

**PHARMACY EXAMINING BOARD
JULY 28, 2010
MEETING MINUTES**

- PRESENT:** Timothy Boehmer, R.Ph.; Jeanne Severson, R.Ph., Jason Walker-Crawford, R.Ph.; Pamela Phillips; arriving at 9:05 a.m. were Suzette Renwick; Gregory C. Weber, R.Ph. and Amy Mattila, R.Ph.
- STAFF:** Tom Ryan, Bureau Director; Michele Miller Hayes, DRL Board Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff
- GUESTS:** Gary Plank, Marshfield Clinic; Eric Knox, Wisconsin Department of Corrections (DOC); Dean Polar, Cardinal Health; Jeff Clinton, Omnicare; Brian McIlhone, Walgreens Pharmacy; Hashim Zaibak, CVS Pharmacy; Tom Engels, Pharmacy Society of Wisconsin (PSW); Debra Schuttenhelm, Andrew Wisnowski, Jessica N. Wolf, Abbigail Knorr, W. Jake Cournoyer, Victoria Pettera, Jared Van Hooser, Liz Van Hooser, Justine McClelland, Ali Shishehgar, Ashley Fargen, and Paul Jest, pharmacy students; Lynn Radmer and Jonathan Moody, Department of Health Services; Jo Anne Preston, Rural Wisconsin Health Cooperative; Teresa Geier, Walmart Pharmacy; Robert Block, Controlled Substances Board; Jamie Statz-Paynter, Dean Pharmacy; Linda Barefoot; Purdue Pharma, LP; Paul Merline, Wisconsin Hospital Association; Gina Besteman, Women's International Pharmacy

CALL TO ORDER

Jeanne Severson, Board Chair, called the meeting to order at 9:00 a.m. A quorum of 4 members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Case 08 PHM 039 should be Attorney Jim Poleski and Case Advisor should be Greg Weber
- Discuss NABP Exam Question Review under Travel
- Add Review 2011 Meeting Dates under Administrative Report
- Add material for Marshfield Clinic's Request for Approval of Training Program
- Add material for Morton Pharmacy Variance Report
- Add material related to Draft FAQ's and the DEA letter to Item L
- Add pages from DEA website related to e-prescribing
- Add Case Status Report

MOTION: Jason Walker-Crawford moved, seconded Amy Mattila, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 2, 2010

Corrections:

- Page 7 - Amendments 4th one down – “into” practice questions

- Related Motion should read seconded “by”
- 1st amendment should read Gail “Sumi”
- Page 8, “of” Michael F. Jensen and remove one of the periods
- With regards to Jim Parker presentation change to Administrator for the Division of Enforcement
- Page 10, under Administrative Rules, “many” needs to be struck
- Page 11, third paragraph, third sentence should be “moved” and not move
- On page 8 - Amendments it should read “NABP”
- On page 9, under report to UW should be “off-site students” not satellite schools
- On page 10, under Regulatory Digest – first sentence should read links to “those” not that
- On page 11, under first variance motion, add “license” in front of 9008
- Page 12 - JAT pharmacy second sentence should be “They” rather than The
- The last sentence under practice questions should read that for the e-prescriptions all other DEA requirements are met as well
- All references to National Association of Board of Pharmacy should read “Boards” of Pharmacy
- Page 13, Review and Consideration (PDMP) should be Cody “Wiberg”
- Page 16, James A. Laughlin should be reinstatement “to”

MOTION: Jason Walker-Crawford moved, seconded by Amy Mattila, to approve the June 2, 2010 minutes as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Michael H. Cain - 07 PHM 076. Deliberation will be in closed session.

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Rick B. Kleckler - 09 PHM 058. Deliberation will be in closed session.

ADMINISTRATIVE REPORT

DRL Staff Update

Tom Ryan reported that Gail Sumi has left the Department and that he will be the interim Bureau Director for the Pharmacy Examining Board.

Update of Board Web Pages on DRL Website

Mr. Ryan asked for feedback. Greg Weber noted that the July 2008 Regulatory Digest is not posted.

Chair, Vice-Chair and Public Member Training

Mr. Ryan noted that Suzette Renwick was at the new board member orientation. She reported that it went well and was informative. Mr. Ryan reported that the Chair, Vice-Chair and Public Member training would be on December 2 & 3.

2011 Meeting Dates

The Board was concerned with the time between the October and November meetings and asked that the November meeting be moved to December 14.

REPORT ON AND REQUEST FOR SPEAKING ENGAGEMENTS

NABP Standard Setting for the Multistate Pharmacy Jurisprudence Examination (MPJE) – September 22, 2010 – Board Consideration

The deadline has passed, however, Tom will attempt to obtain NABP funding to send Amy Mattila to this event and it will not count as the one Department funded travel.

MOTION: Suzette Renwick moved, seconded by Jason Walker-Crawford, to send Amy Mattila to the NABP Standard Setting meeting for the MPJE.
Motion carried unanimously.

Report on National Association of Boards of Pharmacy (NABP) 106th Annual Meeting – May 22-25, 2010

Amy Mattila offered her report at the last Board meeting. She reported on the update related to the NABP exam that Maria Boyle provided at the NABP meeting.

EDUCATION AND EXAMINATION ISSUES

Marshfield Clinic Request for Approval of Technician Training Classes for Technicians Working at Remote Dispensing Sites

Gary Plank, Marshfield Clinic, answered questions related to Marshfield Clinic's proposal for the Technician Training Class.

MOTION: Tim Boehmer moved, seconded by Greg Weber, to deny Marshfield Clinic's request for approval of technician training classes for technicians working at remote dispensing sites as presented. Motion carried unanimously.

VARIANCE REQUESTS AND REPORTS

VARIANCE REPORT – FROEDTERT HOSPITAL TECH CHECK VARIANCE

MOTION: Jason Walker-Crawford moved, seconded by Greg Weber, to reject the report until they submit the information requested. Motion carried unanimously.

VARIANCE REPORT – QUADMED PHARMACIES DELIVERY VARIANCE

No concerns noted.

VARIANCE REPORTS – ROESCHEN'S OMNICARE PHARMACY TECH-CHECK-TECH VARIANCE

No concerns noted.

ROBOTIC DISPENSING

No concerns noted.

MOTION: Jason Walker-Crawford moved, seconded by Tim Boehmer, to amend the variance to update the reporting requirements to include a 99.8% accuracy rate. Motion carried unanimously.

VARIANCE REPORTS – AURORA HEALTH CARE AURORA ST. LUKE’S MEDICAL CENTER

No concerns noted.

AURORA SHEBOYGAN MEMORIAL MEDICAL CENTER

No concerns noted.

VARIANCE REPORT - MORTON PHARMACY

This item was deferred until the next meeting.

FINAL CRITIQUE OF REGULATORY DIGEST GREG WEBER

Jeanne Severson reported that the Regulatory Digest that is posted does not include the changes by Greg Weber and Legal Counsel. It was suggested that the Regulatory Digest be pulled from the website until the changes are included at which time the Regulatory Digest will once again be posted to the DRL website. Mr. Weber also noted that the terms of Board members should be updated to reflect the reappointments of some of the members.

REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES

Greg Weber noted that the handout in the packet reflected the changes made at the last meeting and will be adding PHAR 7.02 to the list for the next meeting.

PRACTICE QUESTIONS

Can a prescription label include the brand name if the prescription was written for the generic equivalent?

After discussion, the Board determined that a pharmacist couldn't include the brand name if only the generic equivalent is listed on the prescription.

How should a pharmacist deal with tamper resistant prescription pads which are faxed and therefore have void written across the face of the prescription?

After discussion, the Board determined that a prescription cannot be filled if the faxed form states void unless the pharmacist contacts the prescribing practitioner and takes a verbal prescription order or requests a written prescription on paper that does not contain the "void" watermark.

Review and Consideration of FAQ's for the newly enacted expedited partner therapy law.

Jason Walker-Crawford tracked his suggestions for changes to the Department of Health Services' submission. The Board discussed the FAQ's as submitted with Mr. Walker-Crawford's recommended changes.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to accept the FAQ's related to expedited partner therapy as submitted and revised. Motion carried unanimously.

**DRUG ENFORCEMENT ADMINISTRATION
MONTHLY DRUG THEFT AND LOSS REPORT**

Noted.

SUMMARY REPORT ON ADMINISTRATIVE RULES

The Board discussed granting approval to all courses provided by ACPE.

**DRUG SCREENING REQUIREMENTS
DOE MONITORS SHARON HENES AND PATARA HORN**

Sharon Henes asked that the Board consider reducing the drug screens from 96 per year to 48 per year and include a hair test one time per year. The Board declined to make a decision on this change until the next meeting.

**REVIEW AND CONSIDERATION OF ITEMS RELATED TO THE
PRESCRIPTION DRUG MONITORING PROGRAM (PDMP)
FOR FUTURE WISCONSIN PDMP RULEMAKING**

The Board welcomed Chris Baumgartner, Program Coordinator for the Alliance of States with Prescription Monitoring Programs (ASPMP) and Jim Giglio, ASPMP Executive Director. Mr. Baumgartner and Mr. Giglio provided the Board with an overview of the different PDMPs within the alliance. The Board discussed the timeline for the application process. They also discussed the reporting requirements as it relates to the requirements of the grants that the Department would be applying for. The Board asked that the Project Statement be modified to remove Gail Sumi as the contact and to change the party responsible to obtain funding from the Pharmacy Examining Board to the Department of Regulation and Licensing. Jeanne Severson noted that she spoke with the Medical Examining Board and they are in support of the program. The Board also discussed the formation of an advisory committee. Jeanne Severson appointed Tim Boehmer and Greg Weber as the point people for the grant writing process.

REVIEW AND CONSIDERATION OF DEA DOCKET NO. DEA-337N

The Board noted that they approved the joint letter, but DHS has not yet approved the letter.

E-PRESCRIBING OF CONTROLLED SUBSTANCES

Jeanne Severson indicated that PHAR 7.08 notes that the e-prescribing is not available for Schedule II Controlled substances. She asked the Board to consider including this under

rulemaking so that Wisconsin would be aligned with the DEA. The Board suggested that this rule change be put on the fast track.

**STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE (SCAODA)
PAMELA PHILLIPS**

Pamela Phillips is going to send a link to the SCAODA site to Tom Ryan for inclusion on the next agenda.

**DRUG ENFORCEMENT ADMINISTRATION
MONTHLY DRUG THEFT AND LOSS REPORTS.**

Noted.

INFORMATIONAL ITEMS

Noted.

PUBLIC COMMENTS

Board Legal Counsel will draft a FAQ related to the question regarding “void” written on a prescription for posting to the FAQ section of the DRL website.

CLOSED SESSION

MOTION: Jason Walker-Crawford moved, seconded by Suzette Renwick, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Timothy Boehmer-yes; Suzette Renwick-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Jeanne Severson-yes; Amy Mattila-yes; Pamela Phillips-yes. Motion carried unanimously.

Open session recessed at 1:25 p.m.

RECONVENE TO OPEN SESSION

MOTION: Jason Walker-Crawford moved, seconded by Amy Mattila, to reconvene into open session at 3:15 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MICHAEL H. CAIN, R.PH.
07 PHM 076**

MOTION: Timothy Boehmer moved, seconded by Pamela Phillips, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Michael H. Cain, R.Ph., 07 PHM 076. Motion carried unanimously.

**RICK B. KLECKLER, R.PH.
09 PHM 058**

MOTION: Pamela Phillips moved, seconded by Tim Boehmer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Rick B. Kleckler, R.Ph., 09 PHM 058. Gregory Weber recused himself. Motion carried.

CASE CLOSINGS

09 PHM 028

MOTION: Amy Mattila moved, seconded by Timothy Boehmer, to close case 09 PHM 028 for no violation. Motion carried unanimously.

MONITORING

**JULIE WELLS
REQUESTING FULL LICENSURE**

MOTION: Tim Boehmer moved, seconded by Pamela Phillips, to remove limitation on the license of Julie Wells. Motion carried unanimously.

**JAMES E. ELBERT
REQUESTING STAY OF SUSPENSION**

MOTION: Jason Walker-Crawford moved, seconded by Amy Mattila, to approve the request for a stay of suspension from James E. Elbert upon successful passage of the MPJE and NAPLEX and in compliance with the original order modified to 48 urine screens and one hair screen for a minimum of 3 months before being able to repetition the Board for additional modification. Motion carried unanimously.

**GABRIEL J. SIMONS
REQUESTING MODIFICATION**

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the request for modification from Gabriel J. Simons to reduce number of urine screens to 48 per year and add one hair test and allow 8 PIC hours per week. Motion carried unanimously.

**ROGER G. IVERSON
REQUESTING MODIFICATION**

MOTION: Tim Boehmer moved, seconded by Jason Walker-Crawford, to grant the request for modification from Roger G. Iverson to reduce number of urine

screens to 48 per year and add one hair test and allow 8 PIC hours per week. Motion carried unanimously.

**JEREMY C. VAN BUREN
REQUESTING MODIFICATION**

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the request for modification from Jeremy C. Van Buren to reduce number of urine screens to 48 per year and add one hair test. Jason Walker-Crawford left the room during deliberation. Motion carried. Jason Walker-Crawford abstained.

**LANCE J. LUNDSTAD
REQUESTING MODIFICATION**

MOTION: Amy Mattila moved, seconded by Jason Walker-Crawford, to grant Lance J. Lundstad's request for modification and allow for 24 PIC hours and require 48 urine screens and one hair screen at a laboratory specified by the Department Monitor and in addition comply with the original Wisconsin order and any and all orders in other states and provide copies of all evaluations to the Department Monitor for the State of Wisconsin. Motion carried unanimously.

**CRAIG W. MOON
REQUESTING MODIFICATION**

MOTION: Amy Mattila moved, seconded by Jason Walker-Crawford, to deny the request for modification from Craig W. Moon until he complies with all aspects of the original order including testing at a lab approved by the Department Monitor for the State of Wisconsin. Motion carried unanimously.

ADJOURNMENT

MOTION: Tim Boehmer moved, seconded by Greg Weber, to adjourn the meeting at 3:25 p.m. Motion carried unanimously.