance – Since they do not do any compounding in the pharmacy they would like a variance to Minnesota Rules 6800.0910, wherein they do not need to buy a balance, weights, or other equipment used to compound.**

Present at the meeting were Ms. Krista Schmidt and Ms. Kristen McCullough, Mayo Pharmacy Residents. Mr. Jim Koppen moved and Dr. Stacey Jassey seconded

that the variance be denied until there is a designated area for counseling. The motion passed with Ms. Karen Bergrud abstaining.

- ◆ **Avera Marshall and Avera McKennan Variance – Since the Avera Marshall Regional Medical Center is not open 24/7 they are requesting a variance so that they can scan orders to the Avera McKennan Hospital & University Health Center.**

Ms. Andrea Darr, from Avera McKennan, was present at the meeting. Ms. Karen Bergrud moved and Mr. Carleton Crawford seconded that the variance be approved. The motion passed.

- ◆ **Maple Grove Hospital Pharmacy Variances – 1. Since the pharmacy is not open 24/7 they are requesting a variance so that they can scan orders to North Memorial Pharmacy. 2. To implement a Computerized Prescriber Order Entry (CPOE) as part of the electronic medical record.**

Ms. Sarah Johnson, Pharmacist-in-charge at Maple Grove Hospital and Mr. Wayne Wandmacher, from North Memorial Hospital were present at the meeting. Mr. Jim Koppen moved and Dr. Stacey Jassey seconded that Maple Grove Hospital Pharmacy and North Memorial Hospital Pharmacy have corresponding variances and that the variances be approved. The motion passed.

- ◆ **Interpretation of Minnesota Statutes §151.461** - The board was contacted by two organizations, that represent businesses that conduct marketing research, who disagree with the Minnesota Attorney General Offices legal opinion, that was accepted by the Board in January, 2006, concerning marketing surveys.

Present at the meeting were Mr. William Little, President of Delta Marketing Dynamics; Howard Fienberg, Director of Government Affairs of the Marketing Research Association; Debbie Kenworthy, employee of Johnson and Johnson and Pharmaceutical Marketing Research Group President; Kevin Menk, Strategic Marketing and Chair-Elect of Council of American Survey Research Organizations Board of Directors; Latoya Lang, State Legislative Director of the Marketing Research Association; Gayle Belkengren, President of the Upper Midwest Chapter Marketing Research Association; and Richard Day Past Chairman of the Council of American Survey Research Organizations of Board of Directors. Dr. Wiberg provided background information concerning this issue. After a lengthy discussion and testimony by some of the above-mentioned individuals, Mr. Ikram-Ul-Huq made the motion and Mr. Jim Koppen seconded that this issue be tabled and that Executive Director Cody Wiberg and Assistant Attorney General Karen Andrews work on clarifying the wording of the FAQ and bring the clarification to the next Board Meeting. The motion passed.

The board gave Dr. Wiberg authorization to address a letter from Dr. Campoy-Gonzalez in a manner consistent with the Board's discussion of this issue.

- ◆ **Registration of controlled substance researchers** – Board staff requests direction from the Board concerning the registration of controlled substance researchers. Dr. Wiberg believes that the pertinent considerations are:

1. Since all of the University of Minnesota and Mayo researchers are most likely following federal laws covering controlled substances research, the Board probably has no authority to require them to register. However, M.S. §152.12 does not appear to prohibit the Board from registering controlled substance researcher who comply with federal research laws and who request to be registered by the Board;
2. DEA does not require controlled substance researchers to be licensed or registered by a state as a condition of receiving a DEA research registration. In regards to research institutions, the DEA requires registration by department and address. So, even if the DEA did require state registrations, the University would have more state registrations than the DEA would require;
3. The fee for controlled substance research registration is \$25 per year, which is not sufficient to cover the costs associated with the registration process and inspections;
4. The University of Minnesota has submitted a letter indicating that it wants its controlled substance researchers to continue to be registered by the Board. Dr. Wiberg believes that Mayo would like to limit the number of registrations to the minimum deemed necessary by the Board.

After much discussion, Mr. Jim Koppen moved and Dr. Stacey Jassey seconded that this item be tabled until Dr. Wiberg can get a clarification from Ms. Andrews. The motion passed.

- ◆ **Update on proposed controlled substances rule changes** - Dr. Wiberg provided the following information concerning these proposed rule changes. The Notice of Intent to Adopt Rules was published in the State Register on November 23, 2009, which triggered a comment period that ends on December 24th. It is expected that these proposed rule changes will be completely non-controversial; therefore a hearing will not be required. After the comment period ends the Board needs one last approval from the Governor's Office and then needs to send the paperwork to the Office of Administrative Hearings for their review. Dr. Wiberg expects these rules to be adopted by the end of January. No action was taken at this time.

- ◆ **Update on proposed general rule changes** – Dr. Wiberg provided the following information concerning these proposed rule changes. Board staff is working on completing the Statement of Need and Reasonableness (SONAR) for these rules. Once this is completed, the SONAR, Revisor’s Draft of the Rules, and other required paperwork will be submitted to the Governor’s Office. They will either give permission to publish a Notice of Intent to Adopt Rules or ask for changes in the proposed rules. Assuming that the Governor’s Office grants permission to proceed, it is expected that a Notice of Intent to Adopt can be published in the State Register by the end of January, 2010. Given the controversial nature of some of the proposed rule changes, it is expected that at least 25 individuals will request a rules hearing. If this occurs the Office of Administrative Hearings will be requested to schedule a hearing at the earliest possible date. No action was taken at this time.
  
- ◆ **Guidelines for Off-site, After Regular Hours, Hospital Pharmacy Services** – Ms. Fleming is requesting approval of these updated guidelines. Mr. Jim Koppen stated that he would like the following statement included in #12 of the guidelines. “The hub pharmacy cover the entire time that the receiving pharmacy doesn’t have coverage.” Ms. Karen Bergrud stated that she would like the following statement added on #9 “unless emergent need warrants the need of the override function”. Mr. Ikram-UI-Huq moved and Dr. Stacey Jassey seconded that the guidelines be approved with the amendments suggested by Mr. Koppen and Ms. Bergrud. The motion passed.
  
- ◆ **Joint Statement on Pain Management** – Dr. Wiberg provided background information on this issue. The Minnesota Boards of Medical Practice, Nursing, and Pharmacy adopted a Joint Statement on Pain Management in 2004. An updated version of the statement has been provided to Board members for their review. The statement provides recommendations to licensed health care professionals concerning pain management and also lists relevant resources. The Boards of Nursing and Medical Practice have recently approved the revised version. Mr. Jim Koppen moved and Mr. Carleton Crawford seconded that the Board approve the updated Joint Statement. The motion passed.

Ms. Candice Fleming requested that the January variance meeting date be changed from 12/30/09 to 1/6/10 with a cut-off date for variances to reach the office of 12/21/09. Mr. Jim Koppen moved and Mr. Ikram-UI-Huq seconded that the date be changed. The motion passed.

Dr. Wiberg updated the Board on the PMP Program. No action was taken at this time.

There being no further business requiring action by the Board, Mr. Carleton Crawford moved to adjourn the meeting. The motion occurred at approximately 12:12 p.m. Ms. Karen Bergrud seconded the motion. The motion passed.

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PRESIDENT

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EXECUTIVE DIRECTOR