

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

**PRESENT:** Thaddeus Schumacher, Charlotte Rasmussen, Franklin LaDien, Greg Weber, Kristi Sullivan, Cathy Winters, Philip Trapskin (arrived at 1:16 p.m.)

**STAFF:** Dan Williams, Executive Director; Matthew Guidry, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Thaddeus Schumacher; called the meeting to order at 9:03 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

*Amendments to the Agenda*

- Page 1 of the Agenda: Exchange C.1 with C.2 for the ease of staffing

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 30, 2013**

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to approve the minutes of October 30, 2013 as amended. Motion carried unanimously.

**ADMINISTRATIVE UPDATES**

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, the Board recognizes Greg Weber and officially congratulates and thanks him for his eight years of service on the Board. Motion carried unanimously.

**LEGISLATION/ADMINISTRATIVE RULE MATTERS**

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, contingent on approval by JCRAR on ch. Phar 18 (PDMP reflecting 2013 Act 3) to designate the chairperson to sign the necessary paperwork to approve the Adoption Order for Clearinghouse Rule 13-065. Motion carried unanimously.

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, to remove suggestions to revisions on Phar 18.04(3) sections “P”, “Q”, and to modify “L”, and approval all other modifications to Phar 18. Motion carried unanimously.

**MOTION** Kristi Sullivan moved, seconded by Cathy Winters, to authorize the Chair to approve the revisions of Phar 18 relating to Prescription Drug Monitoring Program for posting of economic impact comments and submission to the Clearinghouse. The public hearing will take place on February 12, 2014. Motion carried unanimously

**VARIANCE REQUESTS  
TECHNICIAN-TO-PHARMACIST RATIO**

**MOTION:** Charlotte Rasmussen moved, seconded by Gregory Weber, to accept the Technician-to-Pharmacist Ratio variance request of Drs Foster & Smith Pharmacy to allow a Technician-to-Pharmacist Ratio of eight (8) to one (1) during non-retail hours, while maintaining a monthly average of four (4) to one (1) with standard reporting using DSPS approved forms. Motion carried unanimously.

**TECH-CHECK-TECH**

**MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to accept the withdrawal of the Tech-Check-Tech First Dose Check Addendum Variance Request for University of Wisconsin Hospital and Clinics as requested. Motion carried unanimously.

**PRESCRIPTION DRUG MONITORING PROGRAM**

**MOTION:** Franklin LaDien moved, seconded by Cathy Winters, to accept the withdrawal of the Application for an Emergency Waiver of the 7-Day Data Submission Requirement for University of Wisconsin Hospital and Clinics as requested. Motion carried unanimously.

**MOTION:** Kristi Sullivan moved, seconded by Cathy Winters, to revise the Guidance on Collecting and Submitting Data to the PDMP for Research Studies to reflect the changes recommended by the Board. Motion carried unanimously.

**MOTION:** Franklin LaDien moved, seconded by Cathy Winters, to authorize the PDMP to connect with any additional states that request to share data through the PMP InterConnect with Wisconsin PDMP. Motion carried unanimously.

**MOTION:** Charlotte Rasmussen moved, seconded by Cathy Winters, to add the following language to the DSPS Pharmacy Examining Board website: "Proposed Language for PDMP News webpage and Correspondences regarding the Unverifiable DEA Audit Process Given that this was the first audit of the accuracy of the prescriber DEA numbers submitted to the PDMP, the Board and Department recognize that it may take a period of time for pharmacies to create protocols to correct the inaccurate information identified on the letter they received and to ensure the submission of correct information in the future. The Board and Department will use discretion in enforcing compliance with the seven-day correction requirement of this first audit. Beginning in January 2014, the Board will assess all subsequent audits in

accordance with the timelines established in Phar 18. If you are unable to correct the inaccurate information in accordance with the timeline, please email pdmp@wisconsin.gov with a detailed explanation of the issues and the anticipated completion date. If you require more information about the inaccurate records, or if you require technical assistance with submitting corrected information, please contact the HID Helpdesk at wipdmp-info@hidinc.com or 1-855-729-8918,” as presented. Motion carried unanimously.

### **BOARD INFORMATIONAL ITEMS**

**MOTION:** Charlotte Rasmussen moved, seconded by Franklin LaDien, to delegate the Board liaison to research and communicate with DSPS staff to ascertain as to the cleanup of the Remote Site Report and communicate with supervising pharmacies about the structure of Pharmacist to Technician Ratios. Motion carried.

*Gregory Weber abstains.*

### **POSITION STATEMENTS AND REVIEW**

**MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to remove from the DSPS website “When must a prescription drug Distribution or Drug Manufacturer be Licensed to do Business in Wisconsin” position statement. Motion carried unanimously.

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to remove the position statement from the DSPS website that states, “Review and analysis of 2005 Wis. Act 14- Regulation of Pseudoephedrine Products”. Motion carried unanimously.

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to delegate the Chair to work with DSPS staff as to the creation of a position statement related to Pseudoephedrine. Motion carried unanimously.

*Philip Trapskin arrived at the meeting at 1:16 p.m.*

**MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to remove the position statement from the DSPS website that states “The Wisconsin Pharmacy Examining Board Examining Board encourages patient pain control by optimizing the Patient - Pharmacy – Medical care management triad.” Motion carried unanimously.

### **INFORMATIONAL ITEMS**

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, to request DSPS staff to research future Continuing Education Requirements and Audit process and report back. Motion carried unanimously.

**MOTION:** Kristi Sullivan moved, seconded by Philip Trapskin, to request DSPS staff research what the ability is of the Board to be able to communicate to credential holders. Motion carried unanimously.

**MOTION:** Kristi Sullivan moved, seconded by Cathy Winters, to acknowledge the appointment by the Chair of Franklin LaDien to the screening panel for Pharmacy Examining Board through the February 2014 meeting, replacing Gregory Weber. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Kristi Sullivan moved seconded by Cathy Winters, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.). Thaddeus Schumacher read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Franklin LaDien-yes; Cathy Winters-yes; Kristi Sullivan-yes; Thaddeus Schumacher-yes; Gregory Weber-yes; Charlotte Rasmussen-yes. Philip Trapskin- yes. Motion carried unanimously.

The Board convened into Closed Session at 2:23 p.m.

### **RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 4:07 p.m.

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

**MOTION:** Charlotte Rasmussen moved, seconded by Philip Trapskin, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Andrew P. Rice, R.Ph.12 PHM 075,. Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against John J. Bosnjak, R.Ph. 13 PHM 015. Motion carried unanimously.

## ADMINISTRATIVE WARNINGS

*Thaddeus Schumacher left the meeting at 2:40 p.m. and recused himself from all voting and deliberation related to 13PHM 036. Franklin LaDien, as Vice Chair, assumed the role of the Chair.*

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to issue an administrative warning in the matter of case number 13 PHM 036, (J.V.). Motion carried.

## CASE CLOSING

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to close case # 13 PHM 036 (K.B.) for N.V. (no violation). Motion carried unanimously.

*Thaddeus Schumacher returned and assumed Chair duties at 2:45 p.m.*

**MOTION:** Kristi Sullivan moved, seconded by Cathy Winters, to close case # 12 PHM 076 (M.Z.) for N.V. (no violation). Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to close case # 13 PHM 009 (C.W.L.) for I.E. (insufficient evidence). Motion carried unanimously.

**MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to reassign cases 13PHM 032 and 13 PHM 041 from Gregory Weber to Cathy Winters. Motion carried unanimously.

## MONITORING MATTERS

**MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to grant the request of Michael Ivey, RPH for a reduction the number of drug and alcohol screens to at least forty-eight (48) and one (1) hair screen per year. Motion carried unanimously.

**MOTION:** Charlotte Rasmussen moved, seconded by Cathy Winters, to table the request of Craig Osnes, R.Ph. for removal of limitations on licensure until additional information is provided by Osnes as requested by DSPS staff and he appears before the Board to answer additional questions regarding his request. Motion carried unanimously.

## APPLICATION REVIEWS

**MOTION:** Franklin LaDien moved, seconded by Charlotte Rasmussen, to approve the Christina M. Bober request to sit for examination once proof of successful completion, supplied to DSPS, of six (6) hours of ACPE-accredited continuing education related to pharmacy law by April 1, 2014. Motion carried unanimously.

**MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to approve the James J. Rybacki request to sit for examination once proof of successful completion, supplied to DSPS, of six (6) hours of ACPE-accredited continuing education related to pharmacy law by April 1, 2014. Motion carried unanimously.

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

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

**ADJOURNMENT**

**MOTION:** Gregory Weber moved, seconded by Kristi Sullivan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:39 p.m.