Minnesota Board of Pharmacy

EIGHT HUNDRED EIGHTIETH MEETING

At approximately 9:00 a.m. on June 19, 2019, 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. Members of the Board that attended were Dr. Mary Phipps, Mr. Stuart Williams, Dr. Joseph Stanek, Dr. Kurt Henn, Mr. Rabih Nahas, Dr. Andrew Behm, and Mr. James Bialke. Also, in attendance were the Board’s Executive Director, Dr. Cody Wiberg; Deputy Director, Dr. Beth Ferguson; Assistant Attorney General, Mr. Hans Anderson, and Board staff members, Ms. Tami Wier, Ms. Ame Carlson, Ms. Sarah Favour, Mr. Tim Litsey.

Vice President Mary Phipps called the meeting to order. A quorum was confirmed. The Board went into closed session to discuss disciplinary cases.

Upon returning to open session, the Board discussed the minutes of the May 8, 2019 business meeting. After discussion, Vice President Phipps declared the minutes to be approved as distributed.

Next, the Board considered the Consent Agenda. Mr. Bialke moved to approve the Consent Agenda. Mr. Nahas seconded the motion. The motion passed unanimously.

The Board then considered the Remainder of the Agenda. Mr. Bialke moved, and Mr. Nahas seconded that the Remainder of the Agenda be approved. The motion passed unanimously.

The first variance on the agenda was a request from Dr. Erica Wang, a Canadian pharmacist and applicant for pharmacist licensure. Ms. Wang asked the Board for a variance to Minn. Rule 6800.1250, subp. 1a, asking to be allowed to be licensed without completing the FPGEC process. After Board discussion, Mr. Williams moved to approve the request. Mr. Nahas seconded the motion. The motion passed unanimously.

Next, the Board discussed a variance for all currently licensed medical gas distributors, allowing them to delay payment of their renewal fees until June 1, 2020. This would allow the Board to go back to the Legislature to recommend that the fee for medical gas distributors be reduced. This delay would only go into effect if the Governor’s Office has no objections to the delay. Mr. Williams moved to adopt the variance to move the fee requirement to June 1, 2020 so that Dr. Wiberg can go before the legislature next session to ask for a stay on fees, on the condition that Dr. Wiberg contacts the governor’s office and obtain permission for the move. Mr. Bialke seconded the motion. The motion passed unanimously.

Next on the agenda were variance requests and policy reviews deferred to the Board so that members could recuse themselves from votes affecting pharmacies or health systems with which they have an association. Dr. Wiberg gave a brief explanation that the change in the variance and policy reviews was to speed the review of the variances.

Mr. Nahas recused himself for the next variances and left the meeting.

The first variances considered were multiple variances and policy reviews for Allina Health Heart Hospital Pharmacy, Allina Health Phillips Eye Institute Pharmacy, and Mercy Hospital Pharmacy. After review, the recommendations of the Variance and Policy Review Committee were accepted unanimously by the Board.
Mr. Nahas returned to the meeting.

Dr. Stanek recused himself for the next variances and left the meeting.

The Board considered multiple variances and policy reviews for Fairview Compounding Pharmacy, Fairview Riverside Pharmacy, Fairview University Discharge Pharmacy, Fairview Home Infusion, Fairview Specialty Services Pharmacy, Fairview Home Infusion Duluth, Fairview Lakes Health Services Pharmacy, and Fairview Lakes Pharmacy Wyoming. After review, the recommendations of the Variance and Policy Review Committee were accepted unanimously by the Board.

Dr. Stanek returned to the meeting.

Dr. Wiberg next presented information concerning potential interpretations of a few ambiguous provisions in the 2019 legislation that impacts the Board’s licensees and registrants, namely: opiate prescription limits for veterinary prescriptions, opiate manufacturer licensing fee when manufacturer has two or more licensed facilities, and opiate manufacturer licensing fee and veterinary drug manufacturers. Dr. Wiberg stated that, rather than asking the Board to issue formal interpretations, staff will address the issues in frequently asked questions documents. Dr. Wiberg also provided information on other legislative changes that were enacted. Mr. Williams asked if the Board had adopted a position related to veterinarians and the use of the PMP. Dr. Wiberg indicated that he would review past Board’s positions and update the Board of his findings. Dr. Wiberg informed the Board that an alternative, PMP-like reporting program for veterinarians was under development and recommended the Board allow veterinarians to speak about the alternatives. Dr. John Bailey and Dr. Mary Olson, from the Minnesota Veterinarian Medical Association, provided the Board with information concerning their positions on the legislation and PMP reporting. Both stated that a unified system available to all would help curtail doctor shopping. Dr. Wiberg offered to include information on this in his guidance document. No action was required.

Next on the agenda was Office Administration. Dr. Wiberg provided revenue and staffing updates, discussing the office remodel/expansion to accommodate the additional staff necessary to carry out the requirements of the legislative mandates and asked the Board to approve the changes related to the staff organizational restructuring. Mr. Williams moved to approve the organizational restructuring proposal recommended by Dr. Wiberg. Dr. Stanek seconded the motion. The motion passed unanimously.

Dr. Wiberg gave an update on the Prescription Monitoring Program (PMP). The program continues to work on grants and increasing collaboration among states. The report was informational only, so no action was necessary.

Dr. Wiberg updated the Board on Board appointments, expecting to have the appointments by June 30th. Dr. Wiberg will announce the appointments when the governor makes them.

Next, Dr. Wiberg discussed the Tri-Regulator Symposium. Dr. Wiberg asked the Board to authorize Board members to attend the meeting, emphasizing how critical it is for the Board to have a voice at the meeting. Mr. Williams moved to authorize the expenditure of the funds for several Board Members and the Executive Director to attend the meeting. Mr. Nahas seconded the motion. The motion passed unanimously.

Dr. Wiberg mentioned the availability of the Pharmacist Licensure Report and CE Report. The reports are informational only, so no action was necessary.

With no other business before the Board, Vice President Phipps declared the meeting to be adjourned at approximately 1:20 p.m.