Minnesota Board of Pharmacy

NINE HUNDRED ELEVENTH MEETING

At approximately 9:00 a.m. on February 8, 2023, the Minnesota Board of Pharmacy met by WebEx and in person - for the purpose of conducting a general business meeting. Mr. Stuart Williams, Board President, attended the meeting along with Ms. Jill Phillips, Executive Director, and Dr. Katrina Howard, Deputy Director. Board members who attended in person or by WebEx were Mr. Stuart Williams, Dr. Amy Paradis, Dr. Kendra Metz, Mr. James Bialke, Dr. Ben Maisenbach, Mr. Rabih Nahas, Ms. Samantha Schirmer, and Dr. Ronda Chakolis. Also, in attendance by WebEx or in person were Mr. Hans Anderson and Board staff members: Ms. Jill Phillips and Dr. Katrina Howard. Board surveyors: Ms. Ame Carlson and Dr. Aaron Patterson joined the meeting at the start of the open session.

Due to the COVID-19 pandemic and inclement weather, 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 January 4, 2023 meeting. President Williams asked the Board members for comments and corrections. President Williams stated a clarification was needed to add "motion carried" to the votes in which this was not clearly stated. The minutes, with this clarification, were approved with unanimous consent.

Next, the Board considered the remainder of the agenda. President Williams asked Board members for comments or changes. Hearing none, the agenda was approved with unanimous consent.

Next, the Board considered the Variance and Policy Review Committee (VPRC) Report. Mr. Williams asked if Board members wished to pull any other items from the Variance Committee's report for further discussion. Hearing none, the Board was then asked to vote on the recommendations of the VPRC's report. Those in favor of approving the report consisted of Mr. Bialke, Dr. Chakolis (with abstention from matters concerning her employer), Dr. Metz (with abstention from matters concerning her employer), Dr. Maisenbach (with abstention from matters concerning his employer), Dr. Nahas (with abstention from matters concerning his employer), Dr. Paradis, and Ms. Schirmer. Motion carried.

Next, the Board was provided with a legislative update provided by Ms. Phillips. Proposed bills impacting pharmacy that are being followed include HF 1197/SF 1176. This bill is being reintroduced this year and expands the pharmacist's authority in regard to CLIA waived tests and immunizations. The same bills were introduced last year, and concerns were raised about vaccinating children as young as 3 years old. The senate bill had been amended to allow for vaccination of children 6 years of age or older.

Jennifer Heath, Jenna Duwenhoegger, Becky Neudecker, and Patti Freeman from the Minnesota Department of Health (MDH) attended the meeting virtually to express their concern with the current bill allowing pharmacists to order, initiate and administer all routine immunizations, flu and COVID to anyone 3 or older. Ms. Heath stated that they believe this would greatly expand the scope of practice for pharmacists, pharmacy interns and pharmacy technicians along with the potential for decreasing the number of well-child visits. Concern for decreasing the age to 3 along with the comfort level of vaccinating young children in a pharmacy were expressed.

Portions of HF 1197/SF 1176 prompted discussion among members of the board and public. Board members that asked questions of the MDH group included Dr. Maisenbach, Mr. Williams, Ms. Schirmer, Dr. Paradis,

Dr. Metz, and Dr. Chakolis. Board staff, Dr. Howard and Ms. Carlson, addressed issues of technician access to MIIC and concerns for privacy when administering vaccines to young children. President Williams then asked for the public, not speaking on behalf of MPhA, to comment. There were no comments and MPhA was given the opportunity to speak. Michelle Atay voiced support of pharmacy involvement in vaccinating young children and would like for services that have been allowed under the PREP act to continue. Steve Simenson shared the success that Goodrich Pharmacy in Anoka has had using technicians to assist in vaccinating children. Discussion then turned to how a vote should take place on this matter. Sarah Derr, MPhA Executive Director, stated that MPhA was not expecting a vote, but wanted the board's input and continued discussion. President Williams then asked the board if a vote was necessary. Dr. Maisenbach stated the board should encourage collaboration as this bill goes through the legislature. No vote or motion required.

Ms. Phillips then provided an update on HF 17/SF 168 the Prescription Drug Affordability Act which would prohibit excessive price increases by manufacturers of generic drugs and authorizes the attorney general to act against manufacturers for certain price increases. The bill establishes a Prescription Drug Affordability Board as well as an Advisory Council. This bill is not under the purview of the Board of Pharmacy, but it does amend 151.071 Subd. 2 giving the board authority to take disciplinary action against manufactures that violate requirements of this section.

The next legislation discussed was HF 100/SF 73 which would legalize the use of cannabis by adults and establishes the Cannabis Management Office. The bill would provide for licensing, inspections, testing, taxation, and overall regulation of cannabis businesses. If this passes, it would transfer authority of hemp-derived products that are currently under MS 151.72 to the Commissioner of Health effective July 1, 2023. MS 151.72 would then be repealed effective July 1, 2024.

The last legislative update was regarding HF 1032, the Medication Repository Program. They are pursuing state funding this session. The funding would be obtained from the general fund, issued to the board, and then dispersed to the Medication Repository Program. This funding is necessary to keep the program sustainable moving forward.

Next, Dr. Howard provided an update regarding the budget process and the governor's budget recommendations for fiscal year 2024-2025. Included in the budget were three items for the board of pharmacy. An increase in appropriation for maintenance of services would allow for the open surveyor position to be filled. The increase in appropriation for advancement of services will allow for the migration from paper to electronic processes and applications. Fee increases for licensees, applicants, and registrants were included which the Minnesota Management and Budget (MMB) notified the office on February 3, 2023 were too low and would result in a deficit. MMB encouraged fee increases to be higher to avoid a deficit and to build an appropriate reserve. There is no guarantee that the additional increase would be included in the budget. President Williams asked the board to approve allowing board staff to work with MMB to increase the fees such that we are no longer projecting a $600,000 deficit moving forward and to gradually replenish the board's reserves. Prior to the vote discussion took place amongst Dr. Nahas, Dr. Metz, Dr. Howard, and Mr. Bialke. The motion passed unanimously through a roll call vote.

Next, Dr. Howard provided an update regarding controlled substance scheduling. Back in March 2022 the board issued a scheduling order to realign Minnesota's controlled substance schedule with the federal controlled substance schedule. This is a temporary order and only in effect for 12 months and cannot be renewed by statute. Back in November 2022 the board recommended the legislators make the scheduling changes permanent. An author has been identified in the house and the language is currently with the revisors office. The next update was regarding PMP. At the last board meeting the board went on record supporting that the legislators make funding available for integrated access to the PMP through the general fund. Grant funds have been used to pay for integrated PMP access since fall 2020. Grant funds are not a sustainable way to pay for integrated access and current funds will run out Sept 30, 2023. An author has yet to be identified for this legislation.

Next, President Williams provided a summary of the Executive Director's performance review. Ms. Phillips stepped into the position early 2022 during a difficult time. Board and staff comments provided to President Williams indicates that Ms. Phillips performance exceeds or greatly exceeds expectations in all categories.

Next, President Williams shared that the NABP annual meeting is being held in Nashville, TN in May 10-13, 2023 and he will be in attendance. Other boards members should communicate with Ms. Phillips if they would like to attend. The budget will be a determining factor in how many people can attend.

Next, President Williams stated that a report to the legislature is due by March 15, 2023 for the Insulin Safety Net program. This date is before the next board meeting. Board staff are still waiting for information from manufacturers to complete the report. President Williams asked the board to provide consensus support for staff to proceed to submit the report as required in timely fashion to the legislature and the board will review the report after it was submitted at the next board meeting. Hearing no objections, consensus support was approved.

Next, Dr. Reed provided an update on the opiate product registration fee program. The reporting period is open for manufacturers and wholesalers to report their distributions for 2022. This must be completed by February 28, 2023. If they are late, a fee of $500/day may be imposed. Zero distributions must also be reported. Fourth quarter 2022 PMP data is on the PMP website. Still waiting for new website to launch. We continue to have a statewide gateway license due to MDH grant which provides funding through September 2023 and are currently sharing data with 43 jurisdictions.

The CE Report and Pharmacist Licensing Report were also provided to Board members for informational purposes.

At approximately 11:15 a.m., President Williams declared the open session adjourned.