

Minnesota Board of Pharmacy

EIGHT HUNDRED AND TWENTY NINTH MEETING

At approximately 9:00 a.m., on July 30, 2013, 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, Board's Legal Counsel, Mr. Bryan Huffman, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Steven Huff, Mr. Timothy Litsey, Ms. Barbara Carter, and Ms. Patricia Eggers. The Board's President, Ms. Laura Schwartzwald, called the meeting to order.

The Board first went into closed session to discuss issues of a quasi-judicial nature. At 9:45 AM the Board returned to open session.

The Board next discussed the minutes of the June 18, 2013 business meeting. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the minutes be approved. The motion passed.

Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the Consent Agenda be approved. The motion passed.

The Consent Agenda for this meeting was as follows:

- Variances
 - Variance Committee Report – Approve
 - Continuing Education Report - Approve

Mr. Stuart Williams moved and Mr. Justin Barnes seconded to approve the remainder of the agenda. The motion passed.

The first variance request to come before the Board was from Ms. Jennifer Hettiarachchy, who requested that she not be required to pass the NAPLEX in order to be licensed by reciprocity. Dr. Wiberg provided background information to the Board. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the variance be approved on condition she does 480 hours of internship. The motion passed with Mr. Bob Goetz abstaining.

The second variance request to come before the Board was from Mr. James Utt, who requested that he not be required to pass the NAPLEX in order to be licensed by reciprocity. Ms. Kay Hanson moved and Mr. Stuart Williams seconded that the request be approved on condition he does 480 hours of internship. The motion passed.

The third variance request to come before the Board was a request from Mr. Jeff Bregar regarding changing his licensure status from emeritus to active. Ms. Kay Hanson moved and Mr. Rabih Nahas seconded that the variance be approved on

condition that he pay his back fees and demonstrate appropriate completion of continuing education. The motion passed.

The fourth request to come before the Board was a request from Rochester Methodist Hospital Pharmacy and St. Mary's Hospital Pharmacy. At this time Ms. Karen Bergrud recused herself from the meeting. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the variance be approved for two years with Ms. Karen Bergrud abstaining. The motion passed.

Ms. Bergrud returned to the meeting.

The fifth variance request to come before the Board was a request from Target Pharmacies. At this time Ms. Kay Hanson excused herself from the meeting. Mr. Matt Kramer was present at the meeting and gave a presentation to the Board regarding the variance request. Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that the variance be approved for one year with Ms. Kay Hanson abstaining. The motion passed.

Ms. Hanson returned to the meeting.

The sixth request to come before the Board was a policy review request from Walgreens Pharmacies. At this time Mr. Bob Goetz excused himself from the meeting. Mr. Rabih Nahas moved and Ms. Karen Bergrud seconded that the variance be approved for two years with Mr. Bob Goetz abstaining. The motion passed.

Mr. Goetz returned to the meeting.

Dr. Wiberg next requested an interpretation of MN Statutes 151.211 and 152.11, subdivision 1(d). Specifically he noted the following staff recommendations:

“Staff recommends that the Board interpret these sections to require pharmacies to retain prescriptions in the original format in which they are received for the two year period required by the statutes. Under that interpretation, paper prescriptions would need to be kept on file as paper prescriptions and not scanned and kept on file in electronic format. On the other hand, electronic prescriptions would have to be kept in the original electronic format and could not be printed out and stored on paper, with the original electronic prescription then deleted. Staff believes that it important for a pharmacy to retain a prescription in the original format in case any questions arise concerning the accuracy of the prescription filling process.

Staff further recommends that the Board interpret these sections to allow pharmacies to store faxed and electronic prescriptions in a database that is not on a server that is physically located within the pharmacy at which the prescriptions were actually filled - as long as the pharmacy would always have immediate, secure electronic access to the prescriptions and as long as policies are in place to periodically backup the database”.

The unanimous consensus of the Board was to accept the staff recommendations.

Dr. Wiberg next addressed the “Pharmacy Practice Act” changes that are being proposed by the Minnesota Pharmacists Association. Dr. Wiberg provided the Board with background information. Ms. Jill Strykowski, representing MPhA also addressed the Board regarding this issue. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that a task force be formed consisting of Ms. Karen Bergrud, Ms. Kay Hanson, Ms. Laura Schwartzwald, and Mr. Stuart Williams to consider changes to the Pharmacy Practice Act. The task force is to report back to the board on to their work. The motion passed.

Dr. Wiberg then provided the Board with information about changes in federal legislation related to the compounding issue. No action was taken at this time.

Dr. Wiberg next provided an update to the Board concerning personnel changes and office remodeling. No action was taken at this time.

Ms. Barbara Carter next presented the Board with an update on the Prescription Monitoring Program. No action was necessary.

Dr. Wiberg next discussed the American Society for Pharmacy Law Seminar XXIV and suggested that board members could attend. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the board authorize payment of the expenses for the board members, the Board’s Attorney, the Executive Director and the yet to be named Deputy Director to attend the seminar in November, 2013. The motion passed.

The Board next discussed the names of the Complaint Review Panel (CRP) and the Committee on Professional Standards (COPS). Mr. Stuart Williams moved and Ms. Karen Bergrud seconded to switch the names of the CRP and COPS. The motion passed.

There being no further business requiring action by the Board, Mr. Rabih Nahas moved to adjourn the meeting. The motion occurred at approximately 11:47 am and Mr. Stuart Williams seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR