

Minnesota Board of Pharmacy

EIGHT HUNDRED AND TWENTY SIXTH MEETING

At approximately 9:00 a.m., on March 13, 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 immediately went into a closed session to discuss disciplinary actions and staff evaluations.

Upon returning to open session, Ms. Schwartzwald introduced the Board Members who were recently appointed by Governor Mark Dayton, Mr. Rabih Nahas and Mr. Justin Barnes. The Board and its staff welcomed them to the Board.

The Board next discussed the minutes of the January 13, 2013 retreat and the January 30, 2013 business meeting. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the minutes be approved as amended. The motion passed.

Mr. Stuart Williams moved and Mr. Justin Barnes seconded to approve the Consent Agenda. The motions passed.

The Consent Agenda for this meeting was as follows:

- Variances
 - Variance Committee Report – Approve
 - Continuing Education Advisory Task Force – Approve

Mr. Stuart Williams moved and Mr. Rabih Nahas seconded to approve the agenda with an amendment to include a discussion of publicizing certain disciplinary orders. The motion passed.

At this time Ms. Laura Schwartzwald recused herself from the meeting because she has an ownership interest in Guidepoint Pharmacies. As Vice President, Mr. Stuart Williams began presiding over the meeting.

The first variance request discussed was from Guidepoint Pharmacy. Ms. Candice Fleming presented the information on the tele-pharmacy in Longville. Present at the meeting were Ms. Ashley Jensen, Pharmacist-in-charge at Guidepoint Pharmacy in Nisswa and Longville Tele-Pharmacy; Mr. Jim Jensen, Marketing and Advertising for Guidepoint in the Brainerd area; Mr. Jocko Kline, Mayor of Longville; and Mr. Dave Johnson, Director and Pharmacist-in-charge at Cuyuna Regional Medical Center. After

much discussion, Ms. Karen Bergrud moved and Ms. Kay Hanson seconded that the Board approve the variance for one year on condition that Guidepoint submit a report concerning prescription volume upon reapplying for the variance. The motion passed unanimously.

Ms. Laura Schwartzwald returned to, and resumed presiding over, the meeting.

The Board next addressed an amended variance request from AlixaRx for the use of an Automated Drug Distribution System in a long term care facility. Mr. Barry Fuchs, General Manager of AlixaRx in Eden Prairie was present at the meeting. Ms. Candice Fleming provided the Board with information about the request. After much discussion, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded, that the Board approve the amended policies and procedures for AlixaRx Automated Drug Distribution System Variance Number 263885-002. The motion passed unanimously.

The third variance request to come before the Board was from Summit Academy Pharmacy Technician Program. Dr. Cody Wiberg informed the Board that Summit requested the completion of their program be allowed to count toward technician training requirements for a group of students that were enrolled in the program prior to January 1, 2013. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the variance request be approved but that Dr. Wiberg provide feedback to Summit Academy about adding additional content to their program. The motion passed unanimously.

Dr. Wiberg next provided the Board with information about a technician training program offered by Passed Assured. Mr. Steven Huff provided additional information about the program and explained to the Board that it is basically a review to enable technicians to pass the Pharmacy Technician Certification Board examination. Mr Huff and Dr. Wiberg suggested that the program not be approved. Ms. Kay Hanson moved and Mr. Bob Goetz seconded that the program be denied and that Passed Assured be made aware of why the program was denied. The motion passed unanimously.

Dr. Wiberg next gave an update on legislative issues. Dr. Wiberg discussed a number of bills that affect the Board. The first bill was HF 195, a bill concerning the use of protocols by dietitians and nutritionists. The Board had previously voted to support the language contained in that bill, so no additional action was required.

The second bill was HF 662, which contained a provision from the Minnesota Department of Health regarding field-delivered therapy in the treatment of a communicable disease. Dr. Wiberg recommended that the Board remain neutral on the bill and the Board concurred.

The third bill was HF 889, a Board bill that adds seven additional designer drugs to Schedule I. No further action was required.

The fourth bill was HF 1002, regarding criminal background checks for individuals regulated by the health-licensing boards. The Board had previously voted to support the language contained in that bill, so no additional action was required.

The fifth bill was SF 1181, regarding a requirement for employers of licensed professionals to report any individual who divert drugs to the appropriate licensing board. The Board had previously voted to support the language contained in that bill, so no additional action was required.

The sixth bill was HF 688, regarding the storage and use of epinephrine auto-injectors in schools. Dr. Wiberg recommended that the Board remain neutral on the bill and the Board concurred.

The seventh bill was 1136, which the Board's policy bill. Dr. Wiberg explained that all language was removed from of the bill by the bill's author, except for the compounding provisions. Consensus of the Board was for Dr. Wiberg to try to get this remaining language passed.

The final bill was SF 1077, a bill from the Department of Human Services concerning methadone treatment facilities. Dr. Wiberg explained that a provision in the bill will require the Board to work with DHS to develop a process through which DHS staff could access PMP data. The consensus of the Board was to support this bill.

Dr. Wiberg next presented information to the Board concerning the current approval process for CE programs. Mr. Bob Goetz moved and Ms. Kay Hanson seconded that Dr. Wiberg's delegation of authority be amended to include the task of reviewing submitted CE programs and making recommendations to the Board regarding approval or disapproval of continuing education programs and providers. The motion passed.

Ms. Barbara Carter then gave the Board an update on the Prescription Monitoring Program. No action was necessary.

Dr. Wiberg next presented the Board with a proposal for the publication of certain disciplinary actions. Mr. Justin Barnes moved and Mr. Bob Goetz seconded that the Board authorize Dr. Wiberg to issue a press release concerning a recently adopted disciplinary order and that this issue be brought before the Board at a future meeting to discuss standards for doing this on an ongoing basis. The motion passed unanimously.

Dr. Wiberg next presented the Board with information concerning an upcoming meeting sponsored by the Citizens Advocacy Center. Mr. Bob Goetz moved and Mr. Justin Barnes seconded that the Board authorize the expenditure of funds for the two public members to attend this meeting. The motion passed unanimously.

Dr. Wiberg next presented the Board with information concerning the NABP Annual Meeting. Mr. Rabih Nahas moved and Ms. Karen Bergrud that the Board

authorize the expenditure of the necessary funds to allow any Board member, the Executive Director, and one surveyor to attend the annual meeting. The motion passed unanimously. By consensus it was deemed that Ms. Laura Schwartzwald would be designated as the delegate and Mr. Stuart Williams would be designated as the alternate.

There being no further business requiring action by the Board, Ms. Karen Bergrud moved to adjourn the meeting. The motion occurred at approximately 1:25 pm and Mr. Bob Goetz seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR