



TELECONFERENCE/VIRTUAL MEETING

CONTROLLED SUBSTANCES BOARD

Contact: Dan Williams (608) 266-2112
Room 121B, 1400 East Washington Avenue, Madison
February 21, 2018

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

AGENDA

10:30 A.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-2)**
- B. **Approval of Minutes of January 12, 2018 (3-8)**
- C. **Administrative Matters**
 - 1) Staff Updates
 - 2) Board Members
 - a. Yvonne Bellay – Dept. of Agriculture, Trade, and Consumer Protection Designee
 - b. Alan Bloom – Pharmacologist
 - c. Doug Englebert – Dept. of Health Services Designee
 - d. Philip Trapskin – Pharmacy Examining Board Designee
 - e. Subhadeep Barman – Psychiatrist
 - f. Peter Kallio – Board of Nursing Designee
 - g. Jason Smith – Attorney General Designee
 - h. Leonardo Huck – Dentistry Examining Board Designee
 - i. Timothy Westlake – Medical Examining Board Designee
- D. **Legislation and Rule Matters – Discussion and Consideration (9-10)**
 - 1) Scheduling para-chloroisobutyryl fentanyl
 - 2) Update on Legislation and Pending and Possible Rulemaking Projects
- E. **Prescription Drug Monitoring Program (PDMP) Update – Discussion and Consideration**
 - 1) Quarterly Reports
- F. **Informational Item(s)**
- G. **Discussion and Consideration of Items Received After Preparation of the Agenda:**
 - 1) Introductions, Announcements, and Recognition
 - 2) Informational Item(s)

- 3) Disciplinary Matters
- 4) Education Matters
- 5) Credentialing Matters
- 6) Practice Questions
- 7) Legislation and Rule Matters
- 8) Liaison Report(s)
- 9) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 10) Consulting with Legal Counsel

H. Public Comments

ADJOURNMENT

The next scheduled meeting is March 9, 2018

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
JANUARY 12, 2018**

PRESENT: Subhadeep Barman, Yvonne Bellay, Doug Englebert, Leonardo Huck (*left at 11:15 a.m.*), Peter Kallio, Philip Trapskin, Timothy Westlake (*left at 10:50 a.m.*)

EXCUSED: Alan Bloom, Jason Smith

STAFF: Tom Ryan, Executive Director; Andrea Magermans, Executive Managing Director, Sarah Bradley, Deputy Managing Director; Laura Smith, Bureau Assistant; Sharon Henes, Administrative Rules Coordinator; and other DSPS Staff

CALL TO ORDER

Doug Englebert called the meeting to order at 9:30 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Add two items under Item D: ‘*CSB 2.56 Related to Scheduling 4 -fluoroisobutyryl fentanyl*’ (spelling aligned with federal register), and ‘*Scope CSB 3 Relating to Special Use Authorizations*’
- Correct spelling in E.2 to ‘Request’

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to approve the minutes of December 18, 2017 as published. Motion carried unanimously.

SPECIAL USE AUTHORIZATIONS

Anthony Valenti, Racine County

MOTION: Peter Kallio moved, seconded by Subhadeep Barman, to grant the application of Anthony Valenti for a Special Use Authorization. Motion carried unanimously.

LEGISLATION AND RULE MATTERS

CSB 2.50 Relating to Scheduling AB-CHMINACA, AB-PINACA and THJ-2201

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to partially accept all Clearinghouse comments for Clearinghouse Rule 17-085 relating to scheduling AB-CHMINACA, AB-PINACA and THJ-2201, and to delegate to the Chair to make all formatting decisions conformant with federal naming. Motion carried unanimously.

CSB 2.51 Relating to Scheduling MAB-CHMINACA

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to partially accept all Clearinghouse comments for Clearinghouse Rule 17-086 relating to scheduling MAB-CHMINACA, and to delegate to the Chair to make all formatting decisions conformant with federal naming. Motion carried unanimously.

CSB 2.52 Relating to Scheduling 4-MePPP and a-PBP

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to partially accept all remaining Clearinghouse comments for Clearinghouse Rule 17-087 relating to scheduling MAB-CHMINACA, and to delegate to the Chair to make all formatting decisions conformant with federal naming. Motion carried unanimously.

CSB 2.55 Relating to Scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to partially accept all remaining Clearinghouse comments for Clearinghouse Rule 17-088 relating to scheduling 5F-ADB, 5F-AMB, ADB-FUBINACA, MDMB-CHMICA and MDMB-FUBINACA, and to delegate to the Chair to make all formatting decisions conformant with federal naming. Motion carried unanimously.

CSB 2.56 Related to Scheduling 4-fluoroisobutyryl fentanyl

MOTION: Philip Trapskin moved, seconded by Timothy Westlake, to partially accept all Clearinghouse comments for Clearinghouse Rule 17-089 relating to scheduling 4-fluoroisobutyryl fentanyl, and to delegate to the Chair to make all formatting decisions conformant with federal naming. Motion carried unanimously.

CSB 2.58 Relating to Excluding Naldemedine

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to approve the Scope statement on CSB 2.58 relating to excluding naldemedine from scheduling 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.

CSB 2.59 Relating to Scheduling Ortho-fluorofentanyl

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to approve the Scope statement on CSB 2.59 relating to scheduling ortho-fluorofentanyl 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.

CSB 2.60 Relating to Scheduling FUB-AMB

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to approve the Scope statement on CSB 2.60 relating to scheduling FUB-AMB 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.

Scheduling MT-45

MOTION: Philip Trapskin moved, seconded by Leo Huck, to affirm the scheduling of MT-45 to Schedule I, to take effect on January 22, 2018 to allow for publication in the register. Motion carried unanimously.

Scope CSB 3 Relating to Special Use Authorizations

MOTION: Subhadeep Barman moved, seconded by Yvonne Bellay, to approve the Scope statement on CSB 3 relating to special use authorizations 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 CSB 4 Relating to Operation of Prescription Drug Monitoring Program

MOTION: Subhadeep Barman moved, seconded by Timothy Westlake, to approve the Scope statement on CSB 4 relating to operation of the prescription drug monitoring program 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.

PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) UPDATE

Request for De-Identified Data for Researchers

MOTION: Timothy Westlake moved, seconded by Peter Kallio, to authorize PDMP staff to grant, at their discretion, access to de-identified information to researchers presenting an IRB letter or documentation of IRB approval. Motion carried unanimously.

(Timothy Westlake left the meeting at 10:50 a.m.)

MOTION: Philip Trapskin moved, seconded by Yvonne Bellay, to table the request of Keegan Kyle for access to de-identified PDMP information. Motion carried unanimously.

Discussion of Disclosures of PDMP Data to Relevant Boards Under CSB 4.15(5)

MOTION: Peter Kallio moved, seconded by Subhadeep Barman, to authorize PDMP staff to prepare a report of patients whose prescribers and dispensers are writing or filling prescriptions greater than 90 MME, with or without benzodiazepines, including information on prescriber PDMP activity. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Board Chair

NOMINATION: Philip Trapskin nominated Doug Englebert for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Doug Englebert was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Doug Englebert nominated Alan Bloom for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Alan Bloom was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Peter Kallio nominated Yvonne Bellay for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Yvonne Bellay was elected as Secretary by unanimous consent.

2018 OFFICER ELECTION RESULTS	
Board Chair	Doug Englebert
Vice Chair	Alan Bloom
Secretary	Yvonne Bellay

Appointment of Liaisons

2018 LIAISON APPOINTMENTS	
SUA Liaison(s)	Alan Bloom, Yvonne Bellay
SCAODA Liaison	Subhadeep Barman
Legislative Liaison	Timothy Westlake Alternate – Doug Englebert
PDMP Liaison	Timothy Westlake Alternate – Subhadeep Barman

Delegation of Authority

Document Signature Delegation

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director, or designee, to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Philip Trapskin moved, seconded by Peter Kallio, that, in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chair (or, in the absence of the Chair, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Special Use Authorization Liaison Delegation

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to authorize the Special Use Authorization (SUA) liaison(s) to review and make approval decisions regarding SUA applications and approve required training or credentialing on behalf of the Board. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to delegate authority to the Legislative Liaison(s) to address Board issues related to legislative matters excluding media requests. Motion carried unanimously.

SCAODA Liaison Delegation

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to authorize the SCAODA liaison to vote on behalf of the Board at the State Council on Alcohol and Other Drug Abuse meetings. Motion carried unanimously.

PDMP Liaison Delegation

MOTION: Philip Trapskin moved, seconded by Peter Kallio, to authorize PDMP Liaisons to make individual decisions on behalf of the Board when waiting for a Board meeting would unreasonably delay the development, testing, deployment, or operation of the PDMP. The Board also grants the PDMP liaison the authority to suspend access to the PDMP pursuant to CSB § 4.09 (3). Motion carried unanimously.

(Leonardo Huck left the meeting at 11:15 a.m.)

ADJOURNMENT

MOTION: Peter Kallio moved, seconded by Yvonne Bellay, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:32 a.m.

STATE OF WISCONSIN
CONTROLLED SUBSTANCES BOARD

IN THE MATTER OF RULE-MAKING	:	AFFIRMATIVE ACTION
PROCEEDINGS BEFORE THE	:	ORDER OF THE
CONTROLLED SUBSTANCES BOARD	:	CONTROLLED SUBSTANCES BOARD

FINDINGS

1. On February 1, 2018, the Department of Justice, Drug Enforcement Administration published its final rule in the Federal Register placing para-chloroisobutyryl fentanyl into schedule I of the federal Controlled Substances Act. The scheduling action is effective February 1, 2018.
2. The Controlled Substances Board did not receive an objection to similarly treating para-chloroisobutyryl fentanyl as a schedule I under ch. 961, Stats. within 30 days of the date of publication in the federal register of the final order designating para-chloroisobutyryl fentanyl as a controlled substance.
3. The Controlled Substances Board will promulgate a final rule, without making the determinations or findings required by ss. 961.11(1), (1m), (1r) and (2) or s. 961.19 and omitting the notice of proposed rule-making, designating para-chloroisobutyryl fentanyl as a schedule I controlled substance.

ORDER

Pursuant to s. 961.11(4), Stats., the Controlled Substances Board by affirmative action similarly treats para-chloroisobutyryl fentanyl under chapter 961, Stats. by creating the following:

CSB 2.62 Addition of para-chloroisobutyryl to schedule I. Section 961.14 (2) (nd) 16s., Stats., is created to read:

961.14 (2) (nd) 16s. Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

This order shall take effect on March 12, 2018 to allow for publication in the Administrative Register. The order expires upon promulgation of a final rule.

Dated _____

Doug Englebert, Chair
Controlled Substances Board