

**PHARMACY EXAMINING BOARD
DRAFT MEETING MINUTES
September 14, 2011**

PRESENT: Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Timothy Boehmer, R.Ph.; Amy Mattila, R.Ph.; and Charlotte Rasmussen

NOT PRESENT: Jeanne Severson, R.Ph.

STAFF: Kelli Kaalele, Bureau Director; Lydia Thompson, Legal Counsel; Michelle Solem, Bureau Assistant; and other DSPS staff

GUESTS: Phueng Cha, Kevin Stutt, Nathan Edelu, Kendall Wagene and Bryan Statz, Pharmacy Students; Eric Knox and David Burnett, Department of Corrections; Tia Anderson, Indian Health Services; Jess Jacobs, Cardinal Health; Teresa Geier, Walmart Pharmacy; Gina Besteman, Women's International Pharmacy; Jamie Statz-Paynter, Dean Clinic Pharmacy; Franklin LaDien and Dustin Robinson, Walgreens Co.; Judith Warmuth, Wisconsin Hospital Association; Tom Engels, Pharmacy Society of Wisconsin; Amy Roen-Kim, Chartwell Pharmacy; Thad Schumacher, New Glarus Hometown Pharmacy; Jeff Clinton and David Scheiner, Roeschen's Omnicare Pharmacy; and Matt Mabie, Hometown Pharmacy

CALL TO ORDER

Jason Walker-Crawford, Chair, called the meeting to order at 9:06 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Move approval of minutes to after closed session.
- Remove Secretary Matters
- Add Red Folder Items
 - G1 - Chartwell Variance
 - Item H5 - Discussion of AB 245
 - Item H5(a) - Additional information re: Correctional Facilities
 - F3 - Proposed Stipulation - Ryan J. Nelson - 11 PHM 024
 - Q1 - Case Status Report

MOTION: Amy Mattila moved, seconded by Tim Boehmer, to adopt the agenda as amended. Motion carried unanimously.

BUREAU DIRECTOR MATTERS

Kelli Kaalele provided the Board with the meeting dates for 2012. Ms. Kaalele indicated that Thaddeus Schumacher has been appointed to fill the expired term of Amy Mattila. The Board thanked Ms. Mattila for her service.

BOARD APPOINTMENTS

Jason Walker-Crawford appointed Tim Boehmer and Charlotte Rasmussen to the Screening Panel. He also appointed Charlotte Rasmussen as the Board representative to SCAODA.

PRESENTATION OF STIPULATIONS

Attorneys from the Division of Enforcement presented proposed stipulations, final decisions and orders in the following cases:

- 1) 10 PHM 028 - Denise A. Bonjour, R.Ph.
- 2) 11 PHM 002 - Timothy E. Barnes, R.Ph.
- 3) 11 PHM 024 - Ryan J. Nelson, R.Ph.

VARIANCE REQUESTS

CHARTWELL MIDWEST WISCONSIN

Amy Roen-Kim presented the Delivery Variance Modification Request to add three clinics to the variance originally granted September 12, 2007.

MOTION: Amy Mattila moved, seconded by Tim Boehmer, to grant the variance modification for delivery adding three clinics as submitted. Motion carried unanimously.

Amy Roen-Kim presented the Delivery Variance Modification Request adding 2 hospitals and additional drugs to the variance originally granted November 22, 2010.

MOTION: Tim Boehmer moved, seconded by Greg Weber, to grant the variance modification for delivery as submitted. Motion carried unanimously.

DEAN CLINIC

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the variance request received from Dean Clinic Pharmacy. Motion carried unanimously.

GENOA HEALTHCARE

MOTION: Tim Boehmer moved, seconded by Charlotte Rasmussen, to deny the variance request received from Genoa Healthcare and request additional information regarding consultation, storage, return and actual delivery. Motion carried unanimously.

MALLATT HOMECARE PHARMACY

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to deny the variance request received from Mallatt Homecare Pharmacy and request additional information regarding procedures. Motion carried unanimously.

PRESCRIPTION SOLUTIONS

The Board agreed to remove the word “or” from item 10 of their submission and asked that Prescription Solutions submit a separate list of the changes and add a column indicating the date that the clinic is added to the list.

MOTION: Tim Boehmer moved, seconded by Charlotte Rasmussen, to grant the variance request received from Prescription Solutions after removing the word “or” from point 10 of the submitted process and adding dates that the clinic is added to the list and submitting a separate list of the new clinics to be added. Motion carried unanimously.

WHEATON FRANCISCAN ELMBROOK AND WHEATON FRANCISCAN WISCONSIN HEART HOSPITAL

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to revoke the security variance of Wheaton Franciscan Elmbrook and Wheaton Franciscan - The Wisconsin Heart Hospital. Motion carried unanimously.

PINNACLE PHARMACY

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the variance request received from Pinnacle Pharmacy as submitted with a tech to pharmacist ratio never to exceed a ratio of 6:1 with an average ratio of 4:1 over a 30 day period with standard reporting requirements in January and July. Motion carried unanimously.

VARIANCE RELEASE

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the variance release to Wheaton - St. Francis as requested. Motion carried unanimously.

VARIANCE REPORTS

The following reports were received and noted:

- Delivery
 - Embrace Pharmacy
 - Tim Boehmer recused himself from the discussion.
- Tech/Pharmacist Ratio
 - Morton Pharmacy
- Tech-Check-Tech
 - Froedtert
- Robotic
 - Mercy Health System

ITEMS FOR BOARD DISCUSSION

Bill Wendle, Deputy Secretary, introduced himself to the Board.

CASE ADVISOR PROCESS AND DISCIPLINE

Jeanette Lytle and Greg Raube discussed the process by which cases move through the system. The Board asked that the Stipulations be sent to the Case Advisor to review prior to it being sent to the Respondent. Tim Boehmer asked that any information related to medication that affects other Boards be also presented to the Pharmacy Examining Board as it also affects this Board.

REVIEW OF CONTINUING EDUCATION FREQUENTLY ASKED QUESTIONS

Amanda Barbian introduced herself to the Board and explained the request submitted. The Board recommended that the Department include information about the profile for the ACPE requirement. They also suggested additional changes to be incorporated. Jason Walker-Crawford asked that the questions be brought back to the next meeting for final approval.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

The Board discussed automated dispensing systems and the definition of inpatient health facility, the Board suggested that more research related to the full history of the Administrative Code and Statutes pertaining to pharmacy within correctional facilities be conducted and the topic be brought to a future meeting for discussion and possible rule or legislative changes.

Jason Walker-Crawford indicated that there is an Assembly companion bill to AB 245. This bill is a clean-up bill. The Board discussion revealed that this bill is broad in nature. The Board supports the bill, but recommends the bill be revised to better define who would qualify as a “faculty member.” Ms. Kaalele will draft a letter on behalf of the Board to be approved by Jason Walker-Crawford prior to mailing.

LIAISON REPORTS

Reports Received:

- Credentialing Liaison - Tim Boehmer
- DOE Inspection - Amy Mattila
- Practice Question - Jason Walker-Crawford and Greg Weber
- CSB Liaison - Tim Boehmer
- NABP Liaison - Amy Mattila

INFORMATIONAL ITEMS

NABP Rogue Online Pharmacy, Interstate PMP Data Sharing
Received.

CLOSED SESSION

MOTION: Amy Mattila moved, seconded by Greg Weber, to convene into closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll call vote: Jason Walker-Crawford-yes; Gregory C. Weber-yes; Timothy Boehmer-yes; Amy Mattila-yes; and Charlotte Rasmussen-yes. Motion carried unanimously. Open session recessed at 12:05 p.m.

RECONVENE TO OPEN SSESSION

MOTION: Charlotte Rasmussen moved, seconded by Amy Mattila, to reconvene into open session at 2:16 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Tim Boehmer moved, seconded by Greg Weber, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 10 PHM 028 – Denise A. Bonjour, R.Ph. Motion carried. Amy Mattila recused herself from the deliberations and abstained from voting.

MOTION: Amy Mattila moved, seconded by Greg Weber, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 11 PHM 002, Timothy E. Barnes, R.Ph. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 11 PHM 024, Ryan J. Nelson, R.Ph. Motion carried unanimously.

CASE CLOSINGS

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to close case 09 PHM 006 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Charlotte Rasmussen, to close case 09 PHM 061 according to the recommendations by the Division of Enforcement. Motion carried. Amy Mattila recused herself from deliberations and abstained from voting.

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to close case 10 PHM 013 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Charlotte Rasmussen, to close case 10 PHM 016 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Amy Mattila, to close case 10 PHM 044 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Amy Mattila moved, seconded by Charlotte Rasmussen, to close case 10 PHM 046 according to the recommendations by the Division of Enforcement. Motion carried. Greg Weber recused himself from the deliberation and abstained from voting.

MOTION: Tim Boehmer moved, seconded by Greg Weber, to close case 10 PHM 047 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Amy Mattila moved, seconded by Tim Boehmer, to close case 10 PHM 055 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Charlotte Rasmussen, to close case 10 PHM 068 according to the recommendations by the Division of Enforcement. Motion carried. Greg Weber recused himself from the deliberation and abstained from voting.

MOTION: Greg Weber moved, seconded by Amy Mattila, to close case 10 PHM 070 according to the recommendations by the Division of Enforcement. Motion carried unanimously.

The Division of Enforcement withdrew the recommendation to close case 11 PHM 012.

PROPOSED ADMINISTRATIVE WARNING

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to issue the Administrative Warning in the matter of 07 PHM 047 against respondent P.W. Motion carried. Greg Weber recused himself during deliberation and abstained from voting.

MONITORING

MOTION: Amy Mattila moved, seconded by Charlotte Rasmussen, to increase the number of PIC hours to 24 and to reduce drug screens to 24 urine screens plus 1 hair test per year in the matter of Gabriel J. Simons. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to increase the number of PIC hours to 24 in the matter of Bonny M. Kimball. Motion carried unanimously.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to require another pharmacist be present at all times respondent is working and remove all PIC hours in the matter of Sheldon Bernstein. Motion carried. Greg Weber recused himself from the deliberation and abstained from voting.

MOTION: Amy Mattila moved, seconded by Tim Boehmer, to refer Sheldon Bernstein matter to DOE for further investigation. Motion carried. Greg Weber recused himself from the deliberation and abstained from voting.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to deny the reinstatement request pending Board receipt of sufficient proof of active recovery program participation in the matter of Michael Vande Zande. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Amy Mattila moved, seconded by Tim Boehmer, to approve the minutes of July 27, 2011 as corrected and to correct the spelling of Delora Pufall's last name. Motion carried unanimously.

ADJOURNMENT

MOTION: Amy Mattila moved, seconded by Greg Weber, to adjourn the meeting at 2:30 p.m. Motion carried unanimously.