

Minnesota Board of Pharmacy

EIGHT HUNDRED AND THIRTY SECOND MEETING

At approximately 9:00 a.m., on October 30, 2013, 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. Justin Barnes. Also in attendance were the Board's Executive Director, Dr. Cody Wiberg, Board's Deputy Director Dr. Beth Ferguson, Board's Legal Counsel, Mr. Bryan Huffman, and Board of Pharmacy staff, Ms. Candice Fleming, Mr. Steven Huff, Mr. Timothy Litsey, Ms. Ame Carlson, Ms. Barbara Carter, and Ms. Patricia Eggers. The Board's President, Ms. Laura Schwartzwald, called the meeting to order.

The Board first discussed the minutes of the September 18, 2013 business meeting. Mr. Bob Goetz moved and Mr. Rabih Nahas seconded that the minutes be approved with two corrections regarding Mr. Goetz. The motion passed.

Ms. Karen Bergrud moved and Ms. Kay Hanson seconded that the Consent Agenda be approved. The motion passed.

The Consent Agenda for this meeting was as follows:

- Variance Committee Report – Approve
- Continuing Education Report - Approve

Dr. Wiberg asked that two additional items be added to the agenda - a variance request submitted by a pharmacist intern and an item concerning the Prescription Monitoring Program legislation. Ms. Karen Bergrud moved and Mr. Bob Goetz seconded to add those items to the agenda and to approve the remainder of the agenda as amended. The motion passed.

The first variance and policy review issue to come before the Board involved a recommendation by the Board's Executive Director to rescind the approval of Talyst InSite 300 for use as an automated drug distribution system in health care facilities (as defined in MN Stats. §151.58. Present at the meeting were Mr. Matt Sneller, Talyst Vice President of Pharmacy Affairs; Mr. Jim Pierce, Talyst Vice President of Product Management; and Mr. Howard Juni, Omnicare. After much discussion, Mr. Stuart Williams moved and Ms. Karen Bergrud seconded that the October, 2012 approval of the Talyst InSite 300 be rescinded. The motion passed. Next, Mr. Stuart Williams moved and Ms. Kay Hanson seconded that Omnicare be allowed to continue to use the system that is currently installed at the Guardian Angels Nursing Home in Elk River, MN as long as a pharmacist is on duty to certify the doses packaged by the system, that Omnicare finalize their policies and procedures and submit them for approval, and that Omnicare submit a plan for a design of a thirty-day study, for the approval of Bard staff. The motion passed.

The second variance and policy review request to come before the Board was from AlixarX, regarding the use of an electronic medication cabinet. Present at the meeting were Mr. Chirag Patel, Pharmacist-in-charge at AlixaRx, and Blake Griese, Regulatory Counsel for AlixaRx. After much discussion, Ms. Karen Bergrud moved and Mr. Bob Goetz seconded that the request by Alixa for the use of the Electronic Medication Cabinet (EMC) be approved in accordance with Minnesota Statutes 151.58. The motion passed. Mr. Stuart Williams moved and Mr. Rahib Nahas seconded that the policies and procedures for this system be approved and they appear to be consistent with Minnesota Statutes 151.58. The motion passed.

The third variance and policy review issue to come before the Board was a request from Pinnacle Recovery Services, PSC in Brainerd, MN to waive the requirement in MN Rule 6800.3100 that a pharmacist must perform certification prior to the administration of methadone within the facility. After much discussion, Mr. Stuart Williams moved and Mr. Bob Goetz seconded that the variance be denied for lack of required information. The motion passed.

The fourth variance and policy review issue to come before the Board was from Renee B. Day. Ms. Day requested a variance to Minnesota Rule 6800.1300, subp. 4. Specifically, that she not be required take the NABPLEX examination prior to completing the licensure transfer (reciprocity) process. After much discussion, Ms. Kay Hanson moved and Mr. Stuart Williams seconded that the variance be approved on condition that Ms. Day complete 480 hours of internship prior to reciprocating. The motion passed.

The fifth variance and policy review issue to come before the Board was from Isabelle Massy. Ms. Massy is requesting a variance to Minnesota Rule 6800.1250, subp. 1a (B) (2). She is a foreign pharmacy graduate from Canada and has been certified by the National Board of Pharmacy through the FPGEC process. She graduated from a college of pharmacy with a non-English curriculum. She requested that she not be required to complete 1600 hours of internship. After much discussion, Mr. Stuart Williams moved and Ms. Kay Hanson seconded that the request be granted. The motion passed.

The sixth variance and policy review issue to come before the Board was from Cub Pharmacies regarding an extension of time for 39 technicians to complete their required training. Mr. Bob Goetz moved and Ms. Karen Bergrud seconded that the variance request be approved for six months. The motion passed.

The seventh variance and policy review request to come before the Board was from Mayo Health System Pharmacies. At this time, Ms. Karen Bergrud recused herself from the meeting. Dr. Wiberg explained that this variance was deferred to the Board so that Board Member Karen Bergrud could abstain. Mr. Bob Goetz moved and Mr. Rabih Nahas seconded that the recommendations of the Variance and Policy Review Committee be accepted. The motion passed with Ms. Karen Bergrud abstaining. Ms. Bergrud rejoined the meeting at this time.

The eighth variance and policy review request to come before the Board was a request from Guidepoint Pharmacy, Slayton regarding operation of a tele-pharmacy in Edgerton, MN. At this time, Ms. Laura Schwartzwald recused herself from the meeting and Mr. Stuart Williams took over as President. After a discussion, Mr. Bob Goetz moved and Ms. Karen Bergrud seconded that the variance be denied due to the fact that nobody representing Guidepoint was present at the meeting. The motion passed with Ms. Schwartzwald abstaining. At this time, Ms. Schwartzwald rejoined the meeting and returned to her duties as the President.

Dr. Wiberg next provided information to the Board about a request from ANI concerning the licensing of two plants in Baudette, MN that are each licensed as a manufacturer and a wholesaler with the Board. They are requesting that the two plants be licensed as one due to the fact that FDA issues one registration that covers both plants. Mr. Bob Goetz moved and Mr. Stuart Williams seconded that the request be denied. The motion passed.

The Board next discussed possible changes to MN Statutes §151.58. The Department of Human Services is requesting that Community and Behavioral Health Hospitals run by the Minnesota Department of Human Services be removed from the definition of “health care facility” found in that section. In addition, several parties have requested that the section be amended to allow a pharmacist working at a central service pharmacy to “review, interpret, and approve all prescription drug orders before any drug is distributed from the system to be administered to a patient”, as long as the central service pharmacy was operating pursuant to Minnesota Rules, part 6800.4075. Mr. Stuart Williams moved and Mr. Bob Goetz seconded that this request be sent to the Practice Act Revision Task Force for input. The motion passed.

Dr. Wiberg next gave a report from the Practice Act Revision Task Force. No action was taken at this time.

Dr. Wiberg next provided the Board with an update concerning the office remodeling and personnel changes. No action was taken at this time.

Ms. Barbara Carter next gave an update on the Prescription Monitoring Program. Mr. Stuart Williams moved and Mr. Rabih Nahas seconded that Ms. Barbara Carter and Dr. Cody Wiberg be authorized to work with the legislature on the proposed changes to MS 152.126. The motion passed.

There being no further business requiring action by the Board, Mr. Stuart Williams moved to adjourn the meeting. The motion occurred at approximately 11:40 AM and Ms. Karen Bergrud seconded the motion. The motion passed.

PRESIDENT

EXECUTIVE DIRECTOR