

**PHARMACY EXAMINING BOARD
MEETING MINUTES
PUBLIC HEARING
FEBRUARY 27, 2012**

Present: Greg Weber, Tim Boehmer, Charlotte Rasmussen, Thad Schumacher, Jason Walker-Crawford, and Jeanne Severson

Staff: Dan Williams, Executive Director; Lydia Thompson, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guests: Ed Wall, WI DOJ/DCI; Paula Hensel, Marshfield Clinic – UW-Eau Claire; John Lawrink, Stevens Point Police Department; Jim Cramm, Marshfield Police Department; Wesley Elford, Veterinary Examining Board; Guy Shepardson, Brown County Task Force; Arthur Thexton; Kim Brown Pokony, Dan Oberschlake, K. C. Brooks, Jordan Lamb and R. J. Klostermann, Wisconsin Veterinary Medical Association (WVMA); Gary Plank, Ryan Natzke and Robert Phillips, Marshfield Clinic; Gene Musser, Wisconsin Medical Examining Board; Kristin Smith, Emily Sallows, MaryLynn Driscoll, students; Eric Knox, WI Dept. of Corrections; Amy Zosel and Amy Schlotthauer, Medical College of Wisconsin; Denise Webb, WI Dept. of Health Services; Tomson George, Walgreens; Judy Warmuth, Wisconsin Hospital Association; Erika Valadez, WI Dental Association; Tom Engels, Pharmacy Society of Wisconsin; Teresa Geier, Walmart; Michael Miller and Chris Rasch, WI Medical Society; and Mike Ochowski, Group Health Cooperative of South Central Wisconsin

Greg Weber, Board Chair, called the meeting to order at 8:05 a.m. A quorum of 6 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Discussion of Cost-Benefit Analysis of a Prescription Drug Monitoring Program in Wisconsin as prepared by the LaFollette School of Business After Item C
- Discussion of the Report to the Legislature: Diversion of Controlled Substances Dispensed by Veterinary Practice as prepared by the Minnesota Board of Pharmacy After Item C

MOTION: Jeanne Severson moved, seconded by Thad Schumacher, to adopt the agenda as amended. Motion carried unanimously.

PUBLIC HEARING

Greg Weber opened the hearing by reading his opening statement to explain the process.

Edward Wall – Department of Justice – He asked that the rules be revised to allow easier access by law enforcement by way of letter from DA or law enforcement indicating an ongoing investigation is in progress. He asked that the Board work with law enforcement to develop the program.

Dan Oberschlake – veterinary practice– He indicated that this proposal creates a hardship for small businesses. He indicated that the program would require a disproportionate amount of paperwork. He indicated that due to increased costs it may be necessary to reduce costs by laying off employees.

K.C. Brooks – veterinary practice – He stated that inclusion of veterinary medicine would be costly for veterinarians and would increase the size of the database. He also commented that this

would likely increase the costs of some of the medications used to a point where his clients may not be able to treat their animals. He asked that veterinarians be exempt from reporting but provide access to the information to allow them to review the information prior to dispensing the medications.

Bob Klostermann - President of WVMA – He expressed a concern over the issues of integrating the 2 electronic platforms. He indicated that many of the identifying numbers are not currently used by veterinarians. He indicated that reporting requirements would be a tremendous burden on veterinary clinics. He commented that the WVMA is against diversion of license fees and creating a user fee to fund the program. He noted that they do not want to be required to report 7-10 day trial periods.

Gary Plank and Dr. Phillips – Marshfield Clinic – They indicated that they are in favor of a program but asked that the following elements be included – confidentiality, monitoring all controlled substances, safeguards limiting access by law enforcement and other regulatory bodies and clear guidelines for interstate transfer of information.

Dr. Gene Musser – representing Medical Examining Board – Dr. Musser indicated that the Medical Examining Board endorses this rule.

John Lawrynk – Stevens Point Police Department – He has been involved in many investigations and indicated that time is of the essence in many cases and obtaining court orders extends that process.

Arthur Thexton – representing himself – He urged the Board to provide access to law enforcement without requiring a court order but by creating a process/form that would safeguard information without requiring a court order but requiring a case number to show that an investigation is in process and that this is not a “fishing expedition.”

Wesley Elford – representing Veterinary Examining Board – He spoke in opposition of many aspects. He indicated that the cost for veterinary care will increase due to the reporting requirement.

Guy Shepherdson - Brown County Drug Task force – He spoke in support of the program but asked that law enforcement have access without court order but with written request from a supervisor of the law enforcement officer requesting the information. He also asked that the person who picks up the prescription be required to show photo identification.

Jim Cramm – Marshfield Police Department – He spoke in support of the program but asked that law enforcement have access without requiring a court order.

Michael M. Miller – Wisconsin Medical Society - He indicated that administered meds to animals should be excluded but to humans should be included.

Tom Engels – Pharmacy Society of Wisconsin – He spoke to provide additional feedback for consideration.

Dr. Amy Zosel – from Medical College of Wisconsin (representing herself) – She spoke in support of the rule and asked that the payor source be a requested piece of data.

Denise Webb – WI Dept. of Health Services – She told the Board that the numbers in large group practices needs to be revised. She asked that the PEB use the infrastructure already in place with the pharmacies and providers.

Discussion of Clearinghouse Comments

The Board noted that most of the changes suggested by the Clearinghouse were grammatical in nature. The Board reviewed all of the Clearinghouse comments and revised the rule draft and will respond to the Clearinghouse based on the discussion.

Discussion of Cost-Benefit Analysis of a Prescription Drug Monitoring Program in Wisconsin as prepared by the LaFollette School of Business

The Board discussed the report.

Discussion of the Report to the Legislature: Diversion of Controlled Substances Dispensed by Veterinary Practice as prepared by the Minnesota Board of Pharmacy

The Board discussed the report.

Discussion of Public Comments Received at the Meeting Today

The Board reviewed the comments received to date.

Chad Zadrazil provided the Board with a copy of the rule draft that included changes suggested by the PDMP workgroup based on comments received. The Board began discussing the suggested changes.

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to recess at 12:45 p.m. and reconvene within 20 minutes of the conclusion of the Controlled Substances Board Meeting. Motion carried unanimously.

The Board decided that the workgroup would continue discussing the comments and submit a revised rule draft for discussion at the March 9, 2012, meeting of the Pharmacy Examining Board.

ADJOURNMENT

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to adjourn the meeting at 2:04 p.m. Motion carried unanimously.