

Minnesota Board of Pharmacy

EIGHT HUNDRED AND SIXTEENTH MEETING

At approximately 9:00 a.m., on November 9, 2011, 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 Ms. Kay Hanson. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, the Board's legal counsel, Assistant Attorney General Geoff Karls, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Stuart Vandenberg, Mr. Leslie Kotek, and Ms. Patricia Eggers. The Board's President, Mr. James Koppen, called the meeting to order.

The Board opened the meeting. Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the Board immediately go into a closed session to discuss quasi-judicial cases. The motion passed.

At the conclusion of the closed session, the meeting was reopened to the public. The Board first discussed the minutes of the September 14, 2011 business meeting. Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that the minutes of the meeting be approved. The motion passed.

Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded to approve the items on the Consent Agenda and to approve the consent agenda. The motion passed. The Consent Agenda for this meeting was as follows:

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

Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the remainder of the agenda be approved. The motion passed.

Ms. Monica Feider next presented the Board with information regarding the Health Professionals Services Program. No action was necessary.

The Board next considered variances that were deferred to the Board by the Variance Committee:

- ◆ Amanda Grzybowski – variance to Minnesota rules 6800.1300, requesting to be exempted from the requirement to take the NAPLEX in order to be licensed by reciprocity.

Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the variance be approved on condition that Ms. Grzybowski completes 800 hours of internship, with 400 hours completed in a hospital pharmacy dispensing setting and 400 hours in a community pharmacy dispensing setting. The motion passed.

- ◆ Littlefork Medical Pharmacy – variance to Minnesota Rules 6800.2400, subpart 3, asking that a pharmacist be allowed to serve as pharmacist-in-charge for two pharmacies.

After a discussion of the variance request, Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the variance be approved until the Board meeting which falls after the first variance meeting that occurs after three months from today, on condition that Littlefork submits plans to switch to an alternative method of operation. The motion passed.

- ◆ Gaylord Henderson Telepharmacy Variance

After a discussion of the variance request, Ms. Laura Schwartzwald moved and Mr. Stuart Williams seconded that the variance be approved for one year with a direction to staff to inform the pharmacist-in-charge of the board's concern that the conditions of the variance have not always been met in the past. The motion passed.

Dr. Wiberg next presented a letter from Mr. Alka Bhalla who is petitioning the Board to accept his experience as an intern and pharmacist in Canada as meeting in lieu of the 1600 hours of internship he would otherwise have to complete in order to sit for the NAPLEX and MPJE licensing exams. After a discussion of the petition, Ms. Laura Schwartzwald moved and Ms. Karen Bergrud seconded that the petition be granted. The motion passed.

Dr. Wiberg next recommended to the board that it delay the implementation of the recently adopted rule relating to pharmacy technician training. After much discussion, Mr. Stuart Williams moved and Ms. Laura Schwartzwald seconded that the Board direct staff to proceed as expeditiously as possible to affect rule changes regarding the date technician training needs to be implemented; to make the public aware of the process; and to explore, with counsel, options to avoid having the current deadline adversely affect licensees and others. The motion passed. In addition, Ms. Karen Bergrud moved and Mr. Stuart Williams seconded that staff establish an advisory committee, consisting of the organizations listed in the staff analysis documents and other interested parties, to establish guidelines for the appropriate training of technicians. The motion passed.

Dr. Wiberg next provided information to the Board relating to licensing of drug manufacturers as wholesalers. Specifically that a discussion with the Minnesota Department of Revenue has raised the question of the correct interpretation of parts of Minnesota Statutes sections 151.25, 151.44, and 151.47. After much discussion, Mr.

Stuart Williams moved and Ms. Laura Schwartzwald seconded that the Board adopt the following interpretation.

Minnesota Statutes §151.25 allows manufacturers to sell legend drugs only to pharmacies based on their manufacturers license. In order to sell drugs to wholesalers, practitioners and clinics, manufacturers also need to be licensed as drug wholesalers pursuant to the provisions of Minnesota Statutes sections 151.44 and 151.47.

Dr. Wiberg next informed the Board that Mr. Steven Huff was selected as the new Pharmacy Board Surveyor and will be starting work at the Board office on November 23, 2011. No action was necessary.

Dr. Wiberg next provided information to the Board about the proposed District V universal intern program. After much discussion, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the board decline to participate in that program at this time and to direct staff to inform the other members of District V of this decision. .

Dr. Wiberg next provided an update concerning the Prescription Monitoring Program to the Board. No action was necessary.

Dr. Wiberg next provided information to the Board about remodeling of the Board's office. No action was necessary.

There being no further business requiring action by the Board, Mr. Stuart Williams moved to adjourn the meeting. The motion occurred at approximately 12:00 Noon. Ms. Karen Bergrud seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR