

Minnesota Board of Pharmacy
NINE HUNDRED EIGHTH MEETING

At approximately 9:00 a.m. on October 5, 2022, the Minnesota Board of Pharmacy met in conference room 104 at 335 Randolph Avenue, St. Paul, Minnesota – and by WebEx and in person - for the purpose of conducting a general business meeting. Mr. Stuart Williams, Board President, attended the meeting in the conference room, along with Ms. Jill Phillips, Executive Director, and Dr. Katrina Howard, Deputy Director. Board members who attended in person or by WebEx were Dr. Amy Paradis, Dr. Kendra Metz, Mr. James Bialke, Dr. Ben Maisenbach, Ms. Samantha Schirmer, Mr. Rabih Nahas, and Dr. Ronda Chakolis. Also, in attendance by WebEx or in person were Mr. Hans Anderson, Assistant Attorney General, Daniel Schueppert and Board staff members; Ms. Tami Wier, Ms. Shannon Tonn, Ms. Hannah Frey, Ms. Miranda Matteson, and Board surveyors; Ms. Ame Carlson, Mr. Tim Litsey, Dr. Kelly Hadsall, Ms. Andrea Bistodeau, Dr. Aaron Patterson.

Due to the COVID-19 pandemic, the meeting was conducted by WebEx, telephone or in person. Interested individuals were able to monitor the open session of the meeting remotely by WebEx or telephone without charge. Documents for the meeting were placed on the Board's website so that the public would have access to them.

President Williams called the meeting to order and conducted a Board member roll call. A quorum was confirmed. The Board went into closed session to discuss disciplinary cases.

Upon returning to open session, the Board discussed the minutes of the of the October 5, 2022 meeting. President Williams asked the Board members for comments and corrections. After Board discussion, President Williams declared the minutes approved as distributed with no corrections.

Next, the Board considered the remainder of the agenda. President Williams asked Board members for comments or changes. Hearing none, President Williams asked for unanimous consent to approve the agenda. There being no objections, the remainder of the agenda was approved by unanimous consent.

Next, the Board considered the Variance and Policy Review Committee (VPRC) Report from September 21, 2022. Since the meeting was conducted by WebEx and in-person, board members were required to abstain from voting on the variance and policy requests that involved pharmacies owned by their employers. The VPRC report was included in the packet of meeting materials and contained details of the requests. Mr. Bialke asked to pull the Fairview Infusion requests out from the agenda for further discussion. Ms. Carlson explained the issues that mitigated the denial of the variances. Dr. Patterson explained the three pharmacies were required to clarify the policies and procedures and resubmit the variance under the appropriate rule. Dr. Metz and Dr. Maisenbach were asked to abstain also with all other board members whose employer is referenced in the report. After additional discussion, and hearing no additional comments, President Williams asked for a motion to approve or deny the variance request. The motion was unanimously approved through a roll call vote.

The next item was a presentation on white bagging provided by Molly Skifstad, Paul Forsberg, and Scott Soefjje. The purpose of the presentation was to educate the Board on the issue and to present a report they are developing that would capture errors made through the white bagging of specialty drugs. Following the presentation, Mr. Williams expressed concern over supporting legislation with other entities that the Board does not license and regulate. Ms. Schirmer asked for clarification related to the procedure when a wrong dose occurs. Ms. Schirmer also asked about pharmacists' reluctance to report problems. Dr. Skifstad did not see this as a major obstacle to obtaining the data they want to capture. Dr. Hadsall asked about oral medications shipped to the physicians office but the physician wanting the medication to be stored in the pharmacy. Dr. Skifstad acknowledged this problem and agreed the situation lacks guidance on how to deal with this. Mr. Bialke expressed concerns about the impact of this reporting on the Boards complaint process.

Ms. Carlson asked about errors and how they are reported to the Board. The example would not be marked as a wrong dose but more of a delay in care. Dr. Nahas asked the presenters what if any solutions do they propose related to the problem of white bagging. Dr. Skifstad stated they will return to provide an update in 2023 on their legislative language. Mr. Litsey also commented that this process is a huge disservice to the patient.

The next item on the agenda was a presentation on syringe services providers (SSPs) given by Anna Bosch from the Minnesota Department of Health. MDH is requesting to add the definition of an SSP along with including SSPs as persons who can possess into the Pharmacy Practice Act under MN Stat. 151.01 and MN Stat. 151.40 respectively. Mr. Williams expressed concern with adding SSPs to the Board's statute for which the Board has no authority over these providers. He suggested it more appropriate to include these SSPs in the MDH statutes. Ms. Bosch stated the Board of Pharmacy has supported this language proposal in the past. Dr. Chakolis mentioned the ethical concerns pharmacists face with this issue. Specifically with the opioid epidemic on the rise and no way of helping with the proper disposal of syringes. She would like MDH to provide additional data and examples of successful programs related to syringe disposal. Ms. Schirmer asked about the purpose of the legislation wondering if the goal is simply additional awareness. Ms. Bosch stated that goal of the legislative change is to provide a means to define SSPs as people who can possess syringes. The language eliminates gray areas to allow SSPs to operate legally. Mr. Williams requested they come back in a future meeting and provide the legislative language in order to determine whether or not to support this proposed bill.

Dr. Howard presented proposed changes to the Board Operations Manual. The primary changes involved the travel and reimbursement policy. The Department of Administration must approve all travel prior to booking the trip to ensure the Board can support it from a budget standpoint and also to ensure the trip is planned utilizing the most cost effective means. Mr. Williams then clarified per diems related to preparation for committee and board meetings. Board members seeking reimbursement for their time must turn in documentation for each day spent preparing and what they did for preparing for each meeting. Board members can only claim up to a maximum of 8 hours for a meeting in order to get the \$75 per diem.

The next item addressed the Office Election process and the nominations will be held at the November 16, 2022 meeting. Also, a reminder that the board members have been provided their committee meeting assignments for 2023. Contact the executive director if changes are required.

Next, Ms. Phillips provided an update on the new hemp – derived products legislation MN. Stat. 151.72 that went into effect on July 1, 2022. To date, an FAQ and guidance document were developed, as well as a law enforcement checklist. All documents are available on the Board's website. In addition, a cross agency team has been established that includes MDH, MDA, and the Department of Public Safety to build the infrastructure needed in the interim until a cannabis management office can be established. To date, the Board has received 14 complaints related to THC edibles. Also, board staff are working with legislators and the Governor's office to review proposed legislation to address the gaps in the current law.

Ms. Shannon Tonn presented the 2021 annual report published in July 1, 2022. The report is available on the Board's website.

At approximately 12:06 p.m., President Williams declared the open session adjourned.