

**PHARMACY EXAMINING BOARD
MEETING MINUTES
APRIL 4, 2012**

Present: Jeanne Severson, Jason Walker-Crawford, Charlotte Rasmussen and Greg Weber

Present by Teleconference: Thad Schumacher

Not Present: Tim Boehmer

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

Guests: John Gates, Chelsie Heesch, Jeremy Levin, Loren Carrell, Teresa Geier, Eric Knox, Jocelyn Kerl, Gary Plank, Doug Englebert, Bob Phillips, Judy Warmuth, Tom Engels, Melissa Theesfeld and James Semrad

Greg Weber, Board Chair, called the meeting to order at 9:10 a.m. A quorum of 4 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Add to Item F(5)
 - Update related to SB 360
 - Update related to AB 203
- Remove Item L(1)(d)
- Change page numbers for Item G(5)(a)(1) to be (37-44)

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections

- February 9, 2012
 - The final sentence under Item A of the Liaison/Committee Reports is corrected to read:
 - Several members of the Board expressed concern over not being included in discussions regarding changes to any statutes relative to the practice of pharmacy.

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to approve the minutes of February 9, 2012 as corrected. Motion carried unanimously.

- February 27, 2012

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to approve the minutes of February 27, 2012 as published. Motion carried unanimously

- March 9, 2012

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to approve the minutes of March 9, 2012 as published. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Dan Williams indicated that WCAN information cannot be included on the pharmacist license renewal postcard, but a link could be posted to the website.

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to post the March 7, 2012 Legislative Day presentation, WCAN information and link and the March 2012 Regulatory Digest to the web-site and to e-blast the Regulatory Digest to all licensees with an e-mail address registered with the Department. Motion carried unanimously.

BOARD DISCUSSION

a. VARIANCES

a. Variance Reporting Dates

The Board discussed the options. This should be included as discussion at a future meeting.

b. Review Variances to Date

Noted.

c. Discussion Relative to Forms for Submitting Variance Reports

This will be included on the May agenda.

d. Reports

i. Delivery

1. OptumRx

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to reject the report submitted by Prescription Solution and require them to resubmit with minimum expected reporting requirements to include returned and destroyed medications. Motion carried unanimously.

ii. Tech-Check-Tech

1. Pinnacle Pharmacy

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to reject the report submitted by Pinnacle Pharmacy and require them to resubmit for the time period of 7-1-11 through 12-31-11. Motion carried unanimously.

2. Roeschen's Omnicare Pharmacy

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to accept the report submitted by Roeschen's Omnicare Pharmacy and require them to submit the December data with the July Report. Motion carried unanimously.

iii. Dispensing

1. Roeschen's Omnicare Pharmacy

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the report submitted by Roeschen's Omnicare Pharmacy and require them to submit the December data with the July Report. Motion carried unanimously.

e. **Requests**

i. **Delivery**

1. Aurora – Sheboygan

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to grant the variance request as submitted by Aurora-Sheboygan with standard reporting requirements in January and July. Motion carried. Greg Weber abstained.

ii. **Ratio**

1. Aurora Pharmacy #1119

Aurora Pharmacy #1119 withdrew their variance request and will resubmit with additional information as requested by the Board.

2. Tri-County Memorial Hospital

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to deny the request based on the fact that the Board does not have authority to grant the request. Motion carried unanimously.

b. **PRACTICE QUESTION MATTERS**

a. Internship on Tribal Reservation

Lydia Thompson indicated that interns would be able to obtain their hours on a tribal reservation under a person not licensed by the Wisconsin Pharmacy Examining Board provided that the hours are supervised by a pharmacist employed by a tribal health program under the Indian Self-Determination and Education Assistance Act.

b. Remote Dispensing Titles

The Board indicated that they do not want to be in the business of reviewing and approving each title. This is a business decision and the Board will follow the practice question policy with regard to remote dispensing site names.

c. **LEGISLATION/ADMINISTRATIVE RULE MATTERS**

a. PDMP Update

Chad Zadrazil provided the Board with an update regarding the status of the PDMP rule. Chad drafted a letter to the legislature requesting changes to the previously submitted rule draft.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to submit the letter prepared and submitted in the red folder to the legislature. Motion carried unanimously.

Chad also indicated that the RFP process is moving forward. It is expected that the Board should be able to meet the deployment goal of January 2013. Discussions have included Wisconsin Statewide Health Information Network (WISHIN).

He told the Board that there is an opportunity to apply for smaller supplemental grants for PDMP development. If grant funds are approved, they would be earmarked for training and other educational materials.

b. 2011 SB 317

This bill has been signed by the Governor to become 2011 WI Act 159. The Board will review the rules and determine which rules would need to be changed based on this change in statute. Lydia Thompson noted that during her initial review, PHAR 7.08(1) and the related note along with PHAR 8.09(4) will need to be revised. There may be additional changes necessary.

c. 2011 SB 450

This bill did not pass.

- d. 2011 SB 453
Jason Walker-Crawford reviewed the act and noted the changes related to all pharmacy/pharmacist related licensees. Greg Weber indicated his displeasure that possible changes that were submitted by DSPS had not been discussed with the Board. . He told the Board that he had spoken with Greg Gasper. Greg Weber thanked the Pharmacy Society of Wisconsin for their support with regard to the revisions made to the bill. This bill has become 2011 Wisconsin Act 146 and was published on April 4, 2012.
- e. 2011 SB 360
Greg Weber told the Board that this bill did not pass.
- f. 2011 AB 203
Greg Weber told the Board that this bill did not pass.
- g. Review and Discuss Current and Future Rule-Making Initiatives and Scope Statements
 - i. PHAR 7.015
Greg Weber indicated that all 4 scope statements that were presented need to state “trade or profession” not “trade or procession.”

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to approve the scope statement relative to the Board’s decision to revise PHAR 7.015. Motion carried unanimously.

- ii. PHAR 7.055
Lydia Thompson indicated that the scope statement had already been published. She will prepare a draft rule for the next meeting.
- iii. PHAR 15 – Sterile Pharmaceuticals – Possible Repeal of PHAR 15 and Adoption of USP 795 and 797.
The Board indicated that the cost of this change is greater than minimal. Gary Plank of Marshfield Clinic indicated that they have recently budgeted \$3.5M to bring 10 centers to USP 797 compliance. Greg Weber indicated that the economic impact for pharmacies, hospitals, and pharmacists will be substantial. The Board would like to revise the economic impact of this scope statement prior to approval. They will also review the recent enforcement issues related to compounding of sterile and non-sterile pharmaceuticals.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the scope statement with regard to PHAR 15, as amended.

After discussion, Jason Walker-Crawford withdrew his motion.

Greg Weber indicated that Lydia Thompson could utilize Tim Boehmer and Gary Plank as resources for drafting this scope statement and revising the economic impact portion of the scope statement.

- iv. PHAR 7.01(1)(e) – Prescription Delivery

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to approve the scope statement with regard to PHAR 7.01(1) (e) as amended.

Lydia Thompson indicated that the next step is to send the approved scope statements 1 & 4 to the Governor’s office for approval. With respect to item (ii), Lydia will begin working on a rule

draft and with respect to item (iii), Lydia will revise the economic impact report and resubmit at a future agenda.

d. **LIAISON/COMMITTEE REPORTS**

a. Regulatory Digest

Greg Weber indicated that the draft was written in January and amended in February and it still has not been distributed to licensees. He asked that the document be distributed as soon as possible. He asked that it be sent via e-mail blast to licensees with e-mail addresses on file with the Department.

b. Practice Question Liaison

The Department has updated one of the FAQ's on the website related to vaccines to reflect the revised age requirement. Jason Walker-Crawford indicated that there are more that need to be revised. He will be reviewing all FAQ's and will have information at the next meeting.

c. SCAODA

Charlotte Rasmussen indicated that she had attended a meeting and provided a brief overview of the process for developing rules related to the PDMP program.

d. MPJE Item-Writing Workshop Liaison

Greg Weber indicated that he appointed Thad Schumacher to serve in this capacity. He was not available to provide a report.

e. **SPEAKING ENGAGEMENT, TRAVEL, PUBLIC RELATIONS REQUESTS**

a. Proposed Resolutions for the 108th NABP Annual Meeting, May 2012

Greg Weber provided a brief overview of the resolutions that will be voted upon at the NABP annual meeting.

b. PSW Legislative Day Update

Jason Walker-Crawford told the Board that the presentation went well and that Secretary Ross, Lydia Thompson, Thad Schumacher and Tim Boehmer were in attendance.

INFORMATIONAL ITEMS

Dean Arneson and Melissa Theesfeld from Concordia University Wisconsin – School of Pharmacy provided the Board with an update relative to their accreditation.

The Board reviewed the NABP Internet Drug Outlet information. Jason Walker-Crawford asked if the Board would need to pursue statutory and/or rule changes to address internet commerce relative to the practice of pharmacy.

NEW BUSINESS

Greg Weber indicated that the May agenda should include the following:

- Variance Report Forms
- List of Remote Dispensing Sites
 - Name
 - Address
 - Supervising Pharmacy
 - Managing Pharmacist
- Frequently Asked Questions
- Review previous case in conjunction with case 10PHM 062
- Begin rule writing for PHAR 7.055 changes
- Review revised scope statement relative to PHAR 15
- Review sections that need to be revised based on recent legislation

PUBLIC COMMENTS

Chelsie Heesch indicated that this is her first meeting of the Pharmacy Examining Board. She noted that she was surprised by the broad range of issues the Board dealt with. She told the Board that she found it interesting.

Thad Schumacher joined the meeting at 12:43 p.m.

CLOSED SESSION

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to convene to 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: Charlotte Rasmussen - yes; Jason Walker-Crawford - yes; Jeanne Severson - yes; Thad Schumacher - yes; and Greg Weber - yes. Motion carried unanimously. Open session recessed at 12:44 p.m.

RECONVENE TO OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Thad Schumacher, to reconvene in open session at 2:09 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Jason Walker-Crawford moved, seconded by Thad Schumacher, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 PHM 020 – Jeff Stauffacher. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 PHM 054 – Robert M. Schwandt. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 11 PHM 011 – Katherine Keaveny. Motion carried unanimously.

CASE CLOSINGS

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to close the following cases according to the recommendations by the Division of Enforcement:

- | | |
|---------------|---------------|
| a. 10PHM 019 | e. 11 PHM 047 |
| b. 10 PHM 021 | f. 11 PHM 057 |
| c. 10 PHM 031 | g. 11 PHM 066 |
| d. 11 PHM 006 | h. 11 PHM 069 |

Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to close the following cases according to the recommendations by the Division of Enforcement:

- | | |
|---------------|---------------|
| a. 11 PHM 072 | b. 12 PHM 001 |
|---------------|---------------|

Motion carried. Greg Weber recused himself from deliberations and voting.

Action on case 10 PHM 062 has been tabled until a future meeting.

ADMINISTRATIVE WARNINGS

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to issue the Administrative Warning in the matters of the following case numbers:

- | | | | |
|----|------------|----|-------------------|
| a. | 10 PHM 024 | e. | 11 PHM 069 |
| b. | 10 PHM 031 | f. | 11 PHM 082 –B.J. |
| c. | 11 PHM 028 | g. | 11 PHM 082 – M.W. |
| d. | 11 PHM 066 | | |

Motion carried unanimously.

ADJOURNMENT

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adjourn the meeting at 2:18 p.m. Motion carried unanimously.