

# **Minnesota Board of Pharmacy**

## **SEVEN HUNDRED AND FORTY-THIRD MEETING**

At approximately 8:00 a.m., January 8, 2002, the 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, with the exception of Mr. Tom Dickson and Mr. Vern Kassekert, were in attendance. Also in attendance were the Board's Executive Director, Mr. David Holmstrom, and the Board's Pharmacy Surveyors, Mr. Stuart Vandenberg, Mr. Leslie Kotek, Mr. Byron Opstad, Ms. Candice Fleming, and Ms. Michele Boock.

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:

**LEAH A. BUETTNER  
ANGELA T. CHAMPION  
KARLIE M. DOUGLAS  
YIMING A. JAN  
MARIA C. KENNY  
DAVID E. MCLEISH**

**NATALIE C. MCLEISH  
FARROKH MOUNES TOUSSI  
CHINWE C. NTEKIM  
DENNIS J. O'BRIEN  
DAVID J. WARNKE**

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

**RYAN M. CASSITY  
TU-KHANH N. HOANG  
PATTY A. COLVIN**

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

**EARL J. POIRIER  
DAVID SUNDBERG  
KENNETH STENGLIN**

At approximately 8:30 a.m., January 9, 2002, 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 was the Board's Executive Director, Mr. David Holmstrom, and the Board's Legal Counsel, Mr. Robert Holley.

After reviewing, amending, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of December 5, 2001. Ms. Betty Johnson moved and Mr. Tom Dickson seconded that the Minutes of the meeting of December 5, 2001, 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. Vern Kassekert moved to nominate Ms. Carol Peterson, and Mr. Chuck Cooper moved to nominate Mr. Vern Kassekert. There being no further nominations, the nominations were closed and Mr. Vern Kassekert was elected to the Office of President.

For the Office of Vice President, Mr. Vern Kassekert moved to nominate Ms. Carol Peterson. There being no further nominations, the nominations were closed and Ms. Carol Peterson was elected to the Office of Vice President by a unanimous ballot.

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

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

At this time, Mr. Benson turned over the presidency of the Board to Mr. Kassekert. Mr. Kassekert assumed the position of President, and recognized the service to the Board by Mr. Benson.

The next item to come before the Board was the issue of continued membership in the National Association of Boards 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. Ms. Betty Johnson then moved and Mr. Carl Benson seconded that the Board approve and adopt, as its own, the current accreditation standards of the American Council on Pharmaceutical Education (ACPE), and the current accreditation standards of the Canadian Council for Accreditation of Pharmacy Programs; and that the Board adopt the lists of approved colleges of pharmacy, published by ACPE and, when the curriculum is taught in English, 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 Statutes 151.10, Subdivision 2. These candidates have been examined and certified by the Foreign Pharmacy Graduate Examination Commission. Mr. Tom Dickson then moved and Ms. Carol Peterson 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.

President Kassekert next began a discussion of appointments to the Board's standing committees. After a brief discussion, however, the decision was made to delay naming specific committee members until the February meeting. In the meantime, members were encouraged to contact Mr. Kassekert with their committee preferences.

The Board next turned its attention to matters of a quasi-judicial nature. The first item of a quasi-judicial nature to come before the Board was the presentation, by Mr. Robert Holley, Legal Counsel for the Board, of a proposed order of revocation of the pharmacist license of Ms. Jeannette A. Stock, pursuant to the requirements of Minnesota Statutes 270.72, Subdivision 1. Mr. Carl Benson then moved and Mr. Chuck Cooper seconded that the Board revoke the license of Ms. Stock, in accordance with the above-cited statutory section and that Mr. Holmstrom be authorized to sign the order of revocation on the Board's behalf. The motion passed.

Mr. Holley then presented to the Board a proposal that the Board delegate to Mr. Holmstrom authority to revoke and reinstate licenses to practice pharmacy in cases involving tax delinquency and child support delinquency brought to the Board, under Minnesota Statutes 270.72. In that the statute requires action by the Board within 30 days, it might not be possible for the Board, as a whole, to meet and take action within the statutorily required 30-day period. As a result, in order to meet the statutory requirements, it may be necessary for Mr. Holmstrom to act on the Board's behalf. Mr. Holley then presented to the Board proposed language to accomplish such delegation. Mr. Tom Dickson then moved and Ms. Betty Johnson seconded that the Board accept Mr. Holley's proposal and that Mr. Holmstrom be authorized to revoke and reinstate licenses in tax and child support delinquency cases. The motion passed.

At this time, the Board returned to its open business session.

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 in Forest Lake, Minnesota, by Ms. Kristin Norland, Pharmacist-in-charge. After carefully reviewing this application, and a diagram of the proposed pharmacy, and noting that the pharmacy has already been inspected by Pharmacy Board Surveyor Michele Boock, Mr. Carl Benson moved and Ms. Betty Johnson seconded that the application be approved and a license issued. The motion passed.

The second application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Cub Pharmacy in Roseville, Minnesota, by Mr. Patrick O'Neill, Pharmacist-in-charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, Ms. Betty Johnson moved and Mr. Carl Benson 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 third application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Hennepin Faculty Associates Addiction Medicine Clinic, in Minneapolis, Minnesota, by Mr. Doug Darling, Pharmacist-in-charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, and noting that Mr. Darling is also requesting a variance, which would allow him to be Pharmacist-in-charge at this pharmacy as well as at an already existing pharmacy, Mr. Tom Dickson moved and Mr. Carl Benson seconded that both the variance request and 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 with Mr. Chuck Cooper abstaining.

The fourth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Walgreens Pharmacy, in Lakeville, Minnesota, by Ms. Trudy Matthys, Pharmacist-in-charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, and noting that the pharmacy has already been inspected by Pharmacy Board Surveyor Candice Fleming, Ms. Jean Lemberg moved and Mr. Chuck Cooper seconded that the application be approved and a license issued. The motion passed.

The fifth application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of Wal-Mart Pharmacy, in Bemidji, Minnesota, by Mr. Michael McNulty, Pharmacist-in-charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, Ms. Carol Peterson moved and Ms. Betty Johnson 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, with particular attention being paid to the adequacy of the patient counseling area, and subject also to the naming of a permanent pharmacist-in-charge for the pharmacy. The motion passed.

The sixth and final application to conduct a new pharmacy, to be reviewed by the Board, was submitted on behalf of RedPharm Pharmacy, in Robbinsdale, Minnesota, by Mr. David Smith, Pharmacist-in-charge. After carefully reviewing this application, and the diagram of the proposed pharmacy, and noting that variances were requested regarding the patient consultation area, reference books, and the pharmacy equipment, Mr. Chuck Cooper moved and Mr. Carl Benson 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 that the variances requested by Mr. Smith also be approved as long as the business plan, which currently involves the pharmacy doing only re-packaging of medications for use in InstyMed Automated Dispensing machines does not change. The motion passed.

The Board next addressed itself to the performance of the candidates for licensure by reciprocity who have taken the Reciprocity/Jurisprudence Exam since the Board's last meeting. After a thorough review of the performance of the candidates for licensure by reciprocity, Mr. Carl Benson moved and Ms. Jean Lemberg seconded that having passed the 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:

CERTIFICATE #	NAME	STATE OF ORIGINAL LICENSURE
7992	DOUGLAS LEE BOUWMAN	IA
7993	KELLY LYMAN BEAUDOIN	CT
7994	MELISSA ANN SCHREIFELS	NE
7995	DALE EUGENE SMITH	MO

The Board next turned its attention to the review of variance requests that have been submitted to the Board since its last meeting. The Board first addressed itself to new variance requests receiving their first reading. The first such request was submitted on behalf of HFA Addiction Medicine Clinic, in Minneapolis, Minnesota, by Mr. Doug Darling, Pharmacist-in-charge. Because this pharmacy is a Methadone program pharmacy, handling only two drugs, Mr. Darling is requesting variances relating to the requirement for a refrigerator, the requirement for a prescription balance and weights, and the requirement for stirring rods, spatulas, and other equipment. Ms. Betty Johnson then moved and Mr. Tom Dickson seconded that the Board suspend its policy requiring two readings for variance requests, and consider this request immediately. The motion passed.

Ms. Johnson and Mr. Dickson then moved that the variances requested by Mr. Darling be approved for a one-year period of time. The motion passed with Mr. Chuck Cooper abstaining.

The next request for a variance was submitted on behalf of ShopKo Pharmacy, in Winona, Minnesota, by Mr. Tom Williams, Pharmacist-in-charge. Mr. Williams is requesting a variance relating to the use of Baker Cell cassettes in the dispensing process at ShopKo. In keeping with its established policy of requiring two readings for variance requests, the Board took this request under consideration and will give it its second reading at the Board's meeting of February 20, 2002. In the meantime, the Board requested that Mr. Holmstrom send a copy of the newly developed variance form and newly developed guidelines on the use of automated dispensing machines to Mr. Williams.

The Board next turned its attention to requests for new variances receiving their second readings. The first such variance request was submitted on behalf of First Care Medical Services, in Fosston, Minnesota, by Mr. John Nord, Pharmacist-in-charge. Mr. Nord is requesting a variance that would allow the Director of Nursing or the Senior Unit Manager, who would be registered as pharmacy technicians, to fill medication orders as prescribed on the physician order sheet of the institution, at times when the pharmacist was not physically present

and on duty. The prescribed medications would be placed in a designated spot in the pharmacy for checking later by the pharmacist. No medications would leave the pharmacy until the pharmacist had confirmed the accuracy.

After discussion, during which the difficulty faced by small hospital pharmacies was discussed, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the variance requested by Mr. Nord be approved for a one-year period of time, on condition the technicians be limited to the Director of Nursing or Senior Unit Manager as proposed. The motion passed.

At this time, Ms. Bonnie Senst, Mr. Scott Knoer, and a pharmacy technician and pharmacy resident from Fairview-University Medical Center, appeared before the Board to discuss a variance request receiving its second reading. Ms. Senst and Mr. Knoer are requesting a variance for using the current Tech-Check-Tech validation process established for Tech-Check-Tech programs used in unit-dose dispensing systems, in the drug-picking portion of the process of preparing medications for loading into the Pyxis Automated Distribution System.

After a lengthy discussion involving the use of technicians in this role and the use of barcode technology, Mr. Chuck Cooper moved and Ms. Betty Johnson seconded that the variance requested by Ms. Senst and Mr. Knoer be approved for a one-year period of time. The motion passed.

The Board next turned its attention to a review of requests for extensions of previously granted variances. The first such request was submitted on behalf of PharMerica Pharmacy, in Fridley, Minnesota, by Ms. Joan Lucas, Consultant Pharmacist. Ms. Lucas is requesting an extension of a previously granted variance that allows an expanded Emergency Kit to be used at Hillcrest Healthcare of Wayzata. After reviewing this request, Ms. Carol Peterson moved and Mr. Carl Benson seconded that the previously granted variance be extended for an additional one-year period of time. The motion passed.

The second request for an extension of a previously granted variance was submitted on behalf of Rx Express Pharmacy, in Blaine, Minnesota, by Ms. Deborah Frazey, Pharmacist-in-charge. Ms. Frazey is requesting an extension of a previously granted variance that allows Rx Express to accept returns from assisted-living facilities. After reviewing this request, Mr. Tom Dickson moved and Mr. Carl Benson seconded that the previously granted variance be extended for an additional one-year period of time. The motion passed.

At this time, Ms. Julie Johnson, Executive Vice-President and CEO of the Minnesota Pharmacists Association, appeared before the Board to request the Board's support of proposed legislation which would allow properly-trained and certified pharmacists to administer immunizations to adult patients.

Ms. Johnson explained that the participation by pharmacists in an immunization program would be strictly voluntary and that the pharmacist would first need to be trained and certified. All immunizations would be conducted under protocols with a collaborating physician. After a thorough discussion of the issues involved, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the Board support this initiative by MPhA. The motion passed with Ms. Carol Peterson voting in opposition and Ms. Jean Lemberg abstaining.

The Board next entered a discussion of potential dates for a strategic planning retreat. Wednesday, March 6th, was identified as a potential date and Mr. Holmstrom was directed to make plans accordingly.

Mr. Holmstrom next provided the Board with information regarding potential legislation concerning plans for dealing with a bioterrorism event in Minnesota. Mr. Holmstrom also updated the Board on the status of the rulemaking process currently underway. No action was required, nor taken, by the Board.

Mr. Holmstrom next presented the Board with a draft of guidelines regarding the use of automated counting machines in pharmacies that were developed by Board of Pharmacy Surveyors. After making a minor revision to the guidelines, Mr. Tom Dickson moved and Mr. Chuck Cooper seconded that the Board approve these guidelines as amended. The motion passed.

Mr. Holmstrom next presented to the Board a letter from Pharmacist Judith Andersen regarding the labeling, use, and cleaning of inhalers. Ms. Andersen's letter expressed concern that placement of the pharmacy label directly on an inhaler made it more difficult for the patient to properly clean the inhaler after using it.

After discussing the labeling options for inhalers and other similar type devices, the Board took the position that the method of labeling of these devices is an area of professional judgment for the pharmacist and the pharmacist should exercise their judgment in light of their knowledge of the patient, the patient's background, and the unique physical properties of the inhaler in determining how best to label it.

There being no further business to come before the Board at this time, President Kassekert adjourned the meeting at approximately 1:15 p.m.

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PRESIDENT

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EXECUTIVE DIRECTOR