

# MINNESOTA BOARD OF PHARMACY

## SEVEN HUNDRED AND FIFTIETH MEETING

At approximately 8:30 a.m., October 23, 2002, the Minnesota Board of Pharmacy met in the University Room, at the University Park Plaza Building, 2829 University Avenue SE, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance, with the exception of Mr. Gary Schneider. Also in attendance was the Board's Executive Director, Mr. David Holmstrom, and the Board's Legal Counsel, Mr. Robert Holley.

After reviewing, revising, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of September 18, 2002. Ms. Carol Peterson then moved and Ms. Jean Lemberg seconded that the minutes be approved as written. The motion passed.

The Board next turned its attention to applications to conduct new pharmacies that it has received since its last meeting. The first such application was submitted on behalf of Merwin Long Term Care Pharmacy, in New Brighton, Minnesota, by Mr. Jason Meier, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The second application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of the Pamida Pharmacy #13, in Wadena, Minnesota, by Ms. Jacquelyn Miron, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, and noting that Pharmacy Board Surveyor Byron Opstad has already inspected the pharmacy, Mr. Chuck Cooper moved and Ms. Jean Lemberg seconded that the application be approved and a license issued. The motion passed.

The final application to conduct a new pharmacy to be reviewed by the Board was submitted on behalf of Walgreens Pharmacy #06995, in St. Paul, Minnesota, by Mr. Paul Degen, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Carol Peterson moved and Ms. Jean Lemberg seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The Board next turned its attention to matters of a quasi-judicial nature. This portion of the meeting was not open to the public.

The first matter of a quasi-judicial nature to come before the Board was a presentation by Mr. Holley, of a proposed Stipulation and Order in the matter of Pharmacist Michael T. Pliner. The proposed Stipulation and Order was developed subsequent to a conference held September 4, 2002, with Mr. Pliner to discuss allegations of unprofessional conduct and violations of the conditions of a previous Stipulation and Order. The proposed Stipulation and Order, now before the Board, has been agreed to and signed by Mr. Pliner.

Mr. Pliner, now personally, appeared before the Board to discuss the provisions of the proposed Stipulation and Order.

After discussing the proposed Stipulation and Order with Mr. Pliner, Ms. Carol Peterson moved and Ms. Betty Johnson seconded that the Board approved the proposed Stipulation and Order and that Mr. Holmstrom be directed to sign the Stipulation and Order on the Board's behalf. The motion passed.

At this time the Board returned to its general session.

Mr. Holmstrom next presented the Board with scores of the candidates for licensure by reciprocity and by examination. After a review of the performance of the candidates for licensure by reciprocity, Ms. Betty Johnson moved and Mr. Tom Dickson seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
8231	Heather Ann Hurley	MO
8232	Mary Ellen McLaughlin	AZ
8233	Mark Harold Henstein	SD
8234	Mary Beth Schloss	ND
8235	Adarsh Gupta	OH
8236	Deann Marie McNulty	IA
8237	Carla Rae Fisher	SD
8238	Paul Raymond Greeder	WI
8239	Eric A. Geurkink	WI
8241	Kimberly L. Erickson	IN
8242	Steven Russell Whiting	IA
8243	Courtney Lea Cable	PA
8244	Jeffrey Paul Rodgers	PA
8245	David Richard Fredeen	NV
8247	Esther I Hahn	IL
8248	Larry Alfred Ritter	SD
8249	Julie Michelle Sauer	IL
8250	Cynthia Jeannette Bocwinski	VA
8251	Janet Ruth Wheeler-Kitzman	IA

For the Full Board Examination candidates, the Board determined that, in grading the examination, the NAPLEX portion of the exam would be weighted at 65% of the total, the Board's Practical Examination weighted at 20% of the total, the Multistate Pharmacy Jurisprudence Examination weighted at 15% of the total, and that the minimum passing score on each of those parts, as well as the minimum overall score, would be 75. With the passing level thus established, Ms. Betty Johnson moved and Mr. Tom Dickson seconded that the following candidates be granted licensure as pharmacists:

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>REGISTRATION #</u>
Falguni Bhavin Patel	8230	117630-2
Christa Lee Heimer	8240	117640-9
Thomas Louis Kerwin	8246	117646-7

Mr. Holmstrom next presented the Board with letters from two examination candidates, who are requesting the opportunity to learn their scores on the NAPLEX and MPJE portions of the examination prior to participating in the Board's Practical examination, which is scheduled to be given on January 4, 2003. The candidates argue that knowing whether the NAPLEX and/or MPJE portions of the exam must be retaken would allow the candidate to arrange for reexamination prior to taking the Practical examination in January. Thus, allowing them to become licensed at the earliest possible time, after completing the Practical examination. After discussing this issue, the Board determined that it will be the Board's policy to allow candidates to obtain this information in circumstances such as that facing these candidates, where a substantial time period is involved between the taking of the NAPLEX and MPJE examinations and the taking of the Board's laboratory Practical examination. The motion to allow the candidates to obtain partial scores was made by Mr. Tom Dickson and seconded by Ms. Betty Johnson. In discussing the motion, the Board clarified the issue of whether the scores will be made available on the Board's initiative or only when the candidate requests the information. The motion requires the candidate to initiate contact with the Board to obtain the partial scores. The motion passed.

President Kassekert next led a discussion of whether the Board's Practical examination is a valuable tool in determining competency of the candidates for licensure and whether, given the substantial time and effort involved in developing and administering the examination, the effort is cost-effective. At the conclusion of the discussion, the Board determined that the Practical examination is a valuable tool in assessing the competency of candidates for licensure and should be continued.

Mr. Holmstrom next presented to the Board a letter from Ms. Diane Hillbrant. Ms. Hillbrant is a candidate for licensure by reciprocity who has not been actively engaged in pharmacy practice for at least two years, and who was the subject of disciplinary action by the state of Missouri approximately ten years ago. Ms. Hillbrant has been working as a pharmacist-intern, in Minnesota, for approximately five months. Under the provisions of MN Rule 6800.1300, the Board may compel applicants, who have not engaged in practice as a licensed

pharmacist for the two years immediately preceding the time of filing their application for reciprocity, to take a Practical examination. Ms. Hillbrant's letter requests that the Board exempt her from this requirement based on her five months of experience as a pharmacist-intern in Minnesota. After briefly discussing Ms. Hillbrant's situation, Mr. Tom Dickson moved and Ms. Betty Johnson seconded that Ms. Hillbrant's request be denied and that she be required to take the Board's Practical examination as part of her reciprocity process. The motion passed.

Mr. Holmstrom next presented the Board with a list of continuing education programs submitted to and reviewed by the Continuing Education Advisory Task Force. The first list of programs was submitted to and reviewed by the task force between the dates of August 13 through September 10, 2002, while the second list covered the dates of September 10 through October 8, 2002. Ms. Carol Peterson then moved and Mr. Tom Dickson seconded that those programs recommended for approval by the Continuing Education Advisory Task Force be so approved and that those programs for which denial of approval was recommended be denied. The motion passed.

At this time, Board Member Chuck Cooper introduced Ms. Ginnie Barish, a staff person from Hennepin County Medical Center, who has been working with Hennepin County to prepare for a bio-terrorism event. Ms. Barish provided information to the Board on disaster preparedness, specifically, preparedness for a bio-terrorism event and information on how a bio-terrorism event would require the mobilization of pharmacists in Hennepin County and the state in general.

The Board next welcomed pharmacists Merle Mattson, Vern Peterson, and Christine Koentopp to the meeting. Mr. Mattson then proceeded to make a presentation to the Board regarding the impact of the new Blue Cross/Blue Shield contract on Minnesota pharmacists and the difficulty pharmacists will have in providing the level of service required by the Board under the limited reimbursement contained in the new Blue Cross/Blue Shield contract. Mr. Mattson postulated that the low level of reimbursement offered Minnesota pharmacists in the Blue Cross/Blue Shield contract represent a danger to the public health, in that the reimbursement fee does not allow pharmacists time for properly filling, labeling, checking, and counseling on prescriptions for Blue Cross/Blue Shield patients.

Mr. Mattson encouraged the Board to take a strong position on the enforcement of the Board's law and rules, particularly those relating to patient counseling, and not to accept the argument that pharmacists cannot provide patient counseling because they are just too busy to do so.

Upon the completion of this presentation, the Board thanked Mr. Mattson, Mr. Peterson, and Ms. Koentopp for their concern, but did not take formal action on this issue.

Ms. Jean Lemberg next led a discussion on potentially modifying the Board's previously stated position regarding the dispensing of emergency contraceptive drugs by pharmacists. Ms. Lemberg's concern was that the Board's previously stated position did not require pharmacists who refused to fill emergency contraception prescriptions to refer the patient to another pharmacist or pharmacy "in a timely manner."

After discussing Ms. Lemberg's proposal, the Board declined to take any action modifying its previously stated position.

Mr. Holmstrom next presented the Board with the [report from the Board's Variance Committee](#). In addition, Mr. Holmstrom provided additional material relating to the variance request submitted by pharmacist Steve Junker on behalf of Eleah Medical Center Pharmacy.

The Board began its discussion by considering Mr. Junker's variance request and determined that, while it appeared to the Board that a variance may not be needed in Mr. Junker's case, there may be certain circumstances facing Mr. Junker that are not covered by the Board's existing rule. As a result, the Board approved Mr. Junker's request for a variance allowing a pharmacy technician to continue to work in the pharmacy during brief absences by Mr. Junker on condition that no prescriptions or drug orders be distributed from the pharmacy when the pharmacist is not physically present.

Mr. Tom Dickson then moved and Ms. Carol Peterson seconded that the Board adopt the Variance Committee report, as amended. A copy of the Variance Committee report is appended to these minutes.

Mr. Holmstrom next presented the Board with a letter from the National Association of Boards of Pharmacy regarding the need to once again participate in a review of MPJE test items. The Board determined that since it participated in the 2002 review of MPJE items, in September of this year, that September of 2003 would again be an appropriate time to participate. The individuals who will be involved in the September 2003 review will be named at a future time.

Mr. Holmstrom next presented the Board with two e-mails recently received from Pharmacist Dave Angaran seeking clarification of the Board's interpretation of MN Rule 6800.3110 regarding patient medication profile information. Mr. Angaran's question was whether this Rule would be interpreted to include the filing of mailed, faxed, or e-mailed patient medication information such as lab values, test results, progress notes, etc. After a brief discussion, the Board determined that the interpretation of MN Rule 6800.3110 would include the maintenance of these items.

There being no further business to come before the Board at this time, President Kassekert adjourned the meeting at approximately 2:20 p.m.

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PRESIDENT

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EXECUTIVE DIRECTOR