

**PHARMACY EXAMINING BOARD
MEETING MINUTES
February 12, 2014**

PRESENT: Thaddeus Schumacher, Charlotte Rasmussen, Franklin LaDien, Terry Maves, Kristi Sullivan, Cathy Winters, Philip Trapskin

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

CALL TO ORDER

Thaddeus Schumacher; called the meeting to order at 9:10 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

MOTION: Kristi Sullivan moved, seconded by Cathy Winters, to adopt the agenda as published. Motion carried unanimously.

CLEARINGHOUSE RULE 14-002

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to partially accept 5e, f, g and accept fully all remaining Clearinghouse comments for CR 14-003 relating to PDMP. Motion carried unanimously.

MOTION: Philip Trapskin moved, seconded by Terry Maves, to amend Clearinghouse Rule 14-003 to address public hearing comments by Joe Kachelski and recommended language from Chad Zadrazil. The Board discussed the written comments from Andrew Rich and declines to make changes to allow law enforcement to obtain records from PDMP without a warrant. The Board requests DSPS Staff to draft a Scope Statement related to the public comments received from Angela Studnicka related to dispensing to long term care facilities. Motion carried unanimously

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to authorize the Chair, or Chair's designee, to approve the Legislative Report and Draft for Clearinghouse Rule 14-003 revising PHAR 18 for submission to the Governor's Office and Legislature. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 11, 2013

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, to approve the minutes of December 11, 2013 as published. Motion carried unanimously.

ELECTION OF OFFICERS

CHAIR

NOMINATION: Franklin LaDien nominated Thaddeus Schumacher for the Office of Chair.

Executive Director Dan Williams called for nominations three (3) times.

Thaddeus Schumacher was elected as Chair.

VICE CHAIR

NOMINATION: Charlotte Rasmussen nominated Franklin LaDien for the Office of Vice Chair.

Executive Director Dan Williams called for nominations three (3) times.

Franklin LaDien was elected as Vice Chair.

SECRETARY

NOMINATION: Charlotte Rasmussen nominated Philip Trapskin for the Office of Secretary.

Executive Director Dan Williams called for nominations three (3) times.

Philip Trapskin was elected as Secretary.

MOTION: Kristi Sullivan moved, seconded by Cathy Winters, to acknowledge the following 2014 Officer Election Results. Motion carried unanimously.

2014 OFFICER ELECTION RESULTS	
Board Chair	Thaddeus Schumacher
Vice Chair	Franklin LaDien
Secretary	Philip Trapskin

Thaddeus Schumacher assumes the role of Chair of the meeting.

Franklin LaDien assumes the role of Vice Chair of the meeting.

Philip Trapskin assumes the role of Secretary of the meeting.

APPOINTMENT OF LIAISONS AND COMMITTEE MEMBERS

The Chair appoints the following members to:

2014 LIAISON APPOINTMENTS	
CE Liaison	Terry Maves
Credentialing Liaisons	Thaddeus Schumacher, Franklin LaDien,
Digest Liaison	Philip Trapskin
Legislative Liaison	Philip Trapskin, Thaddeus Schumacher, Terry Maves
DLSC Liaison	Thaddeus Schumacher
PAP Liaison	Franklin LaDien
Monitor Liaison	Franklin LaDien
PHARM Rep to CSB	Franklin LaDien
Variance Report Liaison	Philip Trapskin
PHARM Rep to SCAODA	Charlotte Rasmussen
PDMP Work Group	Terry Maves, Philip Trapskin

2014 SCREENING PANEL APPOINTMENTS	
January-December 2014	Cathy Winters, Franklin LaDien, Charlotte Rasmussen,

MOTION: Kristi Sullivan moved, seconded by Cathy Winters, to acknowledge the appointments made by the Chair as the 2014 Liaisons and Screening Panel. Motion carried unanimously.

DELEGATION OF AUTHORITY

- MOTION:** Cathy Winters moved, seconded by Terry Maves, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.
- MOTION:** Cathy Winters moved, seconded by Terry Maves, 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:** Cathy Winters moved, seconded by Terry Maves, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" document. Motion carried unanimously.
- MOTION:** Cathy Winters moved, seconded by Terry Maves, to adopt the "Pharmacy Examining Board Delegated Authority to the Credentialing Liaison" document. Motion carried unanimously.
- MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to delegate authority to the Legislative Liaison(s) to address issues related to legislative matters with approval by the Chair, or Vice Chair. Motion carried unanimously.
- MOTION:** Franklin LaDien moved, seconded by Kristi Sullivan, to delegate authority to the Variance Report Liaison to address all issues related to variance report matters. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

- MOTION:** Terry Maves moved, seconded by Charlotte Rasmussen, to authorize the Chair to approve the revisions of PHAR 1, 7, and 16 as amended relating to exam and council names for posting for economic impact comments and submission to the Clearinghouse. The public hearing will take place on March 26, 2014. Motion carried unanimously.
- MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to request DSPS staff amend Scope Statement revising PHAR 2 ,4 to include Act 114 relating to licensure and exams and designate the Chair to advise DSPS staff. Motion carried unanimously.
- MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to create a committee of the Board charged with revisions to PHAR 15 and appoint Thaddeus Schumacher, Philip Trapskin and Franklin LaDien as committee members. Motion carried unanimously.

VARIANCE REPORTS

- MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to accept all Tech-Check-Tech Variance Reports. Motion carried unanimously.
- MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to accept all Ratio Variance Reports. Motion carried unanimously.
- MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to accept all Robotic Variance Reports. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM

- MOTION:** Cathy Winters moved, seconded by Charlotte Rasmussen, to address compliance issues with the PDMP program, DSPS Staff is delegated the authority to send a letter to gain compliance, and if compliance is not gained the dispenser will be referred to the Board screening panel. Motion carried unanimously.

BOARD INFORMATIONAL ITEMS

- MOTION:** Franklin LaDien moved, seconded by Terry Maves, to send the Iowa investigation materials to the screening panel for further review. Motion carried unanimously.
- MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to request DSPS staff to research the resources in other states to determine how Wisconsin benchmarks related to pharmacy inspection frequency, training, credentials, and budgets. Motion carried unanimously.

SPEAKING ENGAGEMENT

- MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to designate Franklin LaDien and Philip Trapskin to speak at the Pharmacy Society of Wisconsin – PSW Legislative Day on February 27, 2014 regarding update of pharmaceutical law update. Motion carried unanimously.
- MOTION:** Charlotte Rasmussen moved, seconded by Cathy Winters, to designate Franklin LaDien to speak at the UW School of Pharmacy – Advanced Clerkship Seminars on April 7, 2014 regarding update of pharmaceutical law update. Motion carried unanimously.
- MOTION:** Cathy Winters moved, seconded by Kristi Sullivan, to designate Terry Maves, and Franklin LaDien as an alternate, to represent the Board at the ACPE accreditation of Concordia University on March 18-20, 2014. Motion carried unanimously.
- MOTION:** Cathy Winters moved, seconded by Franklin LaDien, to request DSPS Staff to add a link to direct pharmacists to the regulatory digest to find information related to new legislative news affecting pharmacy practice on licensure renewal materials and the DSPS Website. Motion carried unanimously.
- MOTION:** Charlotte Rasmussen moved, seconded by Kristi Sullivan, to designate Franklin LaDien to speak at the MPJE Item-Development Workshop – March 20-21, 2014. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Winters moved seconded by Kristi Sullivan, 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; Terry Maves-yes; Charlotte Rasmussen-yes. Philip Trapskin- yes. Motion carried unanimously.

The Board convened into Closed Session at 3:31 p.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 5:36 p.m.

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.

STIPULATIONS, FINAL DECISIONS, AND ORDERS

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against James D. Kobs 12PHM030. Motion carried unanimously.

MOTION: Cathy Winters moved, seconded by Philip Trapskin, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Leonard Purull 13PHM037 for further investigation.
Motion fails.

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Leonard Purull 13PHM037 for further investigation. Motion carried.

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Robert W. Hubeler 13PHM038. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

Terry Maves recused himself from deliberations and voting on the matters of 12PHM035 (B.J.), and 13PHM017 (A.J.R.).

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to issue the administrative warning in the matter of case number 12PHM035 (B.J.). Motion carried.

MOTION: Charlotte Rasmussen moved, seconded by Franklin LaDien, to issue an administrative warning in the matter of case number 13PHM017 (A.J.R.). Motion carried.

CASE CLOSING

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to table decision making of cases: Jeffrey Clinton / Roeschen's Pharmacy 13PHM032 and Jordan Ambrose, Froedtert Health Menomonee Falls Clinic Pharmacy 13PHM052. Motion carried unanimously.

MONITORING MATTERS

MOTION: Philip Trapskin moved, seconded by Terry Maves, to grant the request of Ryan Nelson for reduction of random drug testing from thirty-six(36) tests per year to twenty-seven(27) urine and 1 hair test per year. Motion carried unanimously.

APPLICATION REVIEWS

MOTION: Franklin LaDien moved, seconded by Terry Maves, to approve D.P.'s request to licensure by endorsement once all requirements are met. ***Motion fails.***

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to deny D.P.'s request for licensure. Applicant has not met the requirements found in Wis. Admin. Code. Sec. PHAR 2.04 relative to having an approved degree or certification from FPGEC. Motion carried.

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to table R.B.'s request for licensure for further legal analysis by Board legal counsel. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 5:37 p.m.