

Minnesota Board of Pharmacy

EIGHT HUNDRED AND SEVENTEENTH MEETING

At approximately 9:00 a.m., on January 11, 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, the Board's legal counsel, Assistant Attorney General Karen Andrews, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Stuart Vandenberg, 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 session.

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

At this time President Koppen introduced new pharmacist Board Member Mr. Bob Goetz and welcomed him to the Board.

The Board then discussed the minutes of the November 9, 2011 business meeting. Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the minutes of the meeting be approved. The motion passed.

Mr. Stuart Williams moved and Mr. Bob Goetz 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:

- Continued membership in NABP – Approve
- Continued use of FPGEE Certification for foreign graduates - Approve
- Continued requirement that pharmacist license candidates, other than foreign pharmacy graduates, graduate from an Accreditation Council for Pharmacy Education accredited college of pharmacy – Approve
- Variances
 - Variance Committee Report – Approve

Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the remainder of the agenda be approved. The motion passed.

The Board next turned its attention to election of officers and designation of officials for the year of 2012. For the office of President, Mr. Stuart Williams nominated Mr. James Koppen. Mr. Bob Goetz seconded the nomination. There being no further nominations, the nominations were closed and Mr. James Koppen was elected to the office of President by a unanimous ballot.

For the office of Vice President, Mr. Stuart Williams nominated Ms. Laura Schwartzwald. Mr. Ikram-UI-Huq seconded the nomination. There being no further nominations, the nominations were closed and Ms. Laura Schwartzwald was elected to the office of Vice President by a unanimous ballot.

For the office of Secretary (Executive Director), Mr. Stuart Williams nominated Dr. Cody Wiberg. Ms. Laura Schwartzwald seconded the nomination. There being no further nominations for the position, the nominations were closed and Dr. Wiberg was elected as Secretary (Executive Director) by a unanimous ballot.

For the position of Associate Director for Compliance, Ms. Karen Bergrud moved that Ms. Candice Fleming be continued in that position. Ms. Laura Schwartzwald seconded the motion. The motion prevailed and Ms. Candice Fleming was continued in the position of Associate Director for Compliance by a unanimous ballot.

For the position of Assistant Director for Administrative Affairs, Ms. Laura Schwartzwald moved that Ms. Patricia Eggers be continued in that position. Mr. Stuart Williams seconded the motion. The motion prevailed and Ms. Patricia Eggers was continued in the position of Assistant Director for Administrative Affairs by a unanimous ballot.

President Koppen next began a discussion of appointments to the Board's standing committees. After a brief discussion, the following committee appointments were made:

Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that Ms. Kay Hanson and Ms. Laura Schwartzwald be appointed to the Continuing Education Advisory Task Force (CEATF) committee. The motion passed.

All members of the Board, with the exception of the President, will rotate through the Committee on Professional Standards (COPS) with two members present at each meeting.

All members of the Board, with the exception of the President, will rotate through the Complaint Review Panel (CRP) with two members present at each meeting.

Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that Ms. Laura Schwartzwald and Mr. Bob Goetz serve on the Internship Committee. The motion passed.

All members of the Board will rotate through the Variance and Policy Committee meetings, two members present at each meeting and the Board's Pharmacy Surveyors rotating as well, two Surveyors present at each meeting.

Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that Mr. James Koppen be the Board's representative and Ms. Kay Hanson be the alternate to the Health Professionals Services Program. The motion passed.

Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that Ms. Betty Johnson be the representative on the Prescription Monitoring Program Advisory Committee.

Ms. Laura Schwartzwald moved and Mr. Stuart Williams seconded that Ms. Karen Bergrud and Ms. Candice Fleming will be the representatives to the Minnesota Alliance for Patient Safety. The motion passed.

Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the CRP, COPS, and Variance Committee continue to operate as they currently do. The motion passed.

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

- ◆ Littlefork Medical Pharmacy – a reconsideration of a previously approved variance to Minnesota Rules 6800.2400, subpart 3, asking that a pharmacist be allowed to serve as pharmacist-in-charge for two pharmacies.

Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the variance be reconsidered at this meeting. The motion passed. Mr. Joseph Boyle, Attorney, and Ms. Kimberly Perkins, Chief Executive Officer of the Littlefork Medical Center, were present at the meeting and gave a presentation to the Board concerning the variance request. After much discussion, Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that the variance dated August 4, 2011, that allows the Pharmacist-in-charge (PIC) to continue to fulfill PIC responsibilities at Littlefork Medical Center Dispensary on a part-time basis while fulfilling full-time PIC duties at Bemidji Sanford Pharmacy, 1705 Anne Street, be approved until the April 4, 2012 board meeting and that they submit variances to bring them into compliance with state rules and statutes and that this does not include approval of attached protocol or the comments at the bottom of the variance form. The motion passed. Dr. Wiberg emphasized that the variance approval did not indicate Board approval of the method in which the Littlefork Medical Center Pharmacy currently operates.

- ◆ Wellfount issue –this was handled as a policy review, although it was submitted in the form of a variance request, since Wellfount did not appear to be licensed as a pharmacy in the state of Minnesota.

After a discussion concerning this issue, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the Board direct staff to continue to explore the use of

remote automated drug distribution systems and to work with various groups who are seeking to use these types of equipment and report back to the board on what the findings are. The motion passed.

- ◆ Sterling Drug, Adrian and Worthington – variance to allow the utilization of a telepharmacy in Adrian

After a discussion of the variance request, Ms. Laura Schwartzwald moved and Ms. Kay Hanson seconded that the variance be approved until no later than June 20, 2012 and that an on-site inspection be completed. The motion passed.

- ◆ Pharmacorr LLC Oklahoma City, OK – a variance to allow a greater quantity of the permitted emergency medications for state correctional facilities – on 11/29/11 they requested to add Hennepin County Correctional Facilities for adults, juveniles, and home school (less than a year of incarceration).

After a discussion of the variance request, Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that the variance be denied until they revise their policies to address the receipt of patient orders, frequency of pharmacist review, security of their stock, and filling of patient medications. The motion passed.

Dr. Wiberg next informed to the board that a delay in the implementation of the recently adopted rule relating to pharmacy technician training can be considered a drafting error and the Board can pursue a technical change as part of a Revisor's bill during the upcoming legislative session. Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the above be deemed a drafting error and that staff should work with the Office of the Revisor to have the statute revised to reflect the correct date. The motion passed.

Dr. Wiberg next explained proposed legislation regarding changes to the section of Minnesota Statutes concerning the Prescription Monitoring Program (§151.126). Mr. Stuart Williams moved and Mr. Bob Goetz seconded that staff be permitted to work with the legislature to enact the proposed changes. The motion passed.

Dr. Wiberg next explained proposed legislation to amend Minnesota Statutes §151.01, Subd 27, clause 5, which relates to pharmacist immunization. Mr. Stuart Williams moved and Ms. Kay Hanson seconded that staff be permitted to work with the legislature to enact the proposed changes. The motion passed.

Dr. Wiberg next explained additional proposed legislation relating to other sections of Minnesota Statutes Chapter 151, involving disciplinary matters, licensing of drug manufacturers and wholesalers and other issues. The Board determined that staff

should do additional research concerning these proposals and present information to the Board at a meeting later this year.

Dr. Wiberg next explained proposed changes to Minnesota Statutes Chapter 152 regarding synthetic designer drugs, conforming the controlled substance schedules found in the statutes with those found in the rules, and electronic prescribing of controlled substances. Ms. Kay Hanson moved and Ms. Laura Schwartzwald seconded that permitted to work with the legislature to enact the proposed changes. The motion passed.

Dr. Wiberg next presented the Board with the *Report to the Legislature: Diversion of Controlled Substances Dispensed by Veterinary Practice*. Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the report be approved sent to the legislature. The motion passed.

Dr. Wiberg next presented the Board information on the Board's budget. No action was necessary.

Ms. Eggers then asked the Board for permission to have their signatures electronically printed onto the large certificates. The Board granted permission.

Dr. Wiberg next introduced Mr. Steven Huff, the newest Pharmacy Board Surveyor, to the Board.

There being no further business requiring action by the Board, Mr. Stuart Williams moved to adjourn the meeting. The motion occurred at approximately 2:05 pm. Ms. Karen Bergrud seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR