



# MINNESOTA BOARD OF PHARMACY

*newsletter to promote pharmacy and drug law compliance*

## ***Disciplinary Actions***

Because of space limitations, information on disciplinary actions is no longer included in the *Minnesota Board of Pharmacy Newsletter*. A document that provides information about recent Board disciplinary actions can be found on the Board’s [website](#) under the “Resources/FAQs” menu item.

## ***Executive Director Replacement Announced***

Dr Cody Wiberg, who has been executive director since September 21, 2005, previously announced his retirement. The process to replace him has concluded. Seventeen individuals applied for the position, of whom five were interviewed by the Selection Committee, which consisted of current Board members Mr Stuart Williams, Dr Mary Phipps, Dr Ben Maisenbach, and Mr James Bialke. Dr Wiberg sat in on the interviews so he could answer questions about the hiring process and the position. However, he did not participate in the questioning, did not rate the interviewees, and had no vote. The committee unanimously decided to recommend to the full Board that Jill Phillips, MPH, RPh, be hired as the new executive director. At its March 16, 2022 meeting, the full Board elected Ms Phillips to become the Board’s secretary and executive director, effective April 13, 2022.

Ms Phillips has a bachelor of science degree in pharmacy from North Dakota State University, a master of public health from the University of Liverpool, and a mini master of project management from St Thomas University. She has extensive experience as a pharmacy manager. She was the oncology program manager for Fairview Pharmacy Services

### ***National Pharmacy Compliance News***

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from May 1998 to January 2011. She was also pharmacy manager of MWI Veterinary Supply/ Animal Rx Pharmacy from 2012-2015. Ms Phillips then returned to Fairview to serve as a clinical program development specialist. She has worked for the Board as a pharmacy surveyor since October 2017.

At the March 16 meeting, the Board also designated Dr Wiberg to be emeritus executive director, effective April 13, 2022, through July 19, 2022 (which will be his official retirement date). Dr Wiberg will focus on training Ms Phillips and the Board's recently hired deputy director, Dr Katrina Howard.

### ***Board Officers for 2022***

At its December 8, 2021 meeting, the Board elected Stuart Williams, JD, a public Board member, to be its president for 2022. He is an attorney with the Minnesota law firm of Henson & Efron, PA, where his practice includes business litigation and environmental law. He was first appointed to the Board in 2011 and was reappointed in 2015 and 2019. Mr Williams also serves as a public member on the Minnesota Board of Medical Practice, the Minnesota Department of Human Services (DHS) Drug Formulary Committee, and the Minnesota Supreme Court's Client Security Board. He formerly served on the Minnesota Boards of Nursing and Psychology and the Minnesota Lawyers Professional Responsibility Board. Mr Williams graduated from the University of North Carolina at Chapel Hill with a bachelor's degree and a juris doctor degree with honors.

The Board elected Mr James Bialke, a public member to be its vice president for 2022. Mr Bialke spent 28 years working for unions that represent both licensed and non-licensed health care workers in a variety of settings. Among other positions, he served as chief of staff of Service Employees International Union Healthcare Minnesota and as executive director of the Minnesota Nurses Association. He received a bachelor's degree in economics from the University of Minnesota and a master of arts degree in industrial relations from the University of Minnesota, Carlson School of Management. He was first appointed to a two-year term on the Board in 2016, by Governor Mark Dayton, and was reappointed to a four-year term in 2018.

The Board also re-elected Cody Wiberg, PharmD, MS, RPh, to be secretary for 2022. The Board's secretary is a non-voting officer of the Board who is also designated executive director and chief administrative officer. Dr Wiberg received a doctor of pharmacy degree from the University of Minnesota in 1985. He has worked as a clinical pharmacist, hospital pharmacist, community pharmacist, and nursing home consultant. From 1999 until he joined the Board in September 2005, he was the pharmacy program manager for the Minnesota DHS. Dr Wiberg is a clinical assistant professor and pharmacy law course director for the University of Minnesota College of Pharmacy. He is also an instructor and course director for the University of Florida Graduate School, from which he received a master of science in pharmacy policy and outcomes in 2009, and a course director for the University of Wyoming Graduate School. Dr Wiberg was named to Minnesota Physician's quadrennial list of the state's 100 Influential Health Care Leaders in

2008, 2012, 2016, and 2020. He received the 2017 Century Mortar Club Friend of the College Award from the University of Minnesota College of Pharmacy, and the 2016 Phi Delta Chi, Theta Chapter, Outstanding Alumnus Award. As mentioned above, Ms Jill Phillips replaced Dr Wiberg as secretary and executive director on April 13, 2022, but he will remain with the Board as emeritus executive director until July 19, 2022.

### **Pharmacist License Renewals**

By this time, all pharmacists who wanted to renew their license for the period starting March 1, 2022, should have done so. Pharmacists who did not renew their license by that date should not be practicing pharmacy in Minnesota. Practicing pharmacy without a license is grounds for disciplinary action and can result in the pharmacist having to pay a civil penalty. Pharmacists who have not renewed their license, but who wish to do so, should contact the Board's office as soon as possible for instructions on how to renew.

### **Pharmacist Continuing Education**

Minnesota-licensed pharmacists are reminded that continuing education (CE) reporting is due no later than September 30 of every even-numbered year. There are now approximately six months left during which pharmacists can complete and report their CE for the period of October 1, 2020, to September 20, 2022. Upon completion of at least the required 30 hours of CE, pharmacists can visit the Board's [website](#), choose "Login to My Account" from the "How do I" tab in the upper right-hand corner of the page menu, log in to the Board's system, and certify the completion of their CE. Alternatively, pharmacists can access a Certification of Completion of CE form on the Board's [website](#) by selecting "Forms" from the top navigation. Fill out and sign the form, then send it to the Board office. Note that pharmacists who first received their license from the Board after October 1, 2020, may need to complete less than 30 hours of CE. Those individuals need to complete an amount of CE that is prorated based on the number of months that they had an active license during the CE cycle. Those pharmacists can determine the number of hours that they need to complete by logging in to their account on the Online Services portion of the Board's [website](#).

### **COVID-19 Update**

During the coronavirus disease 2019 (COVID-19) Omicron variant surge, Board President Stuart Williams and Executive Director Dr Wiberg agreed to issue a document titled *Temporary blanket variances and enforcement discretion due to staffing shortages that appear to be related to the COVID-19 omicron variant*. Several of the blanket variances and some of the enforcement discretion that the full Board approved toward the beginning of the pandemic were reinstated – until the full Board could once again consider approving them at the January 2022 meeting. At that meeting, the full Board extended the blanket variances and enforcement discretion until the March 16, 2022 meeting. By that meeting date, the Omicron variant surge had substantially subsided. Consequently, the Board did not renew the temporary blanket variances and enforcement

discretion. The Board still has a COVID-19 Frequently Asked Questions document on its [website](#) and will continue to monitor pandemic developments to determine if any additional actions need to be taken.

### ***Cooperation With Inspections and Complaint Investigations***

It has come to the attention of the Board that licensees or registrants may not be fully and promptly cooperating with the Board's pharmacy surveyors when they are inspecting facilities and/or investigating complaints. Licensees and registrants should be aware that it is unlawful to refuse to allow pharmacy surveyors to enter and inspect a licensed facility, take samples of drug products, or access and copy any record that the Board is allowed to obtain. See [Minnesota Statutes §151.34 \(4\)](#).

Also, persons and businesses licensed or registered by the Board have a duty to cooperate with complaint investigations. See [Minnesota Statutes §151.074](#), which states (emphasis added):

[c]ooperation includes *responding fully and promptly* to any question raised by, or on behalf of, the board relating to the subject of the investigation and providing copies of patient pharmacy records and other relevant records, as reasonably requested by the board, to assist the board in its investigation.

Failure to fully cooperate with a complaint investigation is grounds for discipline. See [Minnesota Statutes §151.071, subdivision 2 \(20\)](#), which establishes as grounds for discipline "failure to make reports as required by section 151.072 or to cooperate with an investigation of the board as required by section 151.074." When deciding whether to take action against staff or the license of the facility, the Board considers any instructions given by the facility owners to their staff, directing them to not cooperate with pharmacy surveyors.

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