

# **Minnesota Board of Pharmacy**

## **SEVEN HUNDRED AND SIXTIETH MEETING**

At approximately 8:00 a.m., January 6, 2004, the Minnesota Board of Pharmacy met at the Minneapolis Convention Center, in Minneapolis, Minnesota, for the purpose of administering a Written Practical Examination in prescription compounding and errors and omissions. All members of the Board were in attendance. Also in attendance were the Board's Executive Director, Mr. David Holmstrom, and Board of Pharmacy Surveyors Mr. Leslie Kotek and Ms. Michele Mattila.

The following candidates, who have met all of the required prerequisites and who have presented properly executed applications, were present to write the examination administered as part of the Full Board Examination process.

**AMY L. ANDERSON  
JENNIFER R. ANDERSON  
CLIVE N. BURUCHARA  
MARIBETH S. CREEK  
CHARLENE M. DAUMKE  
KATIE A. DEATHERAGE  
JOEL W. GINGERY  
KIET HUYNH  
JESSICA C. LEE**

**MARK W. MOHR  
HANH T. NGO  
SUNGHEE PARK  
ANNIE C. PREISLER  
KIMBERLY J. ROSSMAN  
JON R. SCHRAUT  
AARON C. TERNING  
MELISSA N. WALTERS**

The following retake candidates were also present to write the examination:

**WASANA BATES  
MARK A BAUGH**

**KIM T. MAI**

The following reinstatement candidate was also present to write the examination:

**TIMOTHY B. SNYDER**

At approximately 8:30 a.m., January 7, 2004, the Board met in Conference Room A, at the University Park Plaza, 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, Mr. David Holmstrom, and the Board's new Legal Counsel, Ms. Rosellen Condon.

After reviewing, amending, and approving the agenda for this meeting, Mr. Vern Kassekert moved and Mr. Gary Schneider seconded that the agenda be approved as amended. The motion passed.

The Board next addressed the minutes of the meeting of Dececeember 3, 2003. Mr. Gary Schneider moved and Mr. Vern Kassekert seconded that the minutes of the meeting of December 3, 2003, be approved as written. The motion passed.

The Board next turned its attention to the election of officers for the coming year. For the office of President, Mr. Chuck Cooper moved to nominate Mr. Tom Dickson. Mr. Vern Kassekert seconded the nomination. There being no further nominations, the nominations were closed and Mr. Tom Dickson was elected to the office of President by a unanimous ballot.

For the office of Vice President, Mr. Chuck Cooper moved to nominate Mr. Gary Schneider. Mr. Tom Dickson seconded the nomination. There being no further nominations, the nominations were closed and Mr. Gary Schneider was elected to the office of Vice President by a unanimous ballot.

For the position of Executive Director, Mr. Tom Dickson moved that Mr. David Holmstrom be continued as the Executive Director of the Board of Pharmacy. Mr. Gary Schneider seconded the nomination. There being no further nominations, the nominations were closed and Mr. David Holmstrom was elected to continue as Executive Director by a unanimous ballot.

For the position of Assistant Director for Administrative Affairs, Mr. Vern Kassekert moved that Ms. Patricia Eggers be continued as the Assistant Director for Administrative Affairs. Mr. Carleton Crawford seconded the nomination. There being no further nominations, the nominations were closed and Ms. Patricia Eggers was elected to the position of Assistant Director for Administrative Affairs by a unanimous ballot.

At this time, Ms. Betty Johnson turned over the Presidency of the Board to Mr. Tom Dickson. Mr. Dickson, upon assuming the position of President, recognized the service to the Board by Ms. Betty Johnson and thanked her for her contributions.

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

- Continuing Education Advisory Task Force (Pharmacy Board Surveyor  
Stu Vandenberg, Mr. Gary Schneider)
- Committee on Professional Standards (Mr. Gary Schneider/Mr. Carleton  
Crawford) and (Ms. Jean Lemberg/Ms. Betty Johnson) with  
Mr. Chuck Cooper as an alternate
- Examination Committee (All Members)
- HPSP (Mr. Vern Kassekert)
- Internship Committee (Mr. Chuck Cooper, Past Board Member Donald  
Gibson, and Pharmacy Board Surveyor Candice Fleming)
- Rules and Legislation (All Members)
- Variance Committee (All Members to rotate through the committee  
meetings, two members per meeting)
- Ad Hoc Committee on Pharmacy Technicians (Mr. Chuck Cooper,  
Ms. Jean Lemberg, and a representative from the Pharmacy Board  
Surveyors, MPhA, MSHP, and the University of Minnesota  
College of Pharmacy)

The next item to come before the Board was the issue of continued membership in the National Association of Board's of Pharmacy. After a brief review of the many benefits derived from membership in NABP, including participation in the nation-wide reciprocity system of license transfer, established through NABP, the availability of the nationally-utilized NAPLEX and Multistate Pharmacy Jurisprudence Examinations, and participation in the National Disciplinary Clearinghouse, Ms. Jean Lemberg moved and Ms. Betty Johnson seconded that the Board again renew its membership in NABP. The motion passed.

The Board next discussed its intention to maintain the requirement of graduation from an approved college of pharmacy in order to qualify to take the Board's licensing examination. Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that the Board approve, and adopt as its own, the current accreditation standards of the Accreditation Council on Pharmaceutical Education (ACPE) and the current standards of the Canadian Council for Accreditation of Pharmacy Programs (CCAPP) and that the Board adopt the lists of approved colleges of pharmacy established by ACPE and by CCAPP as the list of colleges from which the Board will accept graduates as candidates for licensure. The colleges so listed have proven their compliance with the above-mentioned accreditation standards. The motion passed.

The Board next discussed its intention to accept, as candidates for licensure, foreign pharmacy graduates who have met the required English proficiency standards and equivalency of education standards established in Minnesota Statute 151.10, subd. 2. These candidates have been examined and certified by the Foreign Pharmacy Graduate Examination Commission. Mr. Gary Schneider moved and Mr. Chuck Cooper seconded that the Board approve, and adopt as its own, those standards for certification established by the Foreign Pharmacy Graduate Examination Commission and accept, as meeting those standards, only those graduates who have been properly certified by the Foreign Pharmacy Graduate Examination Commission. The motion passed.

The Board next turned its attention to applications to conduct new pharmacies it has received since its last meeting. The first application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Cub Pharmacy #759, in Lakeville, Minnesota, by Mr. Steven Soukup, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Mr. Vern Kassekert moved and Mr. Gary Schneider seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure and with special attention being paid to the patient-counseling area of the pharmacy. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Fairview Compounding Pharmacy, in Minneapolis, Minnesota, by Mr. Jeffrey McNamara, Pharmacist-in-charge. In addition to the application to conduct Fairview Compounding Pharmacy, Mr. McNamara also submitted applications for licensure as a drug wholesaler and for licensure as a drug manufacturer. After carefully reviewing all of these applications, Mr. Carleton Crawford moved and Mr. Gary Schneider seconded that all three of the applications be approved and licenses issued subject to the successful completion of an on-site inspection by a member of the Board's staff, to assure compliance with Pharmacy Board

rules dealing with licensure and with special attention being paid to the area being proposed for the production of sterile products. The motion passed.

The third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Hy-Vee Pharmacy #1848, in Waseca, Minnesota, by Ms. Mary Kay Megard, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, Ms. Betty Johnson moved and Mr. Gary Schneider seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The final application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of MedSave Pharmacy, in New Hope, Minnesota, by Mr. Richard Chernugal, on behalf of Stephanie Dauer, Pharmacist-in-charge. After carefully reviewing this application, the Board deferred taking action on the application and directed Mr. Holmstrom to obtain additional information from Mr. Chernugal. The Board determined that the diagram submitted by Mr. Chernugal was not adequate and the Board was not able to identify exactly what type of pharmacy Mr. Chernugal was proposing to license.

Mr. Gary Gustafson, from Fairview Pharmacy Services, now personally appeared before the Board to discuss a proposal for a "satellite" at Fairview Southdale Hospital.

Mr. Gustafson explained that discharged medications for patients being discharged from Fairview Southdale Hospital are now sent by pneumatic tube to Fairview Edina Pharmacy in an adjacent building, and the filled prescription is tubed back to the discharge nurse at the hospital. The discharge nurse then provides the patient education associated with the prescriptions that the patient will be receiving. Under the new proposal, the prescription will still be tubed to Fairview Edina Pharmacy, but the filled prescription will then be tubed back to a "satellite" pharmacy in the lobby of Fairview Southdale Hospital. A pharmacy technician who will provide the medication to the patient will staff the satellite pharmacy and the patient will then be counseled electronically by a pharmacist at Fairview Edina Pharmacy. After discussing this proposal with Mr. Gustafson, Ms. Betty Johnson moved and Mr. Carleton Crawford seconded that the proposal be approved subject to an on-site inspection by Pharmacy Board Surveyors and approval by Board staff of the policies and procedures that will be developed for the operation of the satellite.

Mr. Gary Cacciatore, from Cardinal Health, now personally appeared before the Board to continue the discussion of Cardinal Health's proposal for off-site order entry of hospital medication orders. After another lengthy discussion of the various issues involved, Mr. Vern Kassekert moved and Mr. Gary Schneider seconded that Cardinal's proposal be approved for implementation in Minnesota on condition that the remote site pharmacy and pharmacist be licensed by the Minnesota Board of Pharmacy and that each Minnesota hospital, proposing to utilize Cardinal's services for providing after hours pharmacy coverage, request a variance from the Board. The motion passed.

The Board now convened the closed quasi-judicial portion of the meeting. The first item of a quasi-judicial nature, on which the Board took final action, involved the pharmacist license of Mr. Dean A. Anderson. Ms. Condon presented the Board with a proposed Stipulation and Order in the matter of the pharmacist license of Mr. Dean A. Anderson. Mr. Anderson and his attorney, Ms. Annette Margarit, now personally appeared before the Board to discuss the proposed Stipulation and Order. The proposed Stipulation and Order was developed subsequent to a conference held with Mr. Anderson on December 9, 2003. The proposed Stipulation and Order has been agreed to and has been signed by Mr. Anderson.

After discussing the proposed Stipulation and Order with Mr. Anderson, Ms. Betty Johnson moved and Mr. Gary Schneider seconded that the proposed Stipulation and Order be approved and that Mr. Holmstrom be directed to sign the proposed Stipulation and Order on the Board's behalf. The motion passed with Mr. Chuck Cooper recusing himself from the meeting during the discussion with Mr. Anderson and the voting on the proposed Stipulation and Order.

The Board now returned to its open session.

The Board next addressed the [report from the Variance Committee](#).

The first Variance Committee issue to come before the Board was an appearance before the Board by Mr. Brent Kosel, Pharmacist-in-charge of Mercy Hospital Pharmacy, Mr. William Shutte, Pharmacist-in-charge of Unity Hospital Pharmacy, and Ms. Bonnie Senst, Director of Pharmacy Operations for both hospitals. These individuals appeared before the Board to discuss the variances relating to the use of decentralized technicians and the ratio of those technicians to pharmacists at both Unity and Mercy Hospitals.

After discussing the various issues involved here, and the history of the use of decentralized technicians at these facilities, Ms. Betty Johnson moved and Mr. Carleton Crawford seconded that the expanded ratios of technicians to pharmacists during certain limited hours of operation be approved for a one-year period of time. The motion passed.

The issue of supervision of the decentralized technicians during evening and night hours will be addressed by Mr. Shutte and will be resubmitted to the Variance Committee.

The next Variance Committee issue to be addressed by the Board involved a variance request from Pharmacist Tom Witt to establish a telepharmacy system from Mr. Witt's pharmacy, in Spring Grove, to a clinic in the town of Mabel.

Specifically, Mr. Witt's proposal would be to staff the Mabel location with a certified pharmacy technician who would fax prescription orders to the pharmacy in Spring Grove where they would be entered into the pharmacy's computer system. The pharmacist would then electronically supervise the selection of the medication by the technician and the technician would apply the prescription label generated electronically from Spring Grove to the prescription container. The technician would then assist the patient in receiving counseling electronically from the pharmacist in Spring Grove regarding the use of their medication. After a thorough discussion with Mr. Witt, of the issues involved here, Mr. Carleton Crawford moved and

Mr. Gary Schneider seconded that Mr. Witt be allowed to proceed with the telepharmacy system and that he report back to the Board one year from the date of implementation. The motion passed.

The next Variance Committee related issue to come before the Board was an appearance by Mr. Duc Truong. Pharmacists Larry Calhoun and Greg Strandberg, who work with Mr. Truong at Regions Hospital Pharmacy, supported Mr. Truong in his presentation to the Board. Mr. Truong is a Vietnamese pharmacist who was imprisoned in a Vietnamese prisoner of war camp for a number of years for assisting the United States in the Vietnam War, and since arriving in the United States has worked as a pharmacy technician at Regions Hospital. Mr. Truong has taken the Foreign Pharmacy Graduate Equivalency Examination twice and has passed it both times but continues to receive failing scores in the test of spoken English and the test of English as a foreign language.

Mr. Truong is now requesting that the Board allow him to sit for the licensure examination, even though the Foreign Pharmacy Graduate Examination Commission has not certified him. Since it has now been over six years since Mr. Truong last passed the Foreign Pharmacy Graduate Equivalency Examination, he will need to again retake it in order to pursue certification. After a lengthy discussion, the Board deferred taking final action on Mr. Truong's request and directed Mr. Calhoun and Mr. Strandberg to explore enrolling Mr. Truong in language classes and/or accent reduction classes that are available through Regions Hospital. Mr. Truong, Mr. Calhoun, and Mr. Strandberg were then invited to report back to the Board at the February meeting regarding the availability of these types of classes for Mr. Truong.

Mr. Holmstrom next presented the Board with additional information he's received relating to variance requests from the Fairmont Medical Center, from Rx Express Pharmacy, and from Fairview Pharmacies in Princeton and Elk River. The Board referred the Fairmont Medical Center information back to the Variance Committee for consideration at its next meeting. The Board directed Mr. Holmstrom to contact Pharmacist Larry Lindberg, at Rx Express Pharmacy, and obtain some additional clarification regarding his request. The additional information regarding the variance request from Fairview Princeton and Fairview Elk River Pharmacies allowed the Board to approve those requests for a one-year period of time. Ms. Jean Lemberg moved and Mr. Vern Kassekert seconded that the Variance Committee report be approved as amended. The motion passed.

Mr. Holmstrom next presented the report of the Examination Committee. The only item was a presentation of the scores for candidates for licensure by reciprocity. After a review of the candidates for licensure by reciprocity, Mr. Chuck Cooper moved and Mr. Vern Kassekert seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
8539	Jeffrey Jules Gallagher	NE
8541	Marcel Daniel Bizien	ID
8542	Jahnavi Jogendra Shah	TN
8543	Helen Fang Peng	PA
8544	Kristen Jean Gitter	WI

The motion passed.

Mr. Holmstrom next reported that the Board's Continuing Education Advisory Task Force, the Board's Internship Committee, and the Board's Rules and Legislation Committee did not meet since the last full Board meeting.

Mr. Gary Schneider next led a discussion that was carried over from the Board's December Board meeting regarding the use of electronic balances in place of the traditional torsion balance in pharmacies. Mr. Gary Schneider provided documentation regarding NTEP approval. After discussing the issue with Mr. Schneider, Mr. Chuck Cooper moved and Mr. Gary Schneider seconded that the Board's position regarding electronic balances should be "if you have an NTEP approved balance, we will accept it as long as it is capable of weighing 120 mgs with a plus or minus 5 percent accuracy or better." The motion passed.

Pharmacy Board Surveyors Stuart Vandenberg and Michele Mattila now provided a report to the Board regarding their visit to eight Canadian pharmacies, which was coordinated by the Department of Human Services in response to Governor Pawlenty's initiative regarding the importation of drugs from Canada. After receiving the report from Mr. Vandenberg and Ms. Mattila, the Board briefly discussed the drugs from Canada issue and took the position that since the importation of prescription drugs from Canada remains a violation of federal law, the Board cannot recommend that anyone use pharmacies outside of the United States for obtaining prescription medications.

The Board next turned its attention to the establishment of Board meeting dates for the last half of calendar year 2004. The Board established the following dates for its meetings:

- July 21st - Board Meeting
- September 1st - Board Meeting
- October 20th - Board Meeting
- December 1st - Board Meeting
- January 4th, 2005 - Board Examination
- January 5th, 2005 - Board Meeting

There being no further business requiring action by the Board at this time, President Dickson adjourned the meeting at approximately 2:05 p.m.

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PRESIDENT

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EXECUTIVE DIRECTOR

**VARIANCE COMMITTEE REPORT**  
**December 17, 2003**

**New Variances**

Boynton Health Service Pharmacy (Minneapolis)

Steve Cain, PIC

Request permission to have a patient safety policy regarding the dispensing of sample medications to Boynton patients

Approved – one year (on condition they send us a copy of revised policies and procedures, the request will be automatically approved if they follow our guidelines)

Coborn's Pharmacy #3 (St. Cloud)

Kenneth Bieganek, PIC

Request permission to store pharmacy prescriptions and other documented records that are at least two years old at an off site location, due to limited locked storage within the pharmacy (request had been made by the Pharmacy Director; not the pharmacist-in-charge)

No action needed

Duluth Clinic Pharmacy (Duluth)

William Grammond, Director of Pharmacy and Dianne Witten, PIC

Request permission to utilize the McKesson P2000 Automated Prescription System within the pharmacy

Approved – one year (on condition that Quality Assurance is required, and certification documentation be addressed)

Fairview Edina Pharmacy (Edina)

Lisa Ganske, Regional Manager and Shelby Setniker-Eschiti, PIC

Request permission to have a designated pharmacy space within the hospital for discharge prescription pick-up, separate from the Edina Pharmacy where the prescriptions are filled, in order to better serve the patients being discharged from the Fairview Southdale Hospital

Approved – one year if layout is okayed (on condition prescriptions tubed by nurses to Fairview Edina Community and tubed back where nurses give patient medications. Proposal is for pharmacist to counsel over video from new area in lobby)

Fairview Northland Pharmacy-Elk River (Elk River)

Lisa Ganske, Regional Manager and Cheryl Nelson, PIC

Request permission to provide emergency medications to the nursing staff of Fairview Hospice through an emergency kit that would be housed at the Elim Nursing Home, in Elk River, in a secure cabinet

Deferred (provide us more information regarding access under item #17.0)

Fairview Northland Pharmacy- Princeton (Princeton)

Lisa Ganske, RM and Kurt Gramith, PIC

Request permission to provide emergency medications to the nursing staff of Fairview Hospice through an emergency kit that would be housed in the emergency room of the Fairview Northland Hospital, in a secure cabinet

Deferred (provide us more information regarding access under item #17.0)

HealthEast Home Care Inc. Pharmacy (St. Paul)

Risa Eckardt, PIC

Request permission to store miscellaneous medical documents in a cabinet located in the RPh/RN team office area located just outside of the licensed pharmacy area of the HealthEast Home Care Infusion Pharmacy

Approved – one year

Market Pharmacy (Bemidji)

Thomas Thompson, PIC

Request permission to maintain a separate inventory at Market Pharmacy, which is owned by Bemidji State University  
Approved – one year

PharMerica (Fridley)  
Marcia McGowan, PIC  
Request permission to add items to the E-kit at the Maplewood Good Samaritan Center  
Approved – one year

Progressive Health Care Bemidji (Bemidji)  
Sheila Gilling, PIC  
Request permission to serve as pharmacist-in-charge at both Progressive Health Care Bemidji, in Bemidji, and at Clearwater County Memorial Hospital, in Bagley  
Approved – one year

St. Francis Medical Center Pharmacy (Breckenridge)  
Lori Meyer, PIC  
Request permission to add oral Lorazepam to the E-kit at the nursing home  
Approved – one year (on condition it is used in-house only on patients in the nursing home)

Virginia Regional Medical Center Phcy (Virginia)  
Karen Fiducia, Chief Executive Officer and Stephen Palazzari, PIC  
Request permission to utilize Cardinal Health's *R<sub>x</sub>e-source<sup>SM</sup>*, which is a new off-site order entry service  
Deferred until Cardinal issue resolved (if Cardinal is approved – all pharmacies will need variance)

Walgreens Pharmacy (Anoka)  
Charles Lander, PIC  
Request permission to utilize the Baker APS Systems automated counting cassettes within the pharmacy  
Deferred (address return to stock, cross-contamination, Quality Assurance, certification, and use our form)

Walgreens #04697 (Fridley)  
Chantal Yazbeck, PIC  
Request permission to utilize the Baker APS Systems automated counting cassettes or cells within the pharmacy  
Deferred (address whether cells or cassettes, return to stock, and certification)

**Extensions:**

Coborn's Pharmacy #29 (Albertville)  
David Steen, PIC  
Extension relates to variance to utilize the Baker APS P1000 Systems within the pharmacy  
Approved – two years

Iverson Corner Drug (Bemidji)  
Sheila Gilling, PIC  
Extension relates to variance allowing the telepharmacy program at Clearwater County Hospital, in Bagley  
Approved – one year (need more information on errors, if any, visit on-site twice a week, what if technician absence)

Lakeview Memorial Hospital Pharmacy (Stillwater)  
Cindy Appleseth, PIC  
Extension relates to variance of furnishing portable containers of medications to hospice and home care nurses, containing controlled substance drugs  
No action needed (Lakeview indicated this variance is no longer needed)

Unity Hospital Pharmacy (Fridley)  
William Shutte, PIC

Extension relates to variance for a change in technician-to-pharmacist ratio and decentralization of technicians at Unity Hospital  
No recommendation (invite to January Board meeting)

West Side Community Health Services Pharmacy (St. Paul)

Daniel Rehrauer, PIC

Extension relates to variance to space, security, an operating sink, and compounding equipment  
Approved (until new pharmacy opens)

Wolff Drug (Pierz)

Leslie Wolff, PIC

Extension relates to variance on utilization of the Pharmacy 1000 Dispensing System at your pharmacy (specifically, seeking exemption from the Board's requirement that pharmacists check the manufacturer's original container from which the medication was withdrawn during the certification process of prescription filling)

Approved – two years

**PIC Changes:**

Target Pharmacy T-47 (Edina)

Mary McMillan, PIC

Extension relates to variance on utilization of an automated counting machine at your pharmacy (specifically, seeking exemption from the Board's requirement that pharmacists check the manufacturer's original container from which the medication was withdrawn during the certification process of prescription filling)

Deferred (how is Quality Assurance double check done?)

Walgreens #05685 (Burnsville)

Heather Zenk, PIC

Variance relates to utilizing the Baker APS System's automated counting Baker cells in their pharmacy

Deferred (address certification and Quality Assurance) [send copy of Vern's policies and procedures]