

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
March 25, 2015**

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

**EXCUSED:** Kristi Sullivan

**STAFF:** Dan Williams – Executive Director, Nilajah Madison-Head – Bureau Assistant, Sharon Henes – Administrative Rules Coordinator, and other Department staff

**CALL TO ORDER**

Thaddeus Schumacher, Chair, called the meeting to order at 10:14 a.m. A quorum was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Remove Items F (2-4)*

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

**APPROVAL OF MINUTES OF FEBRUARY 11, 2015**

**MOTION:** Terry Maves moved, seconded by Cathy Winters, to approve the minutes of February 11, 2015 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Appointment of Liaisons**

The Chair appoints the following members to:

<b>2015 LIAISON APPOINTMENTS</b>	
CE Liaison	Terry Maves
Credentialing Liaisons	Terry Maves, Cathy Winters
Digest Liaison	Philip Trapskin
Legislative Liaison	Philip Trapskin, Thaddeus Schumacher, Terry Maves
DLSC Liaison	Thaddeus Schumacher, Cathy Winters
PAP Liaison	Franklin LaDien
Monitor Liaison	Franklin LaDien
PHARM Rep to CSB	Franklin LaDien
Variance Report Liaison	Philip Trapskin, Cathy Winters
PHARM Rep to SCAODA	Kristi Sullivan
PDMP Work Group	Terry Maves, Philip Trapskin

<b>2015 SCREENING PANEL APPOINTMENTS</b>	
January-December 2015	Cathy Winters, Franklin LaDien, Charlotte Rasmussen

### **Delegation of Authority**

**MOTION:** Franklin LaDien moved, seconded by Cathy Winters, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code SPS § 1.08(1). Motion carried unanimously

**MOTION:** Terry Maves moved, seconded by Cathy Winters, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

### **VARIANCES**

#### **University of Wisconsin Hospital and Clinics – Tech-Check-Tech (TCT)**

**MOTION:** Terry Maves moved, seconded by Franklin LaDien, to accept the report of University of Wisconsin Hospital and Clinics and extend the variance to the next Board meeting. They are to submit a quarterly report, an annual review, and a detailed plan of action to be presented at the next Board meeting. Motion carried. Recused: Philip Trapskin

*(Philip Trapskin recused himself and left the room for consideration of the variance requests of University of Wisconsin Hospital and Clinics)*

### **LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

#### **Scope Statements for Phar 1, 8, 18 Relating to Definitions, Controlled Substances and Prescription Drug Monitoring Program (PDMP)**

**MOTION:** Cathy Winters moved, seconded by Terry Maves, to approve the Scope Statement on Phar 1 and 8 relating to Definitions and Controlled Substances for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**MOTION:** Cathy Winters moved, seconded by Terry Maves, to approve the Scope Statement on Phar 18 relating to Operation of Prescription Drug Monitoring Program (PDMP) for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**Proposals for New Scope Statements for Phar 8, 18 Relating to Act 199**

- MOTION:** Cathy Winters moved, seconded by Charlotte Rasmussen, to request DSPS staff draft Scope Statements revising Phar 18 relating to Act 199 and designate the Chair to approve the Scope for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Cathy Winters and Charlotte Rasmussen request the Board to **rescind the previous motion** relating to revising Phar 18. Motion carried unanimously.
- MOTION:** Terry Maves moved, seconded by Franklin LaDien, the Board will delegate to the Chair the authority to create and send a letter to the Secretary of the Department of Safety and Professional Services after implementation of the new Scope statement revising Phar 18 as it relates to Act 199. Motion carried unanimously.
- MOTION:** Terry Maves moved, seconded by Franklin LaDien, to request DSPS staff draft Scope Statements revising Phar 18 relating to Act 199 and designate the Chair to approve the Scope for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to request DSPS staff draft Scope Statements revising Phar 8 relating to Act 199 to include the date for which the record shall be maintained and the definition of a healthcare facility and designate the Chair to approve the Scope for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**Scope Statement for Phar 14 Relating to Home Medical Oxygen Providers**

- MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to approve the Scope Statement on Phar 14 relating to Home Medical Oxygen Providers for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Terry Maves moved, seconded by Franklin LaDien, to give authority to DSPS staff to approve applications for licensure as home medical oxygen providers. The Board recommends that DSPS create a temporary application that mirrors the criteria cited in the Minnesota Application for Registration as a Medical Gas Distributor. In addition, one of the requirements of the application shall include evidence of accreditation from one of the ten CMS approved accreditation organizations. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Charlotte Rasmussen moved, seconded by Terry Maves, 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, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Franklin LaDien-yes; Terry Maves-yes, Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Philip Trapskin-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:14 p.m.

**RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 2:34 p.m.

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

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

**DISCIPLINARY MATTERS**

**Monitoring**

***APPEARANCE – Craig R. Osness, R.Ph and James Friedman, attorney. – Requesting Consideration of Tabled Petition for Full Licensure***

**MOTION:** Philip Trapskin moved, seconded by Charlotte Rasmussen, to grant the request of Craig R. Osness, R.Ph. for reinstatement of full licensure. Motion carried. Recused: Franklin LaDien

*(Franklin LaDien recused himself and left the room for deliberation and voting in the matter of Craig R.Osness, R.Ph.)*

**Proposed Stipulations, Final Decisions and Orders**

***14 PHM 059 – B.P.M.***

**MOTION:** Charlotte Rasmussen moved, seconded by Franklin LaDien, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Brandon P. Maydew, R.Ph., DLSC case number 14 PHM 059. Motion carried unanimously.

***14 PHM 137 – D.J.H***

**MOTION:** Terry Maves moved, seconded by Charlotte Rasmussen, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David J. Hapka, R.Ph, DLSC case number 14 PHM 137. Motion carried unanimously.

***14 PHM 138 –N.E.P.***

**MOTION:** Terry Maves moved, seconded by Franklin LaDien, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against New Era Pharmaceuticals, LLC, DLSC case number 14 PHM 138. Motion carried unanimously.

**Case Closure Deliberation**

***14 PHM 137***

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to close DLSC case number 14 PHM 137, against T.L.P., for No Violation (NV). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Cathy Winters moved, seconded by Terry Maves, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:35 p.m.