At approximately 9:00 a.m. on August 19, 2020, the Minnesota Board of Pharmacy met in the Board’s conference room at the University Park Plaza Building, 2829 University Avenue Southeast, Minneapolis, Minnesota – and by WebEx and telephone - for the purpose of conducting a general business meeting. Mr. Stuart Williams, Board President, attended the meeting in the conference room, along with Executive Director, Dr. Cody Wiberg and Office Manager, Tami Wier. Board members who attended by WebEx and/or telephone were: Dr. Stacey Jassey, Dr. Mary Phipps, Dr. Amy Paradis, Dr. Kendra Metz, Mr. Rabih Nahas, Dr. Andrew Behm, and Mr. James Bialke. Also, in attendance by WebEx and/or telephone were: Dr. Beth Ferguson, Deputy Director, Mr. Hans Anderson, Assistant Attorney General; and Board staff members Ms. Ame Carlson, Dr. Aaron Patterson, Ms. Jill Phillips, and Dr. Kelly Hadsall.

Due to the COVID-19 pandemic and the governor’s declaration of a peacetime emergency pursuant to Minn. Stats. §12.31 in Executive Order 20-01, the meeting was conducted by WebEx and telephone. Interested individuals were able to monitor the open session of the meeting remotely by WebEx or telephone at no charge.

President Williams called the meeting to order. President Williams conducted a roll call and a quorum was confirmed. The Board went into open session.

The first item on the agenda was the minutes of the July 1, 2020 business meeting. After discussion by the Board and with no additions or corrections, President Williams declared the minutes approved as distributed.

Next, the Board considered the Agenda for the meeting. President Williams requested to add a recap of the Annual NABP/AACP District 5 Meeting to the Agenda. With no further discussion, Mr. Bialke moved to approve the Agenda as distributed with President Williams’ addition. Dr. Behm seconded the motion. Using roll call to vote, the motion passed unanimously.

The Board next considered the Variance and Policy Review Committee (VPRC) Report. Since the meeting was conducted by WebEx and telephone, Board members were required to abstain from voting on the variance and policy requests that involved pharmacies owned by their employers. The VPRC report was included in the packet of meeting materials and contained details of the requests.

After consideration of the VPRC report by the Board members, President Williams moved to accept the recommendations of the VPRC for items not deferred to the Board, and that the executive director be authorized to issue the appropriate orders. The recommendations from the VPRC were unanimously approved as described through roll call voting with the noted abstention of Mr. Nahas. Mr. Nahas abstained from voting on all variances and policy reviews concerning the Allina Health System.

The next item for Board consideration was a request from Ademola Palmer, an applicant for licensure as a pharmacist. He asked the Board to allow him to retake the NAPLEX for the fifth time. After discussion, Mr. Nahas moved to allow Mr. Palmer to take the NAPLEX for the fifth time. Dr. Behm seconded the motion. Using roll call voting, the motion passed unanimously.
The first variance and policy review discussion concerned Hy-Vee’s submission that would allow Hy-Vee Pharmacy Fulfillment Center’s to ship/mail filled prescriptions directly to a patient’s home on behalf of the originating retail pharmacy and to allow the originating retail pharmacy to provide the patient counseling on behalf of the Hy-Vee Pharmacy Fulfillment Center (4016) for prescriptions that are shipped/mailed directly from the fulfillment center to the patient’s home. After Board discussion and input from Hy-Vee’s representatives, Alissa Smith, Jonathan Franzen and Molly Davidson, Mr. Nahas moved to approve the variance until the September 30 Board meeting on the condition that additional clarity on the procedures and processes are presented to the VPRC. Dr. Behm seconded the motion. Using roll call voting, the motion failed on a divided vote with five Board members voting to deny the request. After additional discussion, Hy-Vee agreed to defer the variance to the September 30, 2020 Board meeting, so that they can provide the additional policy and procedure clarifications for VPRC review.

The next variance before the Board concerned Coborn’s Central Support Pharmacy #9942 and 34 Coborn’s and Cashwise pharmacy locations request to allow no pharmacist to do a final product check of prescriptions filled by the automated counting device at the central service pharmacy. Dr. Matt Winans, Pharmacy Operations and Compliance Manager for Coborn’s, was present to answer Board questions. After Board discussion and request for additional data on the reliability of the automated counting device, Matt Winans, on the behalf of Coborn’s, agreed to defer the variance to the September 30, 2020 Board meeting so that Coborn’s could provide the requested information to the VPRC for review.

Next, the Board discussed variances for Coram CVS/Specialty Infusion Services for Mendota Heights and Moorhead in Minnesota, and Lincoln, Rhode Island. The variances that were deferred to the Board for a discussion of: the duration for which the variance should be approved; and the conditions, if any, that should be imposed if the variance request is approved. The requests to the Board were to: allow the separation of the prescription dispensing process including verification, drug utilization review (DUR) and/or certification for new or refillable prescriptions, by more than one pharmacist between the three facilities; and to allow the pharmacy (dispensing pharmacy) to exclude patient counseling as part of the central services. After Board discussion, Dr. Paradis moved to approve the variance as recommended by the VPRC with additional conditions that must be met: 1) All of the approved policy and procedures submitted as part of variance request must be followed at all locations; 2) Any changes or modifications to the approved policies and procedures must be submitted and approved by the Board prior to implementation; and 3) Quarterly reports are submitted to the Board with the specified detail agreed on in previous VPRC meetings and reports. Mr. Bialke seconded the motion. Using roll call voting, the motion passed unanimously. President Williams put Coram CVS/Specialty Infusion Services on notice that future non-compliance in reporting will not be tolerated.

The next request, from CVS Pharmacies, involved a policy review of unique identifiers (RDAC) for an RxConnect prescription medication dispensing system. CVS submitted additional information for their unique identifier policies and staff now recommends approval of their unique IDs. After discussion, Mr. Bialke moved to approve the request as recommended staff. Dr. Paradis seconded the motion. Using roll call voting, the motion passed unanimously.

With no further variance and policy reviews, the Board moved to Rules, Statutes, and Guidances. The one issue for discussion and action involved a COVID-19 related request from Walgreens to allow pharmacists working in other states to be remotely involved in the dispensing process of Walgreens pharmacies located within Minnesota. Dr. Wiberg presented background information concerning this request. Ms. Nichole Cover, Director of Pharmacy Affairs for Walgreens, and Dr. Sarah Morrison were present during the call to answer any Board question. After an extensive discussion, Mr. Bialke moved to
use enforcement discretion to allow Walgreen’s to use their central fulfillment services in Arizona and Florida to provide dispensing support to Minnesota pharmacies on a rolling basis determined by COVID-related concerns, limited to the four temporary sites identified during the discussion and up to 15% of other Minnesota sites at any one time, until the next Board Meeting on September 30, 2020, at which time Walgreens will provide the Board with requested data. The report which supplies the requested data must: identify the specific locations which received the services; the number of times services were provided to each store; and the duration it was invoked at each location. Dr. Behm seconded the motion. Using roll call voting, the motion passed unanimously.

Next, Dr. Wiberg presented program updates from the Controlled Substance Reporting Section, the Minnesota Insulin Safety New Program, and the Medication Repository. Dr. Wiberg reviewed details of the up-coming MNsure Insulin survey and will recap the survey’s results at the next Board meeting. Since this was informational only, no action was taken.

Dr. Wiberg mentioned the availability of the Continuing Education Report. The report was informational only, no action was necessary.

President William’s presentation on the Annual District 5 Meeting was reserved for the next Board meeting on September 30, 2020.

At approximately 1:15 p.m., with no other business before the Board, President Williams declared the open session adjourned and noted that the Board would enter closed session to discuss licensee disciplinary cases.