

**PHARMACY EXAMINING BOARD
MEETING MINUTES
July 22, 2015**

PRESENT: Terry Maves, Charlotte Rasmussen, Thaddeus Schumacher, Kristi Sullivan (*excused from the meeting at 11:45a.m.*), Philip Trapskin, Cathy Winters

EXCUSED: Franklin LaDien

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 11:26 a.m. A quorum was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JUNE 3, 2015

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to approve the minutes of June 3, 2015 as published. Motion carried unanimously.

VARIANCES

Kristi Sullivan was excused from the meeting at 11:45a.m.

Requests

Froedtert Hospital Pharmacy

MOTION: Terry Maves moved, seconded by Charlotte Rasmussen, the Board accepts the amended Tech-Check-Tech/First Dose Variance Request submitted by Froedtert Hospital Pharmacy. The amendment to the request consists of the following: a pharmacist double check of thirty percent of Tech-Check-Tech doses, Tech-Check-Tech reporting on a quarterly basis, and an appearance before the Board six months after implementation ending 09/01/2016. Motion carried unanimously.

Morton LTC Pharmacy

MOTION: Philip Trapskin moved, seconded by Cathy Winters, the Board accepts the request to transfer Technician Ratio Variance from license number 8679-42 to license number 9299-42 submitted by Morton LTC Pharmacy with the addition of standard reporting requirements. Motion carried unanimously.

Omnicare Pharmacy of La Crosse

MOTION: Philip Trapskin moved, seconded by Terry Maves, the Board accepts the Tech-Check-Tech Variance Request submitted by Omnicare Pharmacy of La Crosse with standard reporting requirements pending resubmission of Pharmacy Variance Request form. Motion carried unanimously.

Fort Healthcare Pharmacy

MOTION: Charlotte Rasmussen moved, seconded by Terry Maves, to table the Tech-Check-Tech Variance Request submitted by Fort Healthcare Pharmacy. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Pending Projects

Phar 8 Relating to Recording Name and Health Care Facility Definition

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to designate the Chair to approve the revision of Phar 8 relating to Recording Name and Health Care Facility Definition for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Phar 14 Relating to Home Medical Oxygen Providers

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, to authorize the Chair to approve the creation of Phar 14 relating to Home Medical Oxygen Providers for emergency rule submission to the governor, publication in an official newspaper and for the permanent rule posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Update on Legislation and Pending or Possible Rulemaking Projects

Track and Trace Pedigree System

MOTION: Charlotte Rasmussen moved, seconded by Terry Maves, to request DSPS staff draft a Scope Statement relating to Track and Trace Pedigree System and the implementation is to take place upon promulgation of the rule. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)

Pharmacy Society of Wisconsin (PSW) Legislative Breakfast – September 11, 2015

MOTION: Cathy Winters moved, seconded by Charlotte Rasmussen, to designate Philip Trapskin and/or Rocky LaDien to speak on the Board's behalf at the PSW Legislative Breakfast on September 11, 2015 in Milwaukee, WI regarding Pharmacy rules. Motion carried unanimously.

MOTION: Cathy Winters moved, seconded by Terry Maves, to approve the designation of Rocky LaDien, as the Board's delegate, to attend the DEA Conference on July 25, 2015 in Milwaukee, WI and to authorize travel. 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: Terry Maves-yes, Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 2:03 p.m.

RECONVENE TO OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Cathy Winters, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:32 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Charlotte Rasmussen 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

13 PHM 010 – P.S.

MOTION: Charlotte Rasmussen moved, seconded by Terry Maves, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against PharMEDium Services, LLC, DLSC case number 13 PHM 010. Motion carried unanimously.

14 PHM 042 – K.P. K.

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 Kimberly Peterson-Kuebli, R.Ph., DLSC case number 14 PHM 042. Motion carried unanimously.

Administrative Warnings***15 PHM 016 – C.C.***

MOTION: Philip Trapskin moved, seconded by Terry Maves, to issue an Administrative Warning in the matter of DLSC case number 15 PHM 016 (C.C.). Motion carried unanimously.

Case Closings

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

1. 13 PHM 065 – Prosecutorial Discretion (P2)
2. 14 PHM 060 – Prosecutorial Discretion (P2)
3. 14 PHM 094 – Prosecutorial Discretion (P2)
4. 14 PHM 098 – Prosecutorial Discretion (P2)
5. 14 PHM 100 – Prosecutorial Discretion (P2)
6. 14 PHM 106 – Prosecutorial Discretion (P2)
7. 14 PHM 108 – Prosecutorial Discretion (P2)
8. 14 PHM 110 – Prosecutorial Discretion (P2)
9. 14 PHM 111 – Prosecutorial Discretion (P2)
10. 14 PHM 116 – Prosecutorial Discretion (P2)
11. 14 PHM 117 – Prosecutorial Discretion (P2)

Motion carried unanimously.

Monitoring***Erin Orth, R.Ph. – Requesting Modification (Impairment)***

MOTION: Terry Maves moved, seconded by Philip Trapskin, to grant the request of Erin Orth, R.Ph. for 16 PIC hours per week. The Board denied the request of Erin Orth, R. Ph. for a reduction in drug and alcohol screens. **Reason for Denial:** Insufficient time under the Board Order as amended on 02/17/2015. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER**Delora Pufall (DHA Case # SPS-14-0041)(DLSC Case # 14 PHM 039)**

MOTION: Cathy Winters moved, seconded by Philip Trapskin, to adopt the Proposed Decision and Order in the matter of Delora Pufall (DHA Case # SPS-14-0041)(DLSC Case # 14 PHM 039) with the following variance: the Board finds that the applicant has not met the requirements necessary for licensure in Wisconsin. As such, the Board retains the Findings of Fact, but varies the remaining portions of the Order to reflect the Board's decision. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Terry Maves, to designate the Chair to review, approve, and sign the Order with Variance in the matter of Delora Pufall (DHA Case # SPS-14-0041)(DLSC Case # 14 PHM 039). Motion carried unanimously.

DELIBERATION ON CREDENTIALING MATTERS

Application Review(s)

Z.S. – Multi–State Pharmacy Jurisprudence Examination (MPJE) Retake

MOTION: Charlotte Rasmussen moved, seconded by Philip Trapskin, to designate Terry Maves to advise DSPS Staff regarding the Pharmacist application of Zuher Somji. Motion carried unanimously.

ADJOURNMENT

Thaddeus Schumacher adjourned the meeting.

The meeting adjourned at 4:37 p.m.