

**PHARMACY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 11, 2013**

PRESENT: Thaddeus Schumacher, Charlotte Rasmussen, Cathy Winters, Philip Trapskin, Rocky LaDien, Greg Weber, and Kristi Sullivan

STAFF: Dan Williams, Executive Director; Nick Tank, Bureau Assistant and other Department Staff

CALL TO ORDER

Rocky LaDien, ViceChair; called the meeting to order at 9:02 a.m. A quorum of seven (7) members was present.

Thaddeus Schumacher entered the meeting at 9:03 and took over the Chair duties

ADOPTION OF AGENDA

Amendments to the Agenda

- Item “S 13)”(Closed Session) **ADD** the agenda item titled “S.13.a - Mark McKinney”

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to adopt the agenda as amended. Motion carried unanimously.

PUBLIC HEARING

MOTION: Kristi Sullivan moved, seconded by Greg Weber, to authorize the Chair to approve the Legislative Report and Draft form Clearinghouse Rule 13-065 Phar 18 relating to 2013 Act 3, exclusion of veterinarians, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Charlotte Rasmussen, to accept the recommended changes to 2a and 4b and to reject the recommended changes to 2b and 4a of the Legislative Clearinghouse Report on rule 13-065 PHAR 18 relating to 2013 Act 3, exclusion of veterinarians. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Philip Trapskin, to revise the rule draft to reflect that Phar 18.02(3) will not be repealed and that Phar 18.02(3m) will be created to read as presently outlined in the draft. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 17, 2013

Amendments to the Minutes

- Page 1 of the Minutes: Under the topic titled “Approval of Minutes of May 22, 2013” replace:
 - “May 22 2013” with “May 22, 2013”
- Page 1 of the Minutes: Under the topic titled “Prescription Drug Monitoring Program Update” Motion 2, replace:
 - “Jeff Lagers” with “Jeff Langer”
- Page 2 of the Minutes: Under the topic titled “Wheaton Franciscan Pharmacy – Delivery” replace:
 - “prescriptions dispensed the number” with ”prescriptions dispensed, the number”
- Page 3 of the Minutes: Under the topic titled “Board Informational Items” Motion 2, replace:
 - “positions” with “position”
- Page 3 of the Minutes: Under the topic titled “Board Informational Items” Motion 3, replace:
 - “Position Statement 20 and 21” with “Position Statement, 20 and 21”
- Page 3 of the Minutes: Under the topic titled “Compounding Matters” Motion 2, replace:
 - “Rocky LaDien, to the Board request” with “Rocky LaDien requests”
- Page 4 of the Minutes: Under the topic titled “Closed Session” replace:
 - “Charlotte Rasmussen - yes” with “Charlotte Rasmussen – yes”
 - “Jeanne Severson - yes” with “Jeanne Severson – yes”
 - “Jason Walker-Crawford - yes” with “Jason Walker–Crawford – yes”
- Page 4 of the Minutes: Under the topic titled: “Deliberation of Proposed Final Decisions and Orders” replace:
 - “**Karie L. Tully, RPh.**” with “**Karie L. Tully, R.Ph.**”
 - “**Mark D. Morgensen, RPh.**” with “**Mark D. Morgensen, R.Ph.**”
 - “**Jay M. Bubrick, RPh.**” with “**Jay M. Bubrick, R.Ph.**”
 - “**Kuldeep Grewal, RPh.**” with “**Kuldeep Grewal, R.Ph.**”
- Page 4 of the Minutes: Under the topic titled: “**Karie L. Tully, RPh.**” Motion 1, replace:
 - “Karie L. Tully, RPh.” with “Karie L. Tully, R.Ph.”
- Page 4 of the Minutes: Under the topic titled: “**Mark D. Morgensen, RPh.**” Motion 1, replace:
 - “Mark D. Morgensen, RPh.” with “Mark D. Morgensen, R.Ph.”
- Page 5 of the Minutes: Under the topic titled: “**Jay M. Bubrick, RPh.**” Motion 1, replace:
 - “Jay M. Bubrick, RPh.” with “Jay M. Bubrick, R.Ph.”
- Page 5 of the Minutes: Under the topic titled: “**Kuldeep Grewal, RPh.**” Motion 1, replace:
 - “Kuldeep Grewal RPh.” with “Kuldeep Grewal R.Ph.”

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to approve the minutes of July 17 2013 as amended. Motion carried unanimously.

ADMINISTRATIVE UPDATES

MOTION: Cathy Winters moved, seconded by Rocky LaDien, to authorize the Chair to create and send a thank you letter on behalf of the Pharmacy Examining Board recognizing service on the Pharmacy Examining Board by Jeanne Severson and Jason Walker-Crawford. Motion carried unanimously.

Appointment of Liaisons

CE Liaison: Thaddeus J. Schumacher

Credentialing Liaison: Thaddeus J. Schumacher, Rocky LaDien, Cathy Winters

Digest Advisor: Gregory C. Weber

DLSC Liaison: Thaddeus J. Schumacher

PAP Liaison: Rocky LaDien

Legislative Liaison: Thaddeus J. Schumacher, Gregory C. Weber, Philip Trapskin

Monitor Liaison: Rocky LaDien

NABP Exam Review Volunteer: Rocky LaDien

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:

Screening Panel: Gregory C. Weber, Charlotte Rasmussen, Cathy Winters

PDMP Workgroup: Rocky LaDien, Gregory C. Weber, Philip Trapskin

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, to acknowledge the appointments performed at the Board Meeting today. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to authorize the designated PDMP Liaisons 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.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

MOTION: Cathy Winters moved, seconded by Rocky LaDien, to designate a sub-committee of the Board consisting of Philip Trapskin and Rocky LaDien, Thaddeus Schumacher as alternate and Kristi Sullivan as needed, to work with department staff to draft a rule amending Phar 7 relating to the practice of Pharmacy. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Cathy Winters, to designate a sub-committee of the Board consisting of the PDMP Liaisons to work with department staff to draft a rule amending Phar 18 relating to PDMP Cleanup. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to adopt the order for Clearinghouse Rule 13-018 relating to Delivery of Prescription Drugs. Motion carried.

Philip Trapskin abstained from voting on this matter

VARIANCE REPORTS

Greg Weber recused himself from deliberation and voting on all variances related to Aurora Health Care

Philip Trapskin recused himself from deliberation and voting on all variances related to UW Hospital and Clinics

MOTION: Charlotte Rasmussen moved, seconded by Cathy Winters, to authorize DSPS Staff to forward the Tech-Check-Tech form and the Technician-to-Pharmacist Ratio forms to Greg Weber for revision and final approval for placement onto the DSPS website. Motion carried unanimously.

Delivery

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to accept the delivery variance reports of (F.1.a.1-7), as submitted. Motion carried.

MOTION: Rocky LaDien moved, seconded by Kristi Sullivan, to table Delivery Variance (F.1.a.8.) until the Pharmacy Examining Board Meeting in December 11 2013. Motion carried unanimously.

Technician-to-Pharmacist Ratio

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, to accept the Technician-to-Pharmacist variance report of Aurora Specialty Pharmacy (#1119) 9035-42, as submitted. Motion carried.

Shopko Rx Care 9041-042 – Technician-to-Pharmacist Ratio

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to reject the Technician-to-Pharmacist Ratio variance report of Shopko Rx Care 9041-042. The Board requests that Shopko resubmit the corrected report as per the instructions of the footnote on the recording form (report hours, not individuals). Motion carried unanimously.

Robotic Dispensing

MOTION: Rocky LaDien moved, seconded by Cathy Winters, to accept the Robotic Dispensing variance report of Roeschen's Omnicare Pharmacy (#7847-42). Motion carried unanimously.

Mercy Health System Pharmacy (# 3923-042) – Robotic Dispensing

MOTION: Kristi Sullivan moved, seconded by Greg Weber, to reject the Robotic Dispensing variance report of Mercy Health System Pharmacy (# 3923-042). The Board requests that Mercy Health System Pharmacy (# 3923-042) provide a more detailed report. Motion carried.

Tech-Check-Tech

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to accept the Tech-Check-Tech variance reports of (F.1.d.1.a-j) as submitted. Motion carried.

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to accept the Tech-Check-Tech Variance report of Community Memorial Hospital Pharmacy (#4541-42) as submitted. Motion carried unanimously.

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, to accept the Tech-Check-Tech Variance report of Roeschen's Omnicare Pharmacy (#7847-72) as submitted. Motion carried unanimously.

University Hospital and Clinics – Madison (#5940-42) – Tech-Check-Tech

MOTION: Greg Weber moved, seconded by Kristi Sullivan, to reject the Tech-Check-Tech variance report of University Hospital and Clinics – Madison (#5940-42). The Board requests an explanation regarding two instances of below standard error rates for tech C and one instance for tech D and what action was taken. Motion carried.

VARIANCE REQUESTS

TLS Community Pharmacy

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to approve the variance request of TLS Community Pharmacy if paragraph 2.c.i. is amended to reflect that a consultation **will be** provided. Motion carried.

Greg Weber recused himself from deliberation and voting.

Community A Walgreens Pharmacy #15322

MOTION: Philip Trapskin moved, seconded by Charlotte Rasmussen, to reject the variance request of Community A Walgreens Pharmacy (#15322) to Wisconsin Administrative Code Phar 7.01(1)e. Motion carried.

Greg Weber recused himself from deliberation and voting.

Rocky LaDien recuses himself from deliberation and voting on variance requests relating to Community A Walgreens Pharmacy

PRESCRIPTION DRUG MONITORING PROGRAM UPDATE

MOTION: Rocky LaDien moved, seconded by Kristi Sullivan, to authorize the Department to start sharing data with Illinois, Indiana, Michigan, Minnesota, North Dakota, and South Dakota pursuant to Phar 18.14. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Greg Weber, authorizes DSPS staff to draft and send communication to Dispensers that have submitted unverifiable DEA numbers on behalf of the Board pursuant to Phar 18.14. Motion carried unanimously.

SPEAKING ENGAGEMENT REQUESTS

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, the Board rejects the request for a Board Member to attend the speaking engagement at Concordia University in Mequon. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to accept the request for a Board Member to attend the speaking engagement at University of Wisconsin, Madison. The Board delegates Rocky LaDien on behalf of the Board to give a presentation on internships. Motion carried unanimously.

BOARD INFORMATIONAL ITEMS

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to approve the recommended revisions and removal of Position Statements as discussed at the meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, 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. Thaddeus Schumacher read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Charlotte Rasmussen – yes; Kristi Sullivan – yes; Thaddeus Schumacher – yes; Cathy Winters – yes; Philip Trapskin – yes; Rocky LaDien – yes; and Greg Weber – yes. Motion carried unanimously.

The Board convened into Closed Session at 2:46 P.M.

MONITORING

MOTION: Greg Weber moved, seconded by Cathy Winters, to accept Jeffrey Swanson's voluntary surrender of Pharmacist License. Motion carried unanimously.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to issue the administrative warning on Case Number #13 PHM 007 (B.K.). Motion carried unanimously.

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, to issue the administrative warning on Case Number #12 PHM 055 (W.). Motion carried.

Rocky LaDien recused himself from voting and left the meeting at 3:13 P.M.

Greg Weber recused himself from voting and left the meeting at 3:13 P.M.

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, to issue the administrative warning on Case Number #13 PHM 027 (K.L.F.). Motion carried.

Rocky LaDien recused himself from deliberation and voting.

Greg Weber recused himself from deliberation and voting.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

Rocky LaDien returned to the meeting at 3:25 P.M.

Greg Weber returned to the meeting at 3:25 P.M.

James A. Nusslock, R.Ph.

MOTION: Kristi Sullivan moved, seconded by Greg Weber, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against James A. Nusslock, R.Ph Respondent – DLSC Case # 13 PHM 022. Motion carried unanimously.

Main Street Family Pharmacy

MOTION: Cathy Winters moved, seconded by Rocky LaDien, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Main Street Family Pharmacy Respondent – DLSC Case # 13 PHM 029. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE

Case Closings

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to close case # 12 PHM 055 for No Violation (NV). Motion carried.

Rocky LaDien recused himself from deliberation and voting.

Greg Weber recused himself from deliberation and voting.

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to close case # 12 PHM 079 for Insufficient Evidence (IE). Motion carried unanimously.

MOTION: Greg Weber moved, seconded by Philip Trapskin, to table case # 13 PHM 020 for further investigation. Motion carried unanimously.

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, to close case # 13 PHM 027 (K.C. and W #04537) for No Violation (NV). Motion carried.

Rocky LaDien recused himself from deliberation and voting.

Greg Weber recused himself from deliberation and voting.

Case Status Report

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to transfer cases that had been assigned Jason Walker-Crawford now be assigned to Cathy Winters. To transfer cases that had been assigned to Jeanne Severson be assigned to Philip Trapskin. Motion carried unanimously.

APPLICATION MATTERS

MOTION: Rocky LaDien moved, seconded by Charlotte Rasmussen, the Board authorizes Mark Mckinney to sit for the MPJE upon submission of evidence satisfactory to the Board Credentialing Liaison that he has completed a total 1500 hours of post graduate internship . Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Rocky LaDien moved, seconded by Kristi Sullivan, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:09 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kristi Sullivan moved, seconded by Philip Trapskin, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Charlotte Rasmussen moved, seconded by Cathy Winters, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:16 p.m.