

## **Minnesota Board of Pharmacy**

### **EIGHT HUNDRED AND FIFTH MEETING**

At approximately 9:00 a.m., on May 12, 2010, 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 with the exception of Mr. Ikram-Ui-Huq. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, the Board's legal counsel, Assistant Attorney General Geoffrey Karls and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Leslie Kotek, Ms. Karen Schreiner, and Ms. Patricia Eggers. Assistant Attorney General Nathan Hart was also in attendance to advise the Board on one of the cases heard during the closed quasi-judicial session. The Board's President, Ms. Karen Bergrud, called the meeting to order.

The first item on the Board's agenda was to congratulate Mr. Ikram-Ui-Huq on his reappointment to the Board as a public member and to welcome to Ms. Laura Schwartzwald, who was appointed to replace outgoing pharmacist member Gary Schneider.

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

The first item of a quasi-judicial nature to come before the Board was the case of Pharmacist Michael DeBernardi. Mr. DeBernardi was not present at the meeting. Mr. Karls presented information on behalf of the disciplinary panel. Mr. Nathan Hart advised the Board on the case. Members who participated in the Complaint Review Panel and Dr. Wiberg left the meeting room so the Board could deliberate. Mr. James Koppen moved and Ms. Laura Schwartzwald seconded that the Findings of Fact, Conclusions, and Final Order be approved as written. The motion passed.

The second item of a quasi-judicial nature to come before the Board was the case of Pharmacist Jessica Growette, who has completed the requirements of her 2007 Order. Ms. Growette was present at the meeting. Dr. Wiberg presented the Board with background information regarding Ms. Growette's case. After a brief discussion, Mr. Carleton Crawford moved and Mr. James Koppen seconded that Ms. Growette be granted her petition for unrestricted license and that Executive Director Wiberg be empowered to sign an Order of Reinstatement for Unconditional License on the Board's behalf. The motion passed. The Board wished Ms. Growette well in future endeavors.

The third item of a quasi-judicial nature to come before the Board was the case of Pharmacist Susan Ahlquist, who has completed the requirements of her 2004 Order. Ms. Ahlquist was present at the meeting. Dr. Wiberg presented the Board with background information regarding Ms. Ahlquist's case. After a brief discussion, Ms. Kay Hanson moved and Dr. Stacey Jassey seconded that Ms. Ahlquist be granted her petition for unrestricted license and that Executive Director Wiberg be empowered to sign an Order of Unconditional Registration on the Board's behalf. The motion passed. The Board wished Ms. Ahlquist well in future endeavors.

The fourth item of a quasi-judicial nature to come before the Board was the case of Mr. Lance Lundstad who is requesting that his 2007 Stipulation and Order be amended to allow him to work alone. Mr. Lundstad was present at the meeting. Dr. Wiberg presented the Board with background information regarding Mr. Lundstad's case. After a brief discussion, Mr. James Koppen moved and Ms. Laura Schwartzwald seconded that Mr. Lundstad be allowed to work alone and be a pharmacist-in-charge and that Executive Director Wiberg be empowered to sign an amended Order on the Board's behalf. The motion passed.

The fifth and final item of a quasi-judicial nature to come before the Board was the case of Pharmacist Robin Sanders. Dr. Wiberg presented the Board with background information on the case and with a proposed Stipulation and Consent Order (SCO). The SCO was developed subsequent to conferences held on November 18, 2009 and on January 27, 2010, wherein Mr. Sanders agreed to voluntarily surrender his license for a minimum of three years. The proposed SCO has been agreed to and signed by Mr. Sanders. After a discussion, Mr. James Koppen moved and Mr. Carleton Crawford seconded that the Board accept the proposed SCO and that Mr. James Koppen and Dr. Wiberg be empowered to sign the order on the Board's behalf. The motion passed.

The Board returned to general session.

The Board next discussed the minutes of the March 17, 2010. Mr. Carleton Crawford moved and Ms. Kay Hanson seconded that the minutes of the meeting be approved. The motion passed.

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

- New Pharmacy Applications.
  - Thrifty-White  
202 North Central Avenue  
Duluth, MN 55368
  
- Variances
  - Variance Committee Report - approve

- Continuing Education. CEATF Reports for the periods 02/10/2010 – 03/09/2010. Approve those recommended for approval and deny those recommended for denial
- Examination Committee
  - Exam Candidates Report – approve

Certificate Number	Name	Original Licensure Date	Registration Number
10569	Ronald Scott Anderson	04/15/2010	119946
10567	Amber Lee Smith	03/26/2010	119944
10577	Jared Joel Anderson	04/23/2010	119950
10562	Ni Annie Tchao	03/08/2010	119938
10572	Marcin W Puto	4/20/2010	119949

- Reciprocity Candidates Report – approve

Certificate Number	Name	Original Licensure Date	Registration Number
10566	Robert P Brower II	03/18/2010	119943
10565	Mukulika Biswas	03/18/2010	119942
10563	Betty Carol Farmer	03/11/2010	119939
10573	William D Wrigley	04/26/2010	119951
10575	Anthony J Ratzsch	04/26/2010	119953
10574	Corey Alan Samson	04/26/2010	119952
10576	Kerry L Zelinski	04/26/2010	119954
10571	Matthew Kolb	04/19/2010	119948
10570	Katy Ann Vesel	04/19/2010	119947
10564	Diane Marie Orville	03/11/2010	119940
10568	Satyam Patel	04/05/2010	119945
10578	Parvia Kanika Ahmed	05/04/2010	119955

The Board reviewed the remaining agenda for this meeting. Dr. Stacey Jassey moved and Mr. James Koppen seconded that the remaining agenda be approved. The motion passed.

The Board next discussed variances and policies deferred to the Board.

- ◆ Econodrug, Ottertail, MN
  - Telepharmacy
  - Equipment

Present at the meeting was Mr. Nathan Seip. Ms. Candice Fleming provided the Board with background information concerning this variance request. After much discussion, Mr. Carleton Crawford moved and Ms. Kay Hanson seconded that the variance be approved for one year. The motion passed with Mr. James Koppen and Ms. Stacey Jassey voting in opposition.

- ◆ Unity Outpatient Pharmacy, Fridley, MN
  - Allow hospital pharmacist to cover outpatient pharmacy between 11PM – 7AM

Present at the meeting were Mr. Jason Meier, Regional Manager; Ms. Bonnie Senst, Director of Pharmacy at Allina Hospital Pharmacy; Mr. Dan Niznick, Pharmacist-in-charge of the Inpatient Pharmacy, Mr. Robert Arndt, Pharmacist-in-charge at the Outpatient Pharmacy, and Ms. Ann Byre, Director for Allina Community Pharmacies. After much discussion, Ms. Kay Hanson moved and Ms. Laura Schwartzwald seconded that the variance be approved for one year. The motion passed with Mr. Jim Koppen voting in opposition. After further discussion, Ms. Kay Hanson amended her motion that they provide workload information at the time of the renewal. Ms. Laura Schwartzwald seconded. The amendment to the motion passed with Mr. Jim Koppen voting in opposition.

- ◆ Regions Outpatient Pharmacy, St. Paul, MN
  - Allow licensure of outpatient & hospital pharmacies in same space

After much discussion, Mr. James Koppen moved and Mr. Carleton Crawford seconded that the variance be approved permanently with the condition that Regions will need to separately address the issue that one pharmacist cannot cover both areas without an additional variance being granted by the Board. The motion passed.

- ◆ Delora Ann Pufall
  - Exemption to FPGEE Certification

Ms. Delora Pufall was present at the meeting. Dr. Wiberg gave the Board information he received from NABP. Dr. Stacey Jassey moved and Mr. James Koppen seconded that the variance be denied but directed Dr. Wiberg to contact the National Association of Boards of Pharmacy to find out if there is some manner in which Ms. Pufall could qualify for participation in the Foreign Pharmacy Graduate Examination Committee process. The motion passed.

The Board next listened to a presentation by Talyst about that company's InSiteRx™ Remote Dispensing System. Mr. Dave Doane, a licensed pharmacist in Washington State and an employee of Talyst; Jason Spears, an employee in

technology at Talyst, and Ms. Mary Johnson, from the Minnesota VA Hospital, were present at the meeting. No action was taken at this time. Talyst was made aware that each pharmacy that wants to use their system will need to seek approval of the necessary variance requests.

Dr. Wiberg gave the Board an update on the proposed general rule changes. No action was taken at this time.

Dr. Wiberg next gave the Board an update on the competing versions of budget legislation that are being considered by the Legislature. Under the Governor's proposed budget, all health licensing boards would experience a 3% reduction in their operating budgets. The Senate and House bills would take the 3% from reserves, rather than operating budgets. No action was taken at this time.

Dr. Wiberg next gave the Board an update on the following pharmacy related legislation:

- S.F. 895/H.F. 1640 - Prescription drug education program establishment. This legislation has apparently died for this session.
- S.F.1237/H.F.1641 - Drug and medical device manufacturers and distributors gift ban to physicians and drug formulary committee members and payments to practitioner's disclosure. This legislation has apparently died for this session.
- S.F. 1568/H.F. 1217 - Minnesota Safe Drug Disposal Act of 2009. This legislation passed and was signed into law by the Governor.
- H.F. 3213 - Adding Tramadol to Schedule IV. This legislation has apparently died for this session.
- S.F.1137/H.F. 1320 – Antiepileptic Drug Substitution Prohibited. This legislation passed and was signed into law by the Governor. Executive Director Wiberg reached an agreement with the proponents of this legislation on a compromise. Rather than placing restrictions on substitution for this class of drugs, the final language empowers the Board to adopt rules restricting such substitution – but only if the U.S. Food and Drug Administration determines that there are safety concerns.

Dr. Wiberg next gave the Board an update on the Prescription Monitoring Program. No action was taken at this time.

Dr. Wiberg next discussed proposed changes to the NABP constitution and bylaws that will be discussed at that organization's annual meeting. No action was taken at this time.

Dr. Wiberg next discussed the District V meeting. No action was taken at this time.

There being no further business requiring action by the Board, Mr. James Koppen moved to adjourn the meeting. The motion occurred at approximately 2:26 PM. Ms. Kay Hanson seconded the motion. The motion passed.

---

PRESIDENT

---

EXECUTIVE DIRECTOR