

Pharmacy In Meningitis Outbreak Lacked Proper Minnesota License

BY MARTIGA LOHN
Associated Press

ST. PAUL, Minn. — The Massachusetts specialty pharmacy that mixed and supplied a steroid blamed for a deadly meningitis outbreak isn't licensed to distribute the drug in Minnesota, a state official said Wednesday.

Minnesota Pharmacy Board director Cody Wiberg said the New England Compounding Center should have been licensed as a wholesaler and manufacturer in order to sell the drug in bulk to clinics. He said the company has a Minnesota pharmacy license that allows only for the filling of individual prescriptions — not bulk distribution of mixed drugs.

"It's not acceptable to compound large batches and start selling it at wholesale" without obtaining the proper licenses, Wiberg said.

Wiberg wouldn't comment on whether the board is investigating the pharmacy. The company's license status was first reported by the Star Tribune.

The fungal meningitis outbreak has sickened more than 100 people and killed 12. In Minnesota, three women have become ill after steroid shots for back pain.

Minnesota law bans out-of-state drug wholesalers from selling or distributing drugs without a valid state license.

Wiberg said the state also would require a manufacturing license for bulk drug compounding, or custom mixing. Licensed pharmacies are allowed to mix drugs on their premises to fill individual

prescriptions, but not to distribute or sell to clinics or other pharmacies. A state manufacturing license also would require a pharmacy to register with the U.S. Food and Drug Administration.

Wiberg said an out-of-state pharmacy would stay within state law if it mixed and shipped drugs only to fill individual prescriptions.

Marsha Thiel, CEO of the Minnesota clinics that administered the steroid, said last week that the clinics received two batches of the drug from the New England Compounding Center. The clinics in the Minneapolis-St. Paul area are Medical Advanced Pain Specialists and the Minnesota Surgery Center.

The Minnesota Pharmacy Board can investigate and take disciplinary action against those it licenses, including suspending or revoking licenses and imposing civil penalties of as much as \$10,000 per violation. Wiberg said each shipment of an unlicensed compounded drug could be considered a separate violation. He added that medical professionals licensed by other state boards also could face disciplinary action if they violated state law.

Violations of pharmacy laws also are considered criminal misdemeanors, which state law punishes with jail time of up to 90 days, fines of up to \$1,000, or both.

State Health Department spokesman Buddy Ferguson said officials have contacted about 830 Minnesota patients who got the steroid at the clinics, and spoken with all but about 30. He said several hundred were referred to their doctors for evaluations, including those with mild symptoms.

Tribe To Get Control Of Land For Oil Refinery

NEW TOWN, N.D. (AP) — North Dakota's Three Affiliated Tribes will be getting control of land for construction of a proposed new oil refinery, U.S. Interior Secretary Ken Salazar said Wednesday.

Salazar's decision, announced during a news conference at the tribe's headquarters in New Town, means the tribe may begin construction of the \$400 million refinery next spring, tribal Chairman Tex Hall said.

"It's the biggest economic project in the history of our tribe," Hall told The Associated Press. "We're really excited about this finally coming to fruition."

The tribe wants to use 469 acres of land near Makoti to build the

refinery and produce feed for the tribe's buffalo herd. Makoti is a community near the northeastern corner of the Fort Berthold Indian Reservation, about 30 miles southwest of Minot.

Tribal officials asked the U.S. Interior Department nine years ago to put the land into trust, a process by which the agency will own the land and the tribe will control and manage it.

Salazar said Wednesday the agency had accepted the application and intended to put the land into trust.

As planned, the refinery will process about 20,000 barrels of oil daily into diesel fuel, gasoline, jet

fuel, propane and naphtha, Hall said. Propane is used for heating and cooking. Naphtha is a solvent.

There is voracious demand for diesel fuel in western North Dakota's oil-producing region. Hall said the tribe's refinery should have a supply advantage because transportation costs of the refined diesel fuel will be lower, and the state's normal tax of 23 cents a gallon will not apply, because the fuel is being produced on tribal land.

In a statement, Salazar said the refinery would employ about 140 people. If constructed, it would be the first refinery built in the United States in more than 30 years, the interior secretary said.

Petitions Seek To Repeal Omaha Anti-Bias Law

OMAHA, Neb. (AP) — Petitions seeking to repeal Omaha's new legal protections for gay and transgender residents are now being circulated.

The *Omaha World-Herald* reports that organizers must gather about 11,400 valid signatures over the next month to put the measure before voters.

A local tea party organizer and clergy and Christian groups are supporting the effort.

The Omaha City Council narrowly approved the ordinance in March that bans employers, job-training programs, labor groups and other organizations from discriminating based on a person's sexual orientation. The measure included exemptions for religious organizations.

The Lincoln City Council adopted a similar ordinance in May, but opponents mounted a successful petition drive that requires the council to either let the ordinance die or submit it for voter approval. The public vote has not yet been scheduled.

Grants Help Bring Road Signs Into Compliance

COLUMBUS, Neb. (AP) — Platte County hopes to buy a machine to test road signs to make sure they can be seen.

The *Columbus Telegram* says supervisors took a step on Tuesday to buy a device called a retroreflectometer, which measures signs visibility.

A Florida company offered one for about \$9,300. The cost would be shared by Platte, Colfax and Stanton counties. Each county plans to apply for a \$2,500 grant to help offset the cost.

Platte County Administrative Assistant Jane Cromwell says the machine will help bring the county's signs into compliance with new federal regulations and enhance road safety by identifying signs that have lost their luminosity because of age or the weather.

No Injuries In Rapid City Factory Fire

RAPID CITY (AP) — A blaze at a particle board plant in Rapid City was quickly knocked down by employees and firefighters.

Officials say the Tuesday fire at the Dakota Panel plant happened in a structure used to collect dust from a processing area. Employees used on-site fire hoses to contain the flames to the structure until firefighters arrived. The blaze was knocked down in about half an hour.

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