

**Pharmacy Examining Board  
MEETING MINUTES  
FEBRUARY 13, 2013**

**PRESENT:** Rocky LaDien, Charlotte Rasmussen, Thaddeus Schumacher, Jeanne Severson, Jason Walker-Crawford, and Greg Weber

**STAFF:** Dan Williams, Executive Director; Yolanda McGowan, Legal Counsel; Matthew Niehaus, Bureau Assistant; Sharon Henes, Paralegal; and other Department Staff

**CALL TO ORDER**

Greg Weber, Chair, called the meeting to order at 9:03 a.m. A quorum of six (6) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- Item “Q” (open session) **ADD** the agenda item titled “Q-13 – MPJE Writing Workshop, March 21 and 22, 2013 – Discussion and Consideration”
- Item “G.2.a.17” (open session) **MOVE** the agenda item titled “University Hospital and Clinics” to “G.2.d.1”
- Item “E.1” (open session) **CHANGE** the agenda item titled “E.1 – Board Elections” from “2012” to “2013”

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

**APPROVAL OF MINUTES OF DECEMBER 12, 2012**

**Amendments to the Minutes**

- Page 1 of the Minutes: Replace:
  - “Pamela Stach” with “Yolanda McGowan”
- Page 2 of the Minutes: Under the topic titled “Agnesian Pharmacy” Replace:
  - “Tim” with “Tim Boehmer”
- Page 1 of the Minutes: Under the topic titled “Administrative Matters – Staff Update” recognize Yolanda McGowan as the Board’s legal counsel
- Page 2 of the Minutes: Under the topic titled “Froedtert Health Community” Replace:
  - “variance” with “Tech-Check-Tech variance”
- Page 2 of the Minutes: Under the topic titled “Froedtert Health Community” Replace:
  - “Hospital” with “Hospital”
- Page 2 of the Minutes: Under the topic titled “St. Mary’s Hospital Pharmacy” Replace:
  - “variance” with “Tech-Check-Tech variance”
- Page 2-3 of the Minutes: Under the topic titled “Legislative/Administrative Rule Matters” Replace:
  - “chair” with “Chair”

- Page 3 of the Minutes: Under the topic titled “Travel Authorization” Replace:
  - “board” with “Board”
- Page 3 of the Minutes: Under the topic titled “Travel Authorization” Replace:
  - “FDA intergovernmental working meeting” with “FDA intergovernmental working meeting on compounding pharmacies”
- Page 3 of the Minutes: Under the topic titled “Closed Session” Replace:
  - “Tim” with “Tim Boehmer”

**MOTION:** Jason Walker-Crawford moved, seconded by Rocky LaDien, to approve the minutes of December 12, 2012 as amended. Motion carried unanimously.

### **ADMINISTRATIVE MATTERS**

**MOTION:** Jeanne Severson moved, seconded by Jason Walker-Crawford, that the record indicate the election of officers and delegation of liaisons as discussed. Motion carried unanimously.

#### **Election of Officers**

##### **Chair**

**NOMINATION:** Jason Walker-Crawford nominated Greg Weber for the Office of Chair. Nomination refused.

**NOMINATION:** Charlotte Rasmussen nominated Thaddeus Schumacher for the Office of Chair. Nomination carried by unanimous vote.

Dan Williams called for other nominations three (3) times.

Thaddeus Schumacher was elected as Chair.

##### **Vice Chair**

**NOMINATION:** Charlotte Rasmussen nominated Rocky LaDien for the Office of Vice Chair. Nomination carried by majority vote.

**NOMINATION:** Jason Walker-Crawford nominated Greg Weber for the Office of Vice Chair. Nomination refused.

Dan Williams called for other nominations three (3) times.

Rocky LaDien was elected as Vice Chair.

## Secretary

**NOMINATION:** Jeanne Severson nominated Charlotte Rasmussen for the Office of Secretary. Nomination carried by unanimous vote.

Dan Williams called for other nominations three (3) times.

Charlotte Rasmussen was elected as Secretary.

## Appointment of Liaisons

**CE Liaison:** Thaddeus J. Schumacher

**Credentialing Liaison:** Jason D. Walker-Crawford, Thaddeus J. Schumacher, Rocky LaDien

**Digest Advisor:** Gregory C. Weber

**DLSC Liaison:** Thaddeus J. Schumacher

**IPP Liaison:** Jeanne M. Severson

**Legislative Liaison:** Thaddeus J. Schumacher, Jason D. Walker-Crawford, Gregory C. Weber

**Monitor Liaison:** Jeanne M. Severson

**NABP Exam Review Volunteer:** Jeanne M. Severson

**PHAR Advisory Council Liaison:** Gregory C. Weber, Thaddeus J. Schumacher

**PHARM Rep to CSB:** Rocky LaDien

**PHARM Rep to SCAODA:** Charlotte Rasmussen

**Practice Question Liaison:** Jason D. Walker-Crawford

**Screening Panel:** Gregory C. Weber, Jeanne M. Severson, Charlotte Rasmussen

**PDMP Workgroup:** Jeanne M. Severson, Jason Walker-Crawford, Rocky LaDien

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to designate Jeanne Severson and Jason Walker-Crawford as the PDMP Liaisons, with Rocky LaDien as alternate, and authorize the liaison(s) to make individual decisions on behalf of the Board when waiting for a Board meeting would unreasonably delay the development, testing, deployment, or operation of the PDMP. Motion carried unanimously.

**MOTION:** Jeanne Severson moved, seconded by Jason Walker-Crawford, to request Dan Williams contact NABP to obtain a date estimate on when the examination review will occur for 2013. Motion carried unanimously.

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, that the Board delegates authority to the Chair or designated Board member to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair or Board member has the ability to delegate this signature authority to the Executive Director for purposes of facilitating the completion of assignments during or between meetings. The Chair or Board member delegates the authority to the Executive Director, to sign the name of the Chair or Board member on documents as necessary. Motion carried unanimously.

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Jason Walker-Crawford moved, seconded by Rocky LaDien, that DLSC staff create a monitoring authority document with the monitoring liaison for presentation at the next meeting of the Pharmacy Examining Board. Motion carried unanimously.

### **Credentialing Liaison Authority**

**MOTION:** Charlotte Rasmussen moved, seconded by Rocky LaDien, that specific names be removed from the credentialing liaison authority document, the words board and chair be capitalized, and the words “that rules” be changed to “those rules” in item 1.B. Motion carried unanimously.

### **PRESCRIPTION DRUG MONITORING PROGRAM UPDATE**

**MOTION:** Jeanne Severson moved, seconded by Charlotte Rasmussen, to note that the Board discussed the Prescription Drug Monitoring Program, clarified grants, outreach opportunities, and discussed pending legislation regarding veterinarians under PDMP. Motion carried unanimously.

### **VARIANCE REPORTS**

#### **Delivery**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the delivery variance report of Aurora Pharmacy, Inc. – Butler, Chartwell Midwest Wisconsin, Meriter Outpatient Pharmacy, and Roundy’s Pick ‘n Save – Copps Rainbow Foods. Motion carried.

*Greg Weber abstained from voting on the matter of Aurora Pharmacy, Inc. – Butler*

#### **Aurora Pharmacy, Inc. – Sheboygan - Delivery**

**MOTION:** Jeanne Severson moved, seconded by Jason Walker-Crawford, to reject the delivery variance report of Aurora Pharmacy, Inc. - Sheboygan. The Board requests that report be resubmitted and specifically address where the total number of prescriptions to be dispensed is the same as the number reported and that the form be completed. Motion carried.

*Greg Weber abstained from voting on the matter of Aurora Pharmacy, Inc. - Sheboygan*

### **Dean Clinic Pharmacy – Fish Hatchery - Delivery**

**MOTION:** Jeanne Severson moved, seconded by Rocky LaDien, to reject the delivery variance report of Dean Clinic Pharmacy – Fish Hatchery. The Board requests that Dean Clinic Pharmacy – Fish Hatchery complete the form with regard to number of prescriptions dispensed. Motion carried unanimously.

### **Mallatt Homecare Pharmacy - Delivery**

**MOTION:** Rocky LaDien moved, seconded by Charlotte Rasmussen, to reject the delivery variance reports of Mallatt Homecare Pharmacy. The Board requests that Mallatt Homecare Pharmacy complete the forms with regard to number of prescriptions dispensed. Motion carried unanimously.

### **Quad/Med, LLC - Lomira - Delivery**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the delivery variance report of Quad/Med, LLC – Lomira and Quad/Med, LLC - Sussex. Furthermore, the Board modifies Section 1 of the August 17, 2004 variance approval letter to require standard reporting on the Board-approved form. Motion carried unanimously.

### **OptumRx - CLC - Delivery**

**MOTION:** Jason Walker-Crawford moved, seconded by Rocky LaDien, to reject the delivery variance report of OptumRx. The Board requests that OptumRx resubmit separate reports for each location. Motion carried unanimously.

### **University Hospital and Clinics – Tech-Check-Tech**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the Tech-Check-Tech variance report of University Hospital and Clinics. Motion carried unanimously.

### **Aurora Pharmacy Inc. - Butler – Technician-to-Pharmacist Ratio**

**MOTION:** Jeanne Severson moved, seconded by Jason Walker-Crawford, to accept the Technician-to-Pharmacist ratio variance report of Aurora Pharmacy Inc. - Butler. Motion carried.

*Greg Weber abstained from voting on the matter of Aurora Pharmacy, Inc. - Butler*

### **Pinnacle Pharmacy – Technician-to-Pharmacist Ratio**

**MOTION:** Rocky LaDien moved, seconded by Charlotte Rasmussen, to accept the Technician-to-Pharmacist ratio variance report of Pinnacle Pharmacy. Motion carried unanimously.

### **Mercy Health System Pharmacy – Robotic Dispensing**

**MOTION:** Jeanne Severson moved, seconded by Jason Walker-Crawford, to accept the robotic dispensing variance report of Mercy Health System Pharmacy. Motion carried unanimously.

### **VARIANCE REQUESTS**

#### **Allergychoices Pharmacy - Onalaska - Delivery**

**MOTION:** Rocky LaDien moved, seconded by Jason Walker-Crawford, to accept the withdrawal of the variance request of Allergychoices Pharmacy - Onalaska. Motion carried unanimously.

#### **Meriter Outpatient Pharmacy - Delivery**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to extend the delivery variance for Meriter Outpatient Pharmacy indefinitely. Motion carried unanimously.

#### **Berlin Memorial Hospital – Tech-Check-Tech**

**MOTION:** Charlotte Rasmussen moved, seconded by Rocky LaDien, to approve the Tech-Check-Tech variance request of Berlin Memorial Hospital. Motion carried unanimously.

### **NATIONAL ASSOCIATION OF BOARD OF PHARMACY ITEMS**

**MOTION:** Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to forward the information on the State of Iowa's pending action against PharMedium Services, LLC, of 12620 West Airport Boulevard, Suite 130, Sugar Land, Texas to DLSC. Furthermore, the Board requests that DLSC investigate other Wisconsin-licensed PharMedium pharmacies for possible violations. Motion carried unanimously.

**MOTION:** Jeanne Severson moved, seconded by Charlotte Rasmussen, to designate Jason Walker-Crawford and/or Thaddeus Schumacher as the Board's delegate(s) to attend the May 18-21, 2013 NABP meeting in St. Louis, MO. Motion carried unanimously.

### **LETTER OF REQUEST FROM THE UW-MADISON SCHOOL OF PHARMACY**

**MOTION:** Jeanne Severson moved, seconded by Rocky LaDien, to designate Thaddeus Schumacher as the Board's delegate to present at the UW-Madison School of Pharmacy's Advanced Clerkship Seminar, April 8, 2013. Motion carried unanimously.

## **LETTER OF REQUEST FROM PHARMACY SPECIALISTS**

**MOTION:** Jason Walker-Crawford moved, seconded by Greg Weber, to deny the variance request of Pharmacy Specialists due to the fact that 450.065 does not allow for a variance. Motion carried unanimously.

## **PHARMACY EXAMINING BOARD POSITION STATEMENTS CURRENTLY ON THE DSPTS WEBSITE**

**MOTION:** Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to continue to post the PEB Practice Question Policy as amended on the DSPTS website. Motion carried unanimously.

**MOTION:** Greg Weber moved, seconded by Jeanne Severson, to remove the electronic signatures position statement from the DSPTS website. Motion carried unanimously.

## **MPJE WRITING WORKSHOP, MARCH 21 AND 22, 2013**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, that DSPTS contact NABP to request that the Board complete the assignment remotely on a day and time other than March 21 and 22, 2013. Motion carried unanimously.

## **NEW BUSINESS**

**MOTION:** Jason Walker-Crawford moved, seconded by Greg Weber, to request DSPTS find an alternate date for the March 27, 2013 Pharmacy Examining Board meeting. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: Rocky LaDien-yes; Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Jeanne Severson-yes; Jason Walker-Crawford-yes; and Greg Weber-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:47 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Rocky LaDien, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:00 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to affirm all motions made in closed session. Motion carried unanimously.

**PETITION FOR SUMMARY SUSPENSION IN CASE NUMBER 12 PHM 030 JAMES D. KOBBS, R.PH.**

**MOTION:** Greg Weber moved, seconded by Jason Walker-Crawford, confirm a finding of probable cause to issue the petition for summary suspension on the basis that the respondent's conduct poses an imminent danger to the public and to adopt the order of summary suspension in the matter of disciplinary proceedings against James D. Kobs, R.Ph. Motion carried unanimously.

**MOTION:** Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to designate an ALJ or Sarah Norberg to serve as hearing examiner for an OTSC hearing in the matter of James D. Kobs, R.Ph. (12 PHM 030) if necessary. Motion carried unanimously.

**MONITORING**

**Bonny Kimball, R.Ph. – Requesting Reduction in Screens and Termination of Therapy Requirement**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to grant the request for modification of order. The modification is as follows:

1. Reduction in the frequency of drug screens to fourteen (14) per year with one (1) annual hair test, until employment as a pharmacist has been obtained, at which time drug screens will be increased to forty-eight (48) per year with one (1) annual hair test
2. Termination of therapy requirement

Motion carried unanimously.

**Sniteman Pharmacy, Inc., William Weiler, R.Ph., and David Klieforth, R.Ph. – Requesting Full Licensure**

**MOTION:** Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to grant the request of Sniteman Pharmacy, Inc., William Weiler, R.Ph., and David Klieforth, R.Ph. for full licensure. Motion carried unanimously.

## REVIEW OF APPLICATIONS

### **Blue Ridge Pharmaceutical Distribution Inc.**

**MOTION:** Jason Walker-Crawford moved, seconded by Greg Weber, to approve the inspection of Blue Ridge Pharmaceutical Distribution Inc. Motion carried.

*Rocky LaDien abstained from voting in the matter of Blue Ridge Pharmaceutical Distribution Inc.*

### **AA.13 – CREDENTIALING ISSUES**

**MOTION:** Greg Weber moved, seconded by Jason Walker-Crawford, to rescind the denial and approve issuance of licensure contingent upon all other requirements for licensure having been met in the matter of Curt Horrigan. Motion carried unanimously.

## DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

### **Allergychoices, Inc.**

**MOTION:** Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Allergychoices, Inc., Respondent – DLSC Case # 11 PHM 071. Motion carried unanimously.

### **Michael B. Kahcel, R.Ph.**

**MOTION:** Jeanne Severson moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Michael B. Kahcel, R.Ph., Respondent – DLSC Case # 11 PHM 071. Motion carried unanimously.

### **Scott A. Vondra, R.Ph.**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Scott A. Vondra, R.Ph., Respondent – DLSC Case # 12 PHM 025. Motion carried.

*Greg Weber recused himself from deliberation and voting in the matter of Scott A. Vondra, R.Ph.*

## DIVISION OF LEGAL SERVICES AND COMPLIANCE

### CASE CLOSINGS

**MOTION:** Jason Walker-Crawford moved, seconded by Rocky LaDien, that DLSC close case # 13 PHM 001 administratively. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:02 p.m.