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ROLL NUMBER

DESCRIPTION

1148

2007 HOUSE HUMAN SERVICES

HB 1148

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1148

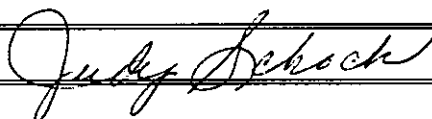
House Human Services Committee

Check here for Conference Committee

Hearing Date: January 9, 2007

Recorder Job Number: 784

Committee Clerk Signature



Minutes:

Chairman Price opens the HB 1148.

Representative Todd Porter, District 34 Mandan: This bill has been brought to out attention by a resident of Mandan, and a hospital pharmacist. The matter at hand is one big issue.

Should a state regulation board also be the bill collector for the association? Inside of medicine, there is no other situation like this that exists. None other mandate membership of the association. We felt time has come for a split. If the association caters to their membership, as they should, they shouldn't have any trouble retaining those members who think they get a value for their \$100.00.

Joan Johnson I am a Licensed Pharmacist: In my hand out is the signatures of the original 124 backers of this bill. There are more names now. We don't wish any ill well to the association. We wish them luck in their endeavors, but we feel something like this should be optional. It is a basic freedom to not have to belong, or not, to any organization. I believe if you are going to be a quality organization, they would attract the members they need. I would accept that challenge. It is a good idea to belong to an association, but if you don't have the time to do a good job and really learn what the association is about, why pay the fee?

The positions are elected by the majority votes of the Board. We can get further education on line, companies will sponsor speakers and at meetings. We don't necessarily need the association for this either.

Kim Christiansen, R. Ph: See attached. I would be the first to join if I was getting value from the association, and if I thought the executive secretary was equally voicing my particular beliefs, discussions, and activities of the association. We would need to see a balance in the voices with in the association. I urge you to pass this bill. I don't think it should be a legislative issue.

John Savageau: I am a hospital pharmacist. You the legislature mandate the law. A hospital pharmacist struggles. There are other associations I would like to belong to. I would like to spend more of my time and money in the American Society Hospital. Money is an issue. I still belong with the association and I am trying to work with them. It is hard when you have to participate. I think it is an answer to a democratic process.

Chairman Price: Any other in favor? Is there any one in opposition?

Dennis Johnson, President of ND Pharmacist Association: I am a pharmacist in Grand Forks. This is a very diverse group. We have been talking a lot about the \$100.00 fee that belongs to the association. We try to keep everyone happy. It is a value for the \$100.00. I urge you to vote no.

Representative Porter: One of the concerns that has been brought up is the process on how things are done administratively, and how the end voice that brings you here saying that you represent this group is derived. The group that says you are not representing them in their interests. Your only concern is the anti wal-mart type bill and you need money to do that.

Their seems to be a lot of decisiveness amongst the group where people are practicing one

profession and need membership and guidance in their profession, yet they need to belong to yours. That seems to focus more on a retail side of the world.

Dennis Johnson: There is an advisory council working on these issues. Everyone on the board of the association is elected from Districts, and they should talk to their elected person. The State does audit us. I think I get a lot of mileage for my \$100.00.

Joel Aukes, President of NDSHP: I am registered as a lobbyist for them. This bill was not brought before the Board of NDSHP. It has not been considered. So they don't have an official position. We have 384-390 members who chose to be members of our organization.

Howard Anderson, Executive Director of ND State Board of Pharmacy: See Attached.

Representative Damschen: When sending out the ballots how many do you get back and how well do they know them?

Mr. Anderson: We get about 50%, and normally if they don't know them they know someone who does.

Representative Weisz: WE talk a lot about democratic process; do you have to belong to a group you don't support. Should we have a choice?

Mr. Anderson: Even though you don't agree you can't run away from it. I look at profession similar. They took the same oath. We need them and their opinions; they don't always get their way, plus we need their money.

Bob Treitline, Independent owner, Treasure and secretary of the Service Corp, which is a branch of the Association. Our membership pays our dues and enables us to share those revenues with the association so we can get on board to do the activities to promote them to push the pharmacy to the highest level. I think that we have accomplished that. We in ND are leader in the industry across the US. They look to ND for leadership.

Chairman Price: Any other opposition for HB 1148? If not we will close HB 1148.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1148

House Human Services Committee

Check here for Conference Committee

Hearing Date: 01-09-2007

Recorder Job Number: 787

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: Opening HB 1148 for discussion, and what kind of information do you want?

Representative Porter: I would like to call a few pharmacists. We did pull the SD, they do still have it in place and they seem to be the only other state that has 80% of the fees the board receives from renewal certificates maybe sent to their association. They have it as just a percentage.

Representative Kaldor: I am interest in the 1989 background on what the legislature was thinking. There is an issue on the way that they are dispersing funds. Under state authorization in a round about way they are appropriating funds.

Committee had discussion on other organizations and fees and how they are spent. They could share one person for several groups to save money. It is troubling when someone stands up in front of us, and you can't tell which hat they are wearing especially when they come from a regulatory board, and come back in and have prepared testimony from the regulatory board, saying how we should keep the association in tack. The conflict that is there, how do you do your regulatory activities when you have an inherited built in contract. Up until two years ago staff was shared. Committee would be interested to know, will the association fail if they don't have a mandated fee. 20% are unhappy, that is a high percentage. I think we

would be making a mockery of the democratic process by making them belong to the association. Find it hard to believe the association would collapse with out the fees. Where does the money go? Anyone who is a member of this association is going to get access to updated information. They are not going to be operating in a vacuum. The question is, is it our concern.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1148 voted

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1200

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: Take out HB 1148. It is not going to get any easier. Committee discusses the bill. Legislative Council is doing some drafting. Mandatory memberships is not fair to people, they should have a choice. Does not make sense for us to see the association stays solvent. Feeling is it is an internal squabble.

Representative Porter moves a do pass. **Representative Hofstad** seconds the motion 7 yeas 4 nays and 1 absent. Representative Price to carry to the floor.

Date: Y16
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES AB. 1148 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Rep. Potter Seconded By Rep. Hofstad

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Kari L Conrad		✓
Vonnie Pietsch - Vice Chairman	✓		Lee Kaldor		
Chuck Damschen	✓		Louise Potter		✓
Patrick R. Hatlestad		✓	Jasper Schneider		✓
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglen	✓				
Robin Weisz	✓				

Total (Yes) 7 "Click here to type Yes Vote" No 4 "Click here to type No Vote"

Absent 1

Floor Assignment Rep Price

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1148: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(7 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1148 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

HB 1148

January 9, 2007

House of Representatives Human Services Committee
HB 1148

Chairman Price, Vice Chairman Pietsch, Committee Members

I would like to submit to this committee the signatures of the North Dakota licensed pharmacists that support the development and enactment of legislation to change the ND Century Code to remove the mandatory membership in the North Dakota Pharmacists Association.

At this time, many more pharmacists than the 124 listed here have expressed support of this bill. Thank you for your consideration.

Respectfully submitted,

Joan Johnson RPh
3005 E Harbor Road
Mandan ND 58554

NDPHA recently proposed an increase in the annual dues through the licensure process to a total of \$ 400.00 per year, of which the State Board of Pharmacy will receive \$ 200.00. With the fee increase, NDSHP has also been reduced to an "academy status" which means we will have **no autonomy**, and **no funding**. Please sign below if you oppose the mandatory membership in NDPHA with licensure. The results will be presented to the legislature during the 2007 session.

Name	Signature	Place of Practice	License #
Robert Nelson	<i>Robert Nelson</i>	MeritCare, Fargo	ND 41666
Jesse Gerdtsbeck	<i>Jesse Gerdtsbeck</i>	MeritCare, Fargo	ND 4784
Allyssa Engbreitson	<i>Allyssa Engbreitson</i>	MeritCare Fargo	ND 5050 5025
Amy Gervold	<i>Amy Gervold</i>	MeritCare, Fargo	ND 5031
Brian Nelson	<i>Brian Nelson</i>	MeritCare Fargo	ND 3722
Jeffrey Hunter	<i>Jeffrey Hunter</i>	MeritCare Fargo	ND 3901
Robert Stieglitz	<i>Robert Stieglitz</i>	MeritCare Fargo	ND 4199
JEFF MARI	<i>Jeff Mari</i>	MERITCARE, FARGO	ND 4234
Bernadette Keller	<i>Bernadette Keller</i>	MeritCare, Fargo	ND 4985
Heather Strawser	<i>Heather Strawser</i>	MeritCare Fargo	ND 4980
Mian Lee Clark	<i>Mian Lee Clark</i>	MeritCare, Fargo	ND 4332
JEANNE KACZMAREK	<i>Jeanne Kaczmarek</i>	MERITCARE, Fargo	ND 3426
Lisa Wanner	<i>Lisa Wanner</i>	MeritCare, Fargo	ND 4654
DANIEL AMARIS	<i>Daniel Amaris</i>	MERITCARE, Fargo	ND 5004
Alexia Marie Nygren	<i>Alexia Marie Nygren</i>	MeritCare, Fargo, ND	ND-50666
Thomas KRIEGER	<i>Thomas Krieger</i>	MeritCare, Fargo, ND	ND-3511
Melissa Rohrich	<i>Melissa Rohrich</i>	MeritCare, Fargo ND	ND 4990
Kimberly J. Gouss	<i>Kimberly J. Gouss</i>	MeritCare Fargo ND	ND 5007
Matthew T. Carlson	<i>Matthew T. Carlson</i>	MeritCare, Fargo ND	ND 4922
Ryanne Keel	<i>Ryanne Keel</i>	MeritCare, Fargo ND	ND 3187
Robert Halverson	<i>Robert Halverson</i>	MeritCare, Fargo ND	ND 3249
Katie Halverson	<i>Katie Halverson</i>	MeritCare, Fargo ND	ND 4862
Brenda Setzler	<i>Brenda Setzler</i>	MeritCare, Fargo ND	ND 4805
Laurie Pool	<i>Laurie Pool</i>	MeritCare, Fargo ND	ND 4204
Jon Scholtz	<i>Jon Scholtz</i>	MeritCare, Fargo	ND 41681
Stephanie Perreault	<i>Stephanie Perreault</i>	MeritCare, Fargo	ND 4924
Leann M. Ness	<i>Leann M. Ness</i>	MeritCare, Fargo	ND 4677
Cheryl Halverson	<i>Cheryl Halverson</i>	MeritCare, Fargo	ND 3248
Sue Matheson	<i>Sue Matheson</i>	MeritCare, Fargo	ND 4466
Naughton Theodor	<i>Naughton Theodor</i>	MeritCare, Fargo	ND 3438
Sarah Larson	<i>Sarah Larson</i>	MeritCare, Fargo	ND 4828

Please sign below if you oppose the mandatory membership in NDPHA with licensure. This information will be presented to the legislature during the 2007 session.

Name	Signature	Place of Practice	License #
Kenton Omvig	Kenton Omvig	St. Alexius	ND 4351
Carrie Sorumson	Carrie Sorumson	St. Alexius	ND 4571
DAN McPherson	DAN McPherson	St. Alexius	ND 4252
Dorothy J. Sander	Dorothy J. Sander	St. Alexius	ND 3477
Sam Adner	Sam Adner	St. Alexius	ND 4945
JOHN JOHNSON	John Johnson	St. Alexius	ND 3775
Leilee Fretland	Leilee Fretland	St. Alexius	ND 5090
Shirley Ann Pitts	Shirley Ann Pitts	St. Alexius	ND 5854
Dawn Mayer	Dawn Mayer	St. Alexius	ND 4895
Jon Murphy	Jon Murphy	St. Alexius	ND 4961
Kim Christiansen	Kim Christiansen	St. Alexius	ND 3663
Bernie Berni	Bernie Berni	St. Alexius	ND 4962
Deb McPherson	Deb McPherson	St. Alexius	ND 4251
Sandra Monger	Sandra Monger	St. Alexius	ND 4847
Nicole Bohstead	Nicole Bohstead	St. Alexius	ND 4825
JOAN GALBRAITH	JOAN GALBRAITH	SCLT - Mandan	ND 4315
CHAD PORSBARE	Chad A. Porsbare	St. Alexius	ND 4703
Kristy Vadnais	Kristy Vadnais	St. Alexius	ND 4606
ROSS TOLSTADT	Ross Tolstادت	St. Alexius	ND 4300
Lori Ahrens	Lori Ahrens	CVS Gateway	ND 4473
Allison Bermaling	Allison Bermaling	St. Alexius	ND 4545
RAYMOND LARK	Raymond Lark	St. Alexius Volunteer	ND 2467
Debra Orke	Debra Orke	Bismarck VA	ND 3686
Guery Bartel	Guery Bartel	CVS Gateway	ND 4129
BILL MILL	Bill Mill	CVS Gateway	ND 3615
Kirsten Hellekson	Kirsten Hellekson	CVS Gateway	ND 4755
Barbara Holwegna	Barbara Holwegna	CVS - Kirkwood	ND 3785
Al Bennen	Al Bennen	CVS - Kirkwood	ND 3483
Lance Sateron	Lance Sateron	relief RPL	ND 3674
Natalie Horner	Natalie Horner	St. Alexius	ND 5064
Connie Schultz	Connie Schultz	St. Alexius	ND 4467

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Name	Signature	Place of Practice	License #
JEFFREY ZAIL	<i>Jeffrey Zail</i>	ALTRU HEALTH SYSTEM	ND 3983
Joe Farrell	<i>Joe Farrell</i>	Altru Health System	ND 4471
Tim Gagnon	<i>Tim Gagnon</i>	Altru Health System	ND 4633
Jaclyn Olson Joie Olson	<i>Joie Olson</i>	Altru Health System	ND 3863
Lisa Durick	<i>Lisa Durick</i>	Altru Health System	ND 4051
Mark Dick	<i>Mark Dick</i>	Altru Health System	ND 5092
Matthew Uhrich	<i>Matthew Uhrich</i>	Altru Hospital	ND 4362
Susan Carter	<i>Susan Carter</i>	Altru Hospital	ND 4632
Katie E. Thompson	<i>Katie E. Thompson</i>	Altru Hospital	ND 4971
Kevin Fern	<i>Kevin Fern</i>	Altru Hospital	ND 4585
Barbara Wankling	<i>Barbara Wankling</i>	Altru Hospital	ND 3101
Susan Spurr	<i>Susan Spurr</i>	Altru Hospital	ND 3068
Jesse Lund	<i>Jesse Lund</i>	Altru Hospital	ND 5014
Jan Detke	<i>Jan Detke</i>	Altru Hospital	ND 4291
Carol Collette	<i>Carol Collette</i>	Altru Hospital	ND 3208
JAMES MALINOWSKI	<i>James Malinowski</i>	Altru Retail Pharm	ND 5035

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BOARD OF PHARMACY
State of North Dakota

John Hoeven, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
P O Box 1354
Bismarck ND 58502-1354
Telephone (701) 328-9535
Fax (701) 328-9536

www.nodakpharmacy.com
E-mail= ndboph@btinet.net
Howard C. Anderson, Jr, R.Ph.
Executive Director

Bonnie J. Thom, R.Ph.
Granville, President
Gary W. Dewhirst, R.Ph.
Hettinger, Senior Member
Dewey Schlittenhard, MBA, R.Ph.
Bismarck
Rick L. Detwiller, R.Ph.
Bismarck
Laurel Haroldson, R.Ph.
Jamestown
William J. Grosz, Sc.D., R.Ph.
Wahpeton, Treasurer

**HB # 1148 – REPEAL ASSOCIATION MEMBERSHIP
HOUSE HUMAN SERVICES COMMITTEE
10:AM – TUESDAY – JANUARY 9TH, 2007 – FORT UNION ROOM**

Chairman Price, members of the House Human Services Committee, for the record I am Howard C. Anderson, Jr, R.Ph, Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to speak with you today.

From the Board of Pharmacy's perspective, what can I say better than *we like it the way it is*.

To have *every* active pharmacist in the state, an active member in the North Dakota Pharmaceutical Association, all working for the good of their patients and their profession, is the best scenario that I know of to help the Board of Pharmacy in regulating the profession in the best interest of the people of North Dakota. *Every* pharmacist has an equal voice and an equal vote at every association meeting.

The way the system works now is at the annual convention of the North Dakota Pharmaceutical Association, through a nominating committee process and ballot at the convention, five individuals are selected. These five individuals are sent out on a ballot to the entire 765 pharmacist members of the North Dakota Pharmaceutical Association. By that ballot, the list is reduced to the top three vote recipients who are then submitted to the Governor for his consideration, with the one receiving the most votes at the top of the list. The Governor then appoints one of the three pharmacists to the Board of Pharmacy.

Back in the days when Governor Guy was in office, the law said that one name was submitted. It so happened that a republican precinct committee chairman from Dickinson, North Dakota, by the name of John Schuld was submitted. Governor Guy would not appoint John, so the sitting Board Member served for another year while the issue was resolved with the Governor's Office and the legislature. Subsequently, three names have been submitted for the Governor's consideration. Since that time we have not had a problem with the Governor finding one name on the list of three whom he was been happy to appoint to the Board of Pharmacy. To have these individuals come through the Pharmaceutical Association, most of them being past presidents of the Association or past presidents of the North Dakota Society of Health Systems Pharmacists (it was known as Hospital Association at the time)

provides a great deal of familiarity and credibility to our Board Members. Since they are well known by pharmacists across the state, they are never perceived as having parochial or narrow views, not in the interest of the patients and the profession that serves them. No one in North Dakota serves on the Board of Pharmacy to further their own business interest, because, with that attitude they would not have been chosen by their peers.

I recently spoke with Pharmacist Riley Rogers, who is a past president of the North Dakota Pharmaceutical Association and a lifetime hospital pharmacist in Valley City. Riley also served 10 years on the State Board of Pharmacy, two years as President. Riley stated that when this legislation was originally passed in 1989, the leadership of the Society of Hospital (now called Health Systems Pharmacists) was very supportive of the concept, in fact Riley said, and I quote- "*It is the best thing we have ever done.*"

Because of the way our Board of Pharmacy is selected, we have a higher percentage of employee pharmacists serving on the Board, even though we also have by far the highest percentage of independent ownership of pharmacies in the country. Even though there is no requirement to do so, we currently have two hospital pharmacists serving on the Board of Pharmacy, and another with past employment history with a hospital, who is now an independent pharmacy owner.

There is no question that the integrated licensure / association membership provide the resources that the Association needs to train and educate pharmacists in medication therapy management, immunization programs, diabetes and asthma training programs and run a vibrant organization that serves the public and the profession. At the 2006 Annual Pharmaceutical Association Convention, over \$16,000 was raised at the Scholarship Auction to provide scholarships for students at North Dakota State University College of Pharmacy and our Pharmacy Technician Program at the State College of Science in Wahpeton.

Occasionally, some people think that an integrated Board/Association membership is a strange scenario. However, if we draw an analogy between that and being a citizen of North Dakota or the United States, we see that we do not always agree with what our legislature might decide. If we are in the minority, sometimes we do not get our way. But, that does not mean we can just run away, or pretend we are not citizens of the state of North Dakota, or pretend that we do not have to abide by it's laws. Perhaps at some future time we will be in the majority and then we will get our way. One thing we can be assured of, is that if we are citizens of this state or if we are a member of the Pharmaceutical Association, we always have a voice and we always have a vote. In a profession, you always have access to the tools and a vehicle to work for, the best interest of the patients you serve.

There are *some* pharmacists who have disagreed with some of the positions that the Pharmaceutical Association has taken. They are in a *significant* minority and I would strongly encourage each of you to talk to the pharmacists in your district to determine how this integrated licensure / association membership has worked to serve the profession and to benefit the public the profession serves for the past 18 years.

Testimony on HR1148

01-09-2007

House Committee Members,

I am asking for your support of HR1148. This bill would effectively remove the current practice of the ND Board of Pharmacy funding the ND Pharmacist Association. It is my opinion that this relationship is not appropriate for the ND Board of Pharmacy or the ND Pharmacist Association. In order for the ND Pharmacist Association to be responsible to it's members, it needs to be dependent on it's membership's voluntary financial support. Since it receives automatic funding from the ND Board of Pharmacy, the board of directors has no incentive to respond to any opposition of it's policy. As a result of depending on the Board of Pharmacy for its funding, the association may feel pressure not to oppose the board.

The argument may be made that the ND Pharmacist Association will be weakened without the \$70,000/year funding provided by this mechanism. The ND Pharmacist Association would simply have to change its funding mechanism. By implementing a \$100/person voluntary membership fee, and having each of the 700 licensees voluntarily join the association, the \$70,000 loss in board funding would be negated. By removing the Board of Pharmacy from the formula, the association membership would gain an avenue of demanding accountability of the ND Pharmaceutical Association Board by choosing to join or not join the organization.

HR1054, on which hearings will be held Tuesday January 9, addresses raising the allowable license fee and if implemented, could provide \$140,000/yr to the ND Pharmacists Association. HR1054 also addresses a similar funding plan dealing with pharmacy technician registration allowing ½ of their registration fee to go to an appropriate technician association. Currently this association operates under the umbrella of the ND Pharmacist Association. I believe this practice should also be reviewed.

I would strongly urge your support of HR1148 to bring accountability to the Board of Pharmacy and the ND Pharmacist Association.

Sincerely,

Kim Christiansen, R.Ph.

1707 Valle Moor Pl

Bismarck, ND 58501

701-223-6101