

**CONTROLLED SUBSTANCES BOARD
TELECONFERENCE MINUTES
MARCH 5, 2009**

PRESENT: Yvonne M. Bellay, DVM (at the Department); Robert Block; Timothy Boehmer, R.Ph.; Doug Englebort, R.Ph. (at the Department); and Darold Treffert, M.D.

EXCUSED: Cecilia Hillard, Ph.D.

STAFF: Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Amy Childers, Bureau Assistant; and other DRL staff

GUESTS: Barrett Crowther, Department of Health Services (DHS)

CALL TO ORDER

Darold Treffert, Board Chair, called the meeting to order at 9:34 a.m.

APPROVAL OF AGENDA

Amendments:

- Between Item E & F (Open session) – Special Use Authorization Permit Applications – Discussion and Action relating to the Definition of “Sworn” and “Deputized”
- Between Item J & K (Open session) – Correspondence from the Department of Justice regarding the Department of Agriculture, Trade and Consumer Protection (“DATCP”) Clean Sweep Program

MOTION: Timothy Boehmer moved, seconded by Robert Block, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 11, 2008

MOTION: Robert Block moved, seconded by Doug Englebort, to approve the December 11, 2008 minutes as written. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2009 AND BOARD APPOINTMENTS

MOTION: Timothy Boehmer moved, seconded by Robert Block, to retain the current slate of officers for 2009. Motion carried unanimously.

Darold Treffert was re-elected as Chair of the Board.
Robert Block was re-elected as Vice Chair of the Board.
Yvonne Bellay was re-elected as Secretary of the Board.

Darold Treffert appointed the following liaisons:

- Special Use Authorization Liaison(s) and Process –Yvonne Bellay, Cecilia Hillard
- Legislative Liaison – Robert Block
- Practice question procedure – no changes
- State Council on Alcohol and Drug Abuse – Doug Englebert

ADMINISTRATIVE REPORT

Tom Ryan noted the Department’s procedures that are located in the agenda packet, informed the Board of Department staff changes and the merging of the Division of Board Services and the Office of Legal Services.

Impaired Professionals Procedure Task Force Committee

There have been two meetings to discuss the current Impaired Professionals Procedure Program thus far and more meetings will convene to discuss possible re-structuring of the program.

Lastly, the Board was informed of a plan in the current draft of the Governor’s budget proposed to create a new Bureau at the DRL dedicated the Medical Examining Board.

**DESIGNATION OF AN ATTORNEY, DEPARTMENT OF ADMINISTRATION -
DIVISION OF HEARING AND APPEALS, TO SERVE AS AN
ADMINISTRATIVE LAW JUDGE TO PRESIDE OVER CLASS 1 LICENSE
DENIAL HEARINGS AND CLASS 2 DISCIPLINARY PROCEEDINGS,
PURSUANT TO WIS. ADMIN. CODE § RL 1.08 AND § RL 2.10. THIS
DESIGNATION IS IN ADDITION TO THE DESIGNATION ALREADY
PROVIDED FOR IN WIS. ADMIN. CODE § RL 1.08 AND § RL 2.10. – BOARD
APPROVAL**

MOTION: Timothy Boehmer moved, seconded by Yvonne Bellay, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

Special Use Authorization Permit Report

Yvonne Bellay summarized a previous discussion regarding a SUA permit given to a designation the DEA will not accept. The Board then discussed options available to the licensee.

Yvonne Bellay informed the Board there is a need to take action on lapsed permits. This topic will be discussed at the next meeting.

SPECIAL USE AUTHORIZATION APPLICATION REVIEW – KRIS HENDRICKSON, DRL DIVISION OF CREDENTIAL PROCESSING

Kris Hendrickson appeared before the Board to discuss the application process regarding special use authorization permits.

MOTION: Doug Englebert moved, seconded by Timothy Boehmer, to adopt the revised application for the special use authorization permits as submitted pending DEA review. Motion carried unanimously.

SPECIAL USE AUTHORIZATION PERMITS – REVIEW OF DEFINITIONS “SWORN” AND “DEPUTIZED” – RUBY JEFFERSON-MOORE, DRL LEGAL COUNSEL

Ruby Jefferson-Moore reviewed the memorandum that she provided to the Board regarding the definition of “deputized” and “sworn.” The Board will discuss this topic at a future meeting pending receipt of additional information.

PRESCRIPTION DRUG MONITORING PROGRAM LEGISLATIVE DRAFT – LRB 0063/P3 – BOARD REVIEW

The board reviewed the draft legislative proposal and noted are several questions left unanswered.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) INTERNET DRUG OUTLET IDENTIFICATION PROGRAM – PROGRESS REPORT FOR STATE AND FEDERAL REGULATORY BODIES: DECEMBER 16, 2008

Noted.

CONTROLLED SUBSTANCES THEFT AND LOSS REPORTS

The Board reviewed the Controlled Substances theft and loss reports.

DRUG SUMMARY REPORTS

The Board reviewed and discussed the reports.

**DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
("DATCP") CLEAN SWEEP PROGRAM - DISCUSSION**

Yvonne Bellay summarized the informal Attorney General opinion regarding the drug collection and disposal programs. Doug Englebert elaborated on the program throughout the counties.

INFORMATIONAL ITEMS

Noted.

PUBLIC COMMENTS

None.

ADJOURNMENT

MOTION: Doug Englebert moved, seconded by Robert Block, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:00 p.m.

THE NEXT MEETING WILL BE HELD JUNE 4, 2009