

**PHARMACY EXAMINING BOARD
MEETING MINUTES
June 3, 2015**

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

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 10:06 a.m. A quorum was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Remove Item C. 1)a.: “APPEARANCE: DSPS Deputy Secretary Jay Risch and Assistant Deputy Secretary Eric Esser”*

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

APPROVAL OF MINUTES OF MARCH 25, 2015

MOTION: Philip Trapskin moved, seconded by Terry Maves, to approve the minutes of March 25, 2015 as published. Motion carried unanimously.

VARIANCES

Reports

University of Wisconsin Hospital and Clinics

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, the Board acknowledges the withdrawal of the Tech-Check-Tech Variance request dated 05/15/2015 submitted by University of Wisconsin Hospital and Clinics. Motion carried. Recused: Phillip Trapskin.

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, to renew the terms of the first dose Tech-Check-Tech Variance Request submitted by University of Wisconsin Hospital and Clinics, approved in May of 2014, with standard reporting requirements (January 2016 and July 2016). The renewal will last until 07/31/2016. Motion carried. Recused: Philip Trapskin.

(Philip Trapskin recused himself and left the room for deliberation and voting in the matter of University of Wisconsin Hospital and Clinics)

Requests

O'Connell Pharmacy

MOTION: Cathy Winters moved, seconded by Franklin LaDien, the Board acknowledges the withdrawal of the Variance Request submitted by O'Connell Pharmacy. Motion carried unanimously.

LTC Rx, Inc.

MOTION: Philip Trapskin moved, seconded by Terry Maves, to table the Variance Request submitted by LTC Rx, Inc. until such time as the Board receives the following information: the average ratio of pharmacists to technicians on a monthly basis and whether the pharmacy is an "open" or "closed" door facility. The Board invites a representative from LTC Rx, Inc. to be available at the next Board meeting to discuss their request. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Draft of Phar 1 and 8 Relating to Definitions and Controlled Substances

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to authorize The Chair to approve the revision of Phar 1 and 8 relating to definitions and controlled substances for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Proposals for Phar 18 Relating to Act 199

MOTION: Franklin LaDien moved, seconded by Terry Maves, to approve the amended changes to the letter drafted for DSPS Secretary Dave Ross regarding Act 199 and authorize the Chair to send the amended letter. 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, 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; Kristi Sullivan- yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:57 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 3:33 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

Attorney Sandra Nowack

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. Daniel Zatarski, R.Ph. - 13 PHM 055, 14 PHM 057, and 14 PHM 075
2. MD Custom Rx - 13 PHM 055, 14 PHM 057, and 14 PHM 075
3. OK Compounding, LLC. - 14 PHM 073
4. Monica Zatarski, R.Ph - 14 PHM 075
5. David L. Kleingartner, R.Ph. - 14 PHM 082

Motion carried unanimously.

Attorney Cody Wagner

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. Precision Pharmacy - 14 PHM 134, 15 PHM 005, 15 PHM 030
2. DermaTran Health Solutions - 14 PHM 139

Motion carried unanimously.

Administrative Warnings

Attorney Sandra Nowack

14 PHM 055 – Walgreens #02927

MOTION: Philip Trapskin moved, seconded by Charlotte Rasmussen, to issue an Administrative Warning in the matter of DLSC case number 14 PHM 055 – Walgreens # 02927. Motion carried. Recused: Franklin LaDien.

(Franklin LaDien recused himself and left the room for deliberation and voting in the matter of DLSC case number 14 PHM 055 – Walgreens # 02927)

Attorney Cody Wagner

MOTION: Franklin LaDien moved, seconded by Charlotte Rasmussen, to reject the Administrative Warnings and instead close for Prosecutorial Discretion (P2) in the following matters:

1. 14 PHM 090 (A.S.P.)
2. 14 PHM 091 (A.H.S.)
3. 14 PHM 096 (C.P.S.)
4. 14 PHM 097 (C.P.S.)
5. 14 PHM 101 (H.D.C.)
6. 14 PHM 102 (L.F.P.)
7. 14 PHM 103 (L.H.P.)
8. 14 PHM 104 (L.O.P.)
9. 14 PHM 114 (V.S.C.P.)
10. 14 PHM 115 (W.P.)
11. 14 PHM 118 (C.C.H.P. and J.J.W.)
12. 14 PHM 121 (P.P.A.L. and M.K.S.)
13. 14 PHM 123 (S.A.H.P. and J.J.S.)
14. 14 PHM 124 (V.H.P. and G.L.B.)

Motion carried unanimously.

Case Closings

Attorney Sandra Nowack

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to close the DLSC cases for the reasons outlined below:

1. 14 PHM 002 – Prosecutorial Discretion (P2)
2. 14 PHM 020 - Prosecutorial Discretion (P7)
3. 14 PHM 021 - Prosecutorial Discretion (P7)
4. 14 PHM 024 - Prosecutorial Discretion (P7)
5. 14 PHM 026 - Prosecutorial Discretion (P7)
6. 14 PHM 027 - Prosecutorial Discretion (P7)
7. 14 PHM 028 - Prosecutorial Discretion (P7)
8. 14 PHM 029 - Prosecutorial Discretion (P7)
9. 14 PHM 030 - Prosecutorial Discretion (P7)
10. 14 PHM 042 - Prosecutorial Discretion (P7)
11. 14 PHM 088 – No Violation (NV)

Motion carried unanimously.

Attorney Jim Polewski

MOTION: Terry Maves moved, seconded by Charlotte Rasmussen, to close the DLSC cases for the reasons outlined below:

1. 13 PHM 041 - Prosecutorial Discretion (P6)
2. 14 PHM 147 - Prosecutorial Discretion (P7)

Motion carried unanimously.

Monitoring

Dirk Larson, R.Ph. – Requesting Modification (Impairment)

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to deny the request of Dirk Larson, R.Ph. for reduction in drug and alcohol screens to 12 and one annual hair, as well as an increase in PIC hours. Instead, the Board grants a reduction in drug and alcohol screens to 28 and one annual hair. **Reason for Denial:** Currently not working as a pharmacist and not compliant with the terms of the Board Order (09/12/2012). Motion carried unanimously.

Erin Orth, R.Ph. – Requesting License (Impairment)

MOTION: Franklin LaDien moved, seconded by Charlotte Rasmussen, to deny the request of Erin Orth, R.Ph. for full licensure. **Reason for Denial:** The Board requires further compliance under the current terms of the Board Order and will require a request for and successful completion of a period of PIC hours before full licensure will be considered. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 3:42 p.m.