

Minnesota Board of Pharmacy

SEVEN HUNDRED AND NINETY FIRST MEETING

At approximately 9:00 a.m., June 4, 2008, 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, Ms. Karen Andrews; and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, Ms. Michele Mattila, Ms. Karen Olson, and Ms. Patricia Eggers. Board President Mr. Thomas Dickson called the meeting to order.

The Board went into a closed session to discuss matters of a quasi-judicial nature.

The only item of a quasi-judicial nature to come before the Board was the case of Mr. Dean Anderson. Mr. Anderson petitioned the Board for an amendment to his current Stipulation and Order, asking for a modification of the statement "(a)t no time during the period of probation shall respondent be employed at, contract with, or have an ownership interest in any pharmacy or other facility where he would have access to or responsibility for controlled substances". Mr. Anderson explained that he has followed HPSP's requirements and guidelines for over three years but is finding it difficult to obtain pharmacy employment because of this stipulation. Dr. Wiberg provided the history of Mr. Anderson's case. After a discussion, Mr. Gary Schneider moved and Ms. Kay Hanson seconded that the Board remove section 3a and 2b on Mr. Anderson's Stipulation and Order and that they be replaced with a new stipulation that allows Mr. Anderson to work in a facility that handles controlled substances provided that he is not the only pharmacist on duty and that he follow the guidelines of HPSP. The motion passed.

The Board returned to its open session.

The Board next discussed the minutes of the April 16, 2008 meeting. Mr. Ikram-Ul-Huq moved and Ms. Karen Bergrud seconded that the minutes of that meeting be approved. The motion passed.

Mr. Gary Schneider moved and Mr. Carleton Crawford seconded to approve the items on the consent agenda. The motion passed.

Consent Agenda

- New Pharmacy Applications
 - Cashwise Pharmacy #1806
600 Peterson Parkway
New London, MN 56273

Approve
Permanent Pharmacist-in-charge Thomas Merten
Pending final inspection

- Fairview Pharmacy – Brooklyn Park
10000 Zane Avenue North
Brooklyn Park, MN 55443

Approve
Temporary Pharmacist-in-charge Michael P.
Wagner
Pending final inspection by a Board Surveyor and
naming of a permanent Pharmacist-In-Charge

- Global Pharmacy
811 East 24th Street
Minneapolis, MN 55402

Approve
Permanent pharmacist-in-charge Berlin Farah
Pending final inspection by a Board Surveyor

- Wal-Mart Pharmacy 10-4257
1000 18th Avenue NE
Austin, MN 55912

Approve
Permanent pharmacist-in-charge James Laskowski
Pending final inspection by a Board Surveyor

- Variances

- [Variance Committee Report](#) - approve

- Continuing Education

- Programs reviewed by CEATF between 03/12/2008 and 04/18/2008 – Approve those recommended for approval and deny those recommended for denial

- Examination Committee
 - Exam Candidates Report – approve

Certificate Number	Name	Registration Number
9837	Jennifer Christine Olesen	119215
9838	Jackie Lynn Boike	119217
9839	Jaime Lynn Dorsett	119218
9840	Agnes Azeh	119219
9841	Olufunmilayo E Johnson	119220
9842	Katie Thuong Truong	119221
9843	Aditi Desai	119222
9844	Anita Marie Lundquist	119223
9847	Daniel Anthony Wittman	119226
9848	Sadiq Sultanali Dattoo	119227
9854	Mark James Hardy	119233
9855	Krystal Lee Wheeler	119235

- Reciprocity Candidates Report – approve

Certificate Number	Name	Registration Number	State of Original Licensure
9832	Julia Schuster-Heinritz	119210	WI
9833	Saida F Mohamed	119211	MA
9834	Adrienne W Mag	119212	AZ
9835	Patrick G Yoder	119213	MO
9836	Marlene K Pierce	119214	TN
9845	Taryn T Ishaug	119224	ND
9846	Julie A Platte	119225	SD
9849	Marlyne P Pineda	119228	IL
9850	Nina M Arevalo	119229	CA
9851	Spencer S Page	119230	SD
9852	Anthony L Carson	119231	MT
9853	Robert J Evans	119232	PA

The Board reviewed the remaining agenda for this meeting. Ms. Karen Bergrud moved and Dr. Stacey Jassey seconded to add East Side Pharmacy to the agenda and to approve the remaining agenda as amended. The motion passed.

The Board next considered the variances that the Variance Committee deferred to the Board.

- St. Olaf Pharmacy in Austin. Pharmacist-in-charge Rick Knoll requested a variance to allow the operation of a telepharmacy in Blooming Prairie, Minnesota and for a renewal of a variance allowing for the operation of a telepharmacy in Leroy. Mr. Knoll joined the meeting to provide background information and answer questions. After much discussion, Mr. Carleton Crawford moved and Mr. Ikram-Ul-Huq seconded that the variance for Blooming Prairie be approved for one year period of time on condition that that Mr. Knoll provide the Board with feedback within six months of opening, that the Blooming Prairies site be licensed as a pharmacy. The motion passed with Ms. Karen Bergrud abstaining.
- University of Minnesota Veterinary Medical Center Pharmacy, Pharmacist-in-charge Amiee Turcott, requested that while she is on leave, a variance be granted to allow a licensed veterinarian to certify prescriptions within the pharmacy. Mr. Gary Schneider moved and Ms. Karen Bergrud seconded that the variance be approved for the period of time and dates specified in the variance request. The motion passed.

Dr. Wiberg next presented the Board with information regarding 2008 legislation affecting pharmacy.

1. Chapter 321
 - Expands authority for registered nurses working in family planning clinics to dispense all contraceptives, rather than just oral contraceptives. The dispensing must occur only pursuant to a protocol established by the medical director or with a physician. Effective August 1, 2008.
 - Establishes that a prescription or drug order for controlled substances and certain other drugs (carisoprodol, tramadol, muscle relaxants, erectile dysfunction drugs) is not valid unless the prescription or order was based on a documented patient evaluation, including an in-person examination, adequate to establish a diagnosis and identify underlying conditions and contraindications to treatment. Prohibits pharmacists from knowingly filling such prescriptions. This provision was intended to prevent pharmacies and pharmacists from working with illegitimate Internet websites. Already in effect.
 - Officially allows a patient to designate a family member, friend or caregiver to handle a prescription drug for the patient. Before this change, it was technically unlawful for, say, a person to pick up a spouse's medication. (Although it obviously occurred all of the time). Already in effect.

- Clarifies that pharmacies can re-dispense medications returned from jails provided certain conditions are met. Already in effect.
 - Makes certain changes to the section of statute involving the controlled substance prescription electronic reporting system, most notably – delays implementation until January 1, 2010. Was supposed to expand program to include schedule IV controlled substances but that change was inadvertently left out of legislation.
2. Chapter 189
 - Modifies the definition of “practice of pharmacy”. Allows pharmacists to administer influenza vaccine to any person over the age of 10 and allows them to administer any vaccine to adults. Removes the phrase “case-by-case” from language concerning protocols. (i.e. protocols will no longer have to refer to specific patients).
 3. Chapter 358.
 - Effective January 1, 2011, all providers, group purchasers, prescribers, and dispensers must establish and maintain an electronic prescription drug program that complies with the national standards in for transmitting, directly or through an intermediary, prescriptions and prescription-related information using electronic media. This section deals with what might be called “transactional standards” but does not address “operational standards”. Board staff has been working with MPhA and others on draft legislation to address operational standards.
 4. Chapter 348.
 - Relating to occupations and professions; providing for registration of naturopathic doctors. Specifically *prohibits* naturopathic doctors, who will now be registered, from prescribing legend drugs.
 5. Chapter 363
 - Reduces fee-for-service Medicaid ingredient reimbursement from AWP – 12% to AWP – 14%, effective July 1, 2008.
 - Transfers \$3.219 million from the special revenue fund to the general fund. (i.e. – takes money from the reserve funds of the health-licensing boards, as occurred in 2003). The amount to be transferred from each board has not yet been determined.

No action was taken.

Dr. Wiberg next gave the Board a draft of potential rule changes and informed the Board that the Board of Pharmacy staff will convene advisory committee meetings soon to advise the Board on the proposed changes. No action was taken.

Dr. Wiberg next presented the Board with a draft of Frequently Asked Questions documents on Pharmaceutical Waste. No action was taken.

Dr. Wiberg next presented the Board with potential statute changes during the 2009 legislative session.

1. The Board is required to implement the Controlled Substances Prescriptions Electronic Reporting System by January 1, 2010. The CSPERS project, as well as routine information technology needs (enhancement and maintenance of licensure database, in particular) justifies the addition of an IT specialist to the Board staff. Several other Boards (Medicine, Nursing, Emergency Medicine and Social Work) have one or two dedicated IT staff – in addition to the two IT staff that is shared by all boards. The Board will also need to hire an administrative specialist to handle the requests for profiles that the board will be receiving. Staff requests Board approval to incorporate these new positions in the budget recommendations that will be made to the Governor's Office later this fall. Since at least a portion of the Board's reserves are being transferred to the general fund, fee increases may be necessary. However, the Board will have not raised fees for a decade. Part of the funds for these two positions will initially come from any federal grant that the Board receives. Longer term, part of the funds will probably come from the health-care licensing boards that regulate prescribers. The board did not object to the Board staff look into employing an IT person.
2. Correction to CSPERS legislation to include schedule IV controlled substances.
3. Electronic prescribing operational standards. A draft of proposed language was handed out. Staff will continue to work with MPhA and other organizations on this issue, as directed by the Board at its March 2008 meeting.
4. Limited prescribing authority for pharmacists who have entered into protocols pursuant to M.S. § 151.01, subd. 27 (6). Information was handed out. The Board expressed support for this change.

Ms. Eggers next presented the Board with information on Dr. Wiberg's cost of living increase of 3.25% that, with Board approval, will be effective 7/1/08. This is the increase approved by the Legislature and the Governor for all state employees. However, employees in the Managerial Plan must have formal approval from the appointing authority. After some discussion, Mr. Carleton Crawford moved and Ms. Kay Hanson seconded that Dr. Wiberg be granted the cost of living increase of 3.25%. The motion passed.

Dr. Wiberg next presented the Board with information received at the NABP Annual meeting held in Baltimore, MD. No action was taken.

Dr. Wiberg next presented the Board with information about the upcoming District V NABP/AACP meeting to be held in Fargo, ND on August 7-9, 2008. Mr. Gary Schneider moved and Ms. Karen Bergrud seconded that the board approve the

payment of expenses incurred for any board member who wishes to attend, the executive director, and one surveyor. The motion passed.

The Board next considered information submitted by Mr. Daniel Rehrauer, temporary pharmacist-in-charge of the East Side Family Clinic Pharmacy, 860 Cesar Chavez Street, St. Paul, MN 55107 regarding a new pharmacy application. After a discussion, Ms. Kay Hanson moved and Ms. Stacey Jassey seconded that, when we receive an application from Mr. Rehrauer for East Side Family Clinic Pharmacy that the application be approved and a license issued subject to the naming of a permanent pharmacist-in-charge for the pharmacy and subject also 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.

There being no further business requiring action by the Board, Mr. Ikram-UI-Huq moved to adjourn the meeting at approximately 12:07 p.m. Ms. Karen Bergrud seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR