

A G E N D A

March 17, 2022

NORTH DAKOTA STATE BOARD OF PHARMACY
1906 East Broadway – Conference Room – Bismarck, ND

Zoom Meeting <https://us02web.zoom.us/j/87414765309>

Call in: +1 312 626 6799 Meeting ID: 874 1476 5309

THURSDAY – MARCH 17, 2022

9:30 AM CALL TO ORDER – Tyler Lannoye, President

Recite: Mission Statement

Review and approval of agenda

Review and approval of Minutes of January 12-14, 2022

Sign Pharmacist and RPhTech Original Licenses

10 AM New Pharmacy: Rehabilitation Hospital of Grand Forks LLC dba Altru
Rehabilitation Hospital – Grand Forks, ND – Alisa Chamblee, PharmD

Modify Pharmacy Permit Class:

Phar318 Pharmacists Associates, LLC dba Bottineau Pharmacy –
Shane Wendel, PharmD

Remodeling:	Phar535 Ellendale Pharmacy – Jeff Ulmer, PharmD	TAB 2
** Add	Phar683 Lake Region Human Service – Devils Lake	

11 AM Waiver Request Kyle DeMontigny PharmD – to allow Kaylee Rodman Tech1793 to work as Technician in Telepharmacy **TAB 3**

12:00 PM LUNCH

Discussion Items:	Update on PCMA vs Wehbi	TAB 4
	Prepare for May Exams	
	NABP Annual Meeting	
	Office Remodel/Relocation	TAB 5

Board Member Reports
Executive Director's Report

Consider approval of all legal action of the Executive Director

Year to date Financials Budget Tab

Vouchers – Adjourn

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President Tyler Lannoye called the meeting to order on Thursday March 17, 2022, at 9:35 AM.

Present in the Board Conference Room were Executive Director Mark J Hardy, PharmD, Board Members: Tyler Lannoye, PharmD; Technician Member Diane Halvorson; Steven Irsfeld, RPh; Shane Wendel, PharmD; Public Member Ron Horner; Carolyn Bodell, RPh; Attorney David A. Lindell, JD; Howard C Anderson, Jr, RPh, Senior Compliance Officer; and NDSU PharmD Student Allison L Krause, Madison J Nelson a Creighton University PharmD Student.

Present on the Zoom Meeting: Tanya Schmidt, PharmD,

President Lannoye read the mission statement: *The Board of Pharmacy protects, preserves and promotes the public health and welfare of the citizens of North Dakota by assuring that the highest quality pharmaceutical care is delivered, and that appropriate use of pharmaceuticals is upheld through education, communication, licensing, legislation, regulation, and enforcement.*

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve the Agenda with the addition of Pharm683 Lake Region Human Service Center remodeling, discussion of the FDA compounding MOU, discussion of the NAPT Survey and the removal of the Sanford remodel plans. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Introductions were made for NDSU PharmD Student Allison L Krause on rotation with Pharmacist Wendel and his daughter, Madison J Nelson, a Creighton University PharmD Student, who also completed a rotation at the Board.

Board members signed Pharmacist and Technician certificates for use until the next meeting.

It was moved by Pharmacist Carolyn Bodell and seconded by Pharmacist Tanya Schmidt to approve the minutes of January 12-14, 2022 Board Meeting as printed. On voice vote all present voted Aye. The motion carried.

President Lannoye deferred the discussion on the Grand Forks Rehabilitation Hospital as Alisa Chamblee, PharmD is having some flight connection problems and will not arrive until later in the meeting.

Pharmacist Shane Wendel explained the situation in Bottineau Phar318 Pharmacists Associates, LLC dba Bottineau Pharmacy – where this pharmacy is now operating as a closed-door operation doing long term care pharmacy and not accessible to the public. Their sister pharmacy is filling retail prescriptions, given the community has expressed a preference to get their services at that location.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to modify the license class of Phar318 Pharmacists Associates, LLC dba Bottineau Pharmacy to a Class D with a subclass A. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Tyler Lannoye -Aye. The

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motion carried. Pharmacist Shane Wendel recused himself as he is an owner of the Pharmacy -The motion carried

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Carolyn Bodell to approve the remodeling plans for Phar535 Ellendale Pharmacy. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member

Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Member Diane Halvorson to approve the remodeling plans for Phar683 Lake Region Human Service Center in Devils Lake. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

President Lannoye moved to discussion items and Board Member reports and asked Technician Member Diane Halvorson to explain the Northland Association of Pharmacy Technicians (NAPT) proposed survey. She passed out copies, explained NAPT created and will manage the survey and NAPT asked the Center for Collaboration and Advancement in Pharmacy (CAP) at NDSU to offer suggestions to the survey and assist with tabulation of the results through CAP's Qualtrics platform. Board members gave some feedback and talked a bit about using something similar for pharmacists.

Technician Diane Halvorson reported NAPT was submitting a poster presentation to the NABP Annual meeting and requested support to allow for two NAPT Members to attend. Board Members noted the importance in the poster for other states to learn North Dakota's history and practice.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Shane Wendel to cover the expenses for two NAPT Members to attend the NABP Annual Meeting and present at the poster session to allow the rest of the country to see how technician practice is advanced in North Dakota in part because of the laws and rules in place here. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Pharmacist Kyle DeMontigny arrived at the meeting via Zoom and discussed his request for a waiver for Kaylee Rodman Tech1793 to work as a Technician in Phar 219 the Thrifty White #58 Telepharmacy in Rolette. She has been a Technician for 10 months and has trained extensively in the telepharmacy.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Carolyn Bodell to grant a waiver allowing Kaylee Rodman Tech1793 to work alone in a telepharmacy due to her experience and the recommendation of Pharmacist-in-Charge Kyle DeMontigny. Pharmacist Tanya Schmidt disclosed she works for Thrifty White and intends to vote. On vote by roll call Pharmacist Tanya Schmidt -Aye- Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

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Pharmacist Tanya Schmidt dropped off the Zoom call.

Pharmacist Steve Irsfeld introduced the discussion on the FDA compounding MOU which has been worked on for many years with the states. There have been some recent lawsuits which bring into question the enforceability of the MOU. Therefore, the court ruling putting any actions on hold.

Pharmacist Steve Irsfeld also brought up the issue of compounding bioidentical hormone replacement therapy and briefed the Board Members on efforts to get them declared too difficult to

compound. He said, should that happen, there would be many very concerned patients for whom he now compounds prescriptions and who believe it is working very well for them.

The suggestion was made that North Dakota put in a resolution for the NABP annual meeting related to this topic.

A second resolution was suggested related to the DEA reluctance to issue Registrations to Telepharmacies unless they agreed to fill only electronic prescriptions for controlled substances.

Dr. Hardy updated the Board on the PCMA vs Wehbi lawsuit. We are at the stage where we are determining the enforceability of the law's provisions and waiting for the 90 day window to expire wherein PCMA can appeal to the Supreme Court. We are working with the insurance commissioner and the attorney general to determine the best way forward for PBM enforcement.

Pharmacist Tyler Lannoye does not think he will be able to attend the NABP annual meeting so appointed Technician Member Diane Halvorson to serve as our voting delegate and Pharmacist Steve Irsfeld to serve as alternate.

Board Members broke for lunch at 12:00 PM

Alisa Chamblee, PharmD arrived at the meeting after a long and complicated flight from Birmingham, Alabama to discuss the application for a Pharmacy Permit and plans at Rehabilitation Hospital of Grand Forks LLC dba Altru Rehabilitation Hospital. She is listed as the Pharmacist-in-Charge until a person can be hired. She explained that no sterile compounding is anticipated and if needed it will be obtained on a patient specific basis from another local pharmacy. There will be forty beds with 30 on one floor and 10 on another. First dose review will be accomplished by the on-call pharmacist with a laptop allowing access to the patient chart outside of the hours the pharmacy will be initially staffed. Their average length of stay is 11 days with most patients transitioning to home.

It was moved by Pharmacist Steve Irsfeld and seconded by Pharmacist Shane Wendel to approve the plans and Class B Pharmacy Permit for Rehabilitation Hospital of Grand Forks LLC dba Altru Rehabilitation Hospital of Grand Forks, LLC to be located at 4500 South Washington Street Suite B in Grand Forks, ND. On vote by roll call Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

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Executive Director Hardy discussed the location to which we have considered moving. He disclosed that he has a 10% interest in the building space being considered for relocating the Office. An email from Wentz Investments, owner and landlord of the Board's current location, was provided. Discussion followed about the potential remodeling of our current leased space. Board Members expressed that a new location for the Board Office is still the preferred option.

President Lannoye appointed Public Member Ron Horner to research comparable space and potential rents and report back to the Board at the May meeting to be certain we are getting a fair rent and lease should we decide to lease the proposed space.

The students were asked to leave the room so the Board could discuss Exam preparation for the May 2022 meeting. Pharmacist Carolyn Bodell and Public Member Ron Horner were brought up to speed

on their expected responsibilities. Dr. Hardy will send out assignments for portfolio review and oral exam competencies to be addressed by each Board Member prior to the May meeting.

Dr. Hardy reported we are in the process of publishing the Laws and Rules Book and asked the board for their opinion about the need to mail out law books to each pharmacy licensee. Most members felt the online option was the best.

It was moved by Technician Member Diane Halvorson and seconded by Pharmacist Steve Irsfeld to approve all legal actions of the Executive Director since this was last done. On vote by roll call Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Pharmacist Shane Wendel and seconded by Technician Member Diane Halvorson to recognize the expenses for the PMCA vs Wehbi are around \$163,000 over budget but realize the importance of continuing this case defending the ND law is important to carry to fruition. On vote by roll call Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

It was moved by Pharmacist Steve Irsfeld and seconded by Technician Member Diane Halvorson to approve the financials as presented and noted that there were no journal entries made. On vote by roll call Technician Member Diane Halvorson -Aye- Public Member Ron Horner -Aye- Pharmacist Steve Irsfeld -Aye- Pharmacist Carolyn Bodell -Aye- Pharmacist Shane Wendel -Aye- Pharmacist Tyler Lannoye -Aye. The motion carried.

Technician Member Diane Halvorson asked about the confidentiality of home addresses for licensees. Dr. Hardy explained the process wherein a licensee can contact the board office and their record can be marked to exclude publication of their home address. The licensee or registrant can also use their work address which is used by many.

It was moved and seconded to adjourn. All present voted aye and President Lannoye adjourned the meeting at 2:30 PM.

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President
Tyler G Lannoye, PharmD

Technician Member & Senior Member
Diane M. Halvorson, RPhTech

Member
Steven P Irsfeld, RPh

Member
Tanya L Schmidt, PharmD

Member

Public Member

Shane R. Wendel, PharmD

Ron J Horner

Member

Carolyn R Bodell, RPh

Executive Director

Mark J. Hardy, PharmD