

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
September 12, 2012**

Present: Tim Boehmer, Charlotte Rasmussen, Thad Schumacher, Jeanne Severson, and Greg Weber

Excused: Jason Walker-Crawford

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

Greg Weber, Board Chair, called the meeting to order at 9:02 a.m. A quorum of 5 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Remove Item K

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

**APPROVAL OF MINUTES**

**Corrections**

- Deleted second motion on page 7 of minutes in agenda packet.

**MOTION:** Boehmer moved, seconded by Rasmussen, to approve the minutes of July 25, 2012, as amended. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

Dan Williams reported on the new meeting recording policy.

**MOTION:** Severson moved, seconded by Boehmer to ask questions of the Secretary regarding the recording policy. Why has this policy been initiated, who determines whether portions of meetings are recorded, can the Board/members request that portions of the meeting be recorded and how long recordings are kept?

**MOTION:** Boehmer moved, seconded by Schumacher to acknowledge Department changes to the minutes and recording policies and have the Executive Director list all of the future items under their report as bullet points, with documentation as appropriate, on the agenda and in the agenda packet.

## **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF ENFORCEMENT**

Attorneys from the Division of Enforcement provided presentations related to the following Stipulations, Final Decisions and Orders:

1. 08 PHM 002 – Darrell Brown
2. 12 PHM 021 – Dirk D. Larson

### **VARIANCE REPORTS/REQUESTS**

The Board asked that columns be added to the form to list the number of techs and pharmacists on the proposed Ratio Report Form.

#### **Reports**

The Board accepted the delivery reports from the following: Mallatt Pharmacy (x7), Aurora Sheboygan #1225 and Aurora #1119.

The Board accepted ratio reports from the following: Aurora #1119 and Pinnacle.

The Board accepted the Robotic Dispensing Report from Mercy Health System Pharmacy.

The Board accepted the report from Tech-Check-Tech.

#### **Requests**

**MOTION:** Severson moved, seconded by Boehmer, to accept Genoa Healthcare of Wisconsin's withdrawal of its variance delivery request. Motion carried.

**MOTION:** Severson moved, seconded by Boehmer, to deny the request for variance from Walgreens #2927. Motion carried.

**MOTION:** Boehmer moved, seconded by Severson to approve the technician variance request submitted by Pinnacle Pharmacy of Madison with a maximum ratio of 9 to 1 at any given time, and a monthly average not to exceed 4 to 1, and with standard reporting requirements. Motion carried.

### **BOARD DISCUSSION**

#### **PDMP UPDATE**

Chad Zadrazil, Prescription Drug Monitoring Program Manager addressed the Board.

**MOTION:** Schumacher moved, seconded by Rasmussen, to adopt the Order of the Pharmacy Examining Board for Clearinghouse Rule 12-009, relating to the Prescription Drug Monitoring Program and effecting small business, with an amendment to the effective date. Motion carried.

**MOTION:** Schumacher moved, seconded by Rasmussen, to reject the scope statement to amend the language of the Pharmacy Examining Board's Clearinghouse Rule 12-009 under s. Phar 18.04, which language, if amended, would require data collection to include an animal patient's date of birth, rather than the owner's date of birth. After deliberation and consultation with Department staff, the Board has determined that the owner of the animal patient's date of birth is a required component of the Prescription Drug Monitoring Program. An emergency rule would be contrary to public health, safety, and welfare. Motion carried.

**MOTION:** Severson moved, seconded by Schumacher, to request the Department of Safety and Professional Services to begin the process of joining the PMP Interconnect by negotiating and signing the NABP memorandum of understanding. Motion carried.

### **DIVISION OF ENFORCEMENT MATTERS**

#### Discussion and Action Related to Division of Enforcement Policy Regarding Screening

**MOTION:** Thad moved, seconded by Tim, to ask DOE to provide the Board with the last two quarterly reports in the next Board agenda and have someone from DOE attend the next Board meeting to answer any questions that members might have. Motion carried. Rasmussen abstained.

Board recessed for lunch at 12:45 p.m. Reconvened at 1:00 p.m.

#### Practice Question Matters

**MOTION:** Severson moved, seconded by Schumacher, to have the Executive Director send all practice questions and FAQs to Board members electronically. Board feedback should be received by September 24<sup>th</sup>. Feedback should include the Board member's preference as to whether items should be transferred to the new website or not, and a ranking of the questions. The Executive Director should also seek input from appropriate staff. Motion carried.

## Rules

### 1. LEGISLATION/ADMINISTRATIVE RULE MATTERS

#### a. Discussion and Action related to Scope Statement PHAR 7.04 (1) (e)

**MOTION:** Boehmer moved, seconded by Severson, Adopt the Statement of Scope for Rule PHAR 7.04 (1) (e) 2 with the revisions to include language in Sections 450.02 (3) and 15.08 (6) Stats. Motion carried.

#### b. Discussion and Action on Proposed Scope Statement for Sections PHAR 7.08(1), 8.05, 8.07(2) and 8.09

**MOTION:** Boehmer moved, seconded by Rasmussen, to approve the Scope Statement to modify PHAR 7.08 (1) and note, 8.05, 8.07 (2) and 8.09, relating to electronic prescriptions, as amended and authorize the Board Chair, or designee, to sign the Scope Statement on behalf of the Board. Motion carried.

#### c. Review and Discuss Current and Future Rulemaking and Legislative Initiatives

**MOTION:** Schumacher moved, seconded by Rasmussen, to authorize the Board Chair, or designee, to approve the Scope Statement for PHAR 7.01 (1) (e). Motion carried.

#### d. Pending Pharmacy Rules Report

The Board asked that they receive a copy of the report that includes all rules that the Department has submitted on behalf of the Boards that they staff.

### 2. LIAISON/COMMITTEE REPORTS

#### a. Reports were provided.

**Motion:** Boehmer moved, seconded by Schumacher, to allow Rocky LaDien to sit in on the closed session as part of his mentoring as a pending new board member. Motion carried.

### **CLOSED SESSION**

**MOTION:** Greg Weber moved, seconded by Charlotte Rasmussen, 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: Tim Boehmer - yes; Charlotte Rasmussen - yes; Thad Schumacher - yes; Jeanne Severson - yes; and Greg Weber - yes. Motion carried unanimously. Open session recessed at 2:50 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Schumacher moved, seconded by Severson, to reconvene in open session at 4:03 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Schumacher moved, seconded by Severson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 PHM 002 – Darrell Brown. Motion carried unanimously.

**MOTION:** Boehmer moved, seconded by Severson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 12 PHM 021 – Dirk Larson. Motion carried.

### **CASE CLOSINGS**

**MOTION:** Severson moved, seconded by Schumacher, to close case 10 PHM 062 for No Violation. Weber recused himself from deliberations and voting. Motion carried.

**MOTION:** Severson moved, seconded by Schumacher, to close case 12 PHM 020 for Insufficient Evidence. Weber recused himself from deliberations and voting. Motion carried.

**MOTION:** Severson moved, seconded by Boehmer, to close case 12 PHM 024 for No Violation. Motion carried unanimously.

### **ADMINISTRATIVE WARNING**

**MOTION:** Boehmer moved, seconded by Rasmussen, to issue an Administrative Warning in case 12 PHM 024. Motion carried unanimously.

### **MONITORING**

**MOTION:** Severson moved, seconded by Schumacher, to grant the petition for modification of Ryan J. Nelson to increase the PIC hours to 8 hours per week and testing of his specimens 36 times per year with one hair test. Motion carried unanimously.

### **PROFESSIONAL ASSISTANCE PROCEDURE CASE**

**MOTION:** Schumacher moved, seconded by Boehmer, to affirm the denial of S.V. into the Professional Assistance Procedure. Motion carried unanimously.

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## **APPLICATION MATTERS**

**MOTION:** Boehmer moved, seconded by Rasmussen, to deny the application for licensure as a pharmacist of C.H. due to not meeting the requirements under Wis. Stat. s. 450.05. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Jeanne Severson moved, seconded by Charlotte Rasmussen, to adjourn the meeting at 4:11 p.m. Motion carried unanimously.