

**PHARMACY EXAMINING BOARD
MEETING MINUTES
JANUARY 17, 2017**

PRESENT: Grace Degner, Franklin LaDien, Terry Maves, Thaddeus Schumacher, Kristi Sullivan, Philip Trapskin, Cathy Winters (*via GoToMeeting*)

STAFF: Thomas Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; Sharon Henes, Administrative Rules Coordinator, and other Department staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 8:35 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 14, 2016

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to approve the minutes of December 14, 2016 as published. Motion carried unanimously.

**8:30 A.M. PUBLIC HEARING ON EMERGENCY RULE EMR1635 AND
CLEARINGHOUSE RULE 16-079 RELATING TO ADMINISTRATION OF DRUG
PRODUCTS AND DEVICES OTHER THAN VACCINES**

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to accept all Clearinghouse comments for Clearinghouse Rule 16-079 relating to administration of drug products and devices other than vaccines. Motion carried unanimously.

**8:30 A.M. PUBLIC HEARING ON CLEARINGHOUSE RULE 16-085 RELATING TO
COMPOUNDING PHARMACEUTICALS**

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to reject Clearinghouse comment numbers 5.d and 5.i, and to accept all remaining Clearinghouse comments for Clearinghouse Rule 16-085 relating to compounding pharmaceuticals. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Election of Officers

Board Chair

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

Tom Ryan called for nominations three (3) times.

Thaddeus Schumacher was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Terry Maves nominated Franklin LaDien for the Office of Vice Chair. The Nomination was Declined.

NOMINATION: Franklin LaDien nominated Philip Trapskin for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Philip Trapskin was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Philip Trapskin nominated Franklin LaDien for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Franklin LaDien was elected as Secretary by unanimous consent.

2017 ELECTION RESULTS	
Board Chair	Thaddeus Schumacher
Vice Chair	Philip Trapskin
Secretary	Franklin LaDien

Delegated Authorities

Delegated Authority for Urgent Matters

MOTION: Philip Trapskin moved, seconded by Terry Maves, that, 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 to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Philip Trapskin moved, seconded by Terry Maves, that the 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.

Document Signature Delegation

MOTION: Philip Trapskin moved, seconded by Terry Maves, 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.

Credentialing Authority Delegations

MOTION: Philip Trapskin moved, seconded by Terry Maves, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters. Motion carried unanimously.

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

Education Delegations

MOTION: Philip Trapskin moved, seconded by Terry Maves, to delegate authority to the Continuing Education (CE) and Office of Education and Examination Liaison(s) to address all issues related to CE, education and examinations. Motion carried unanimously.

Pilot Program Delegation

MOTION: Philip Trapskin moved, seconded by Terry Maves, to delegate authority to the pilot program Liaison to address all issues related to pilot program matters. Motion carried unanimously.

Rules Committee

MOTION: Philip Trapskin moved, seconded by Terry Maves, to grant the Rules Committee the ability to address all rule making. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATIONS REQUESTS

Pharmacy Society of Wisconsin Legislative Day – March 2, 2017

MOTION: Kristi Sullivan moved, seconded by Terry Maves, to designate Thaddeus Schumacher, Philip Trapskin and Franklin LaDien to attend the Pharmacy Society of Wisconsin Legislative Day on March 2, 2017. Motion carried unanimously.

INFORMATIONAL ITEMS

National Association of Boards of Pharmacy – Multistate Pharmacy Jurisprudence Examination

MOTION: Franklin LaDien moved, seconded by Kristi Sullivan, to authorize the Chair to designate one or two representatives to attend the NABP, Multistate Pharmacy Jurisprudence Examination, Item Development Workshop on March 14-16, 2017 in Northbrook, Illinois. Motion carried unanimously.

CLOSED SESSION

MOTION: Terry Maves moved, seconded by Franklin LaDien, 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.). The Chair read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Grace Degner-yes; Franklin LaDien-yes; Terry Maves-yes; Thaddeus Schumacher-yes; Kristi Sullivan-yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

At this time, all external communication contacts will be terminated for purposes of going into Closed Session.

The Board convened into Closed Session at 3:15 p.m.

RECONVENE TO OPEN SESSION

MOTION: Philip Trapskin moved, seconded by Terry Maves, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:14 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

APPEARANCE: DSPS ATTORNEY SANDY NOWACK, AND ATTORNEY MICHAEL JOHNSON ON BEHALF OF PETITIONER, REVIEW OF ADMINISTRATIVE WARNING WARN00000575/DLSC CASE NO. 15 PHM 035

MOTION: Terry Maves moved, seconded by Philip Trapskin, to table the review of Administrative Warning 15 PHM 035 until the February meeting. Motion carried unanimously.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)
MATTERS**

Administrative Warning

16 PHM 005 (C.P.)

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of DLSC case number 16 PHM 005 (C.P.). Motion carried unanimously.

Attorney Cody Wagner

Administrative Warnings

16 PHM 013 (K.I.B.)

MOTION: Philip Trapskin moved, seconded by Terry Maves, to issue an Administrative Warning in the matter of DLSC case number 16 PHM 013 (K.I.B.). Motion carried unanimously.

16 PHM 134 (R.A.B.)

MOTION: Franklin LaDien moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of DLSC case number 16 PHM 134 (R.A.B.). Motion carried unanimously.

(Thaddeus Schumacher recused himself and left the room for deliberation and voting in the matter concerning R.A.B. DLSC Case No. 16 PHM 134.)

Proposed Stipulations, Final Decisions and Orders

16 PHM 020 – Mark H.Henstein, R.Ph.

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark H. Henstein, R.Ph., DLSC Case No. 16 PHM 020. Motion carried unanimously.

16 PHM 062 – Medaus Pharmacy

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Medaus Pharmacy, DLSC Case No. 16 PHM 062. Motion carried unanimously.

16 PHM 125 – Marla Ahlgrimm, R.Ph.

MOTION: Philip Trapskin moved, seconded by Terry Maves, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings

against Marla Ahlgrimm, R.Ph., DLSC case number 16 PHM 125. Motion carried unanimously.

(Kristi Sullivan recused herself and left the room for deliberation and voting in the matter concerning 16 PHM 125 DLSC Case No. 16 PHM 125.)

Case Closings

16 PHM 134

MOTION: Terry Maves moved, seconded by Franklin LaDien, to close DLSC case number 16 PHM 134, against R.H.P., for Prosecutorial Discretion (P2). Motion carried.

(Thaddeus Schumacher recused himself and left the room for deliberation and voting in the matter concerning DLSC Case No. 16 PHM 134.)

15 PHM 076

MOTION: Philip Trapskin moved, seconded by Terry Maves, to close DLSC case number 15 PHM 076, against M.L.I., for Prosecutorial Discretion (P6). Motion carried unanimously.

16 PHM 013

MOTION: Franklin LaDien moved, seconded by Terry Maves, to close DLSC case number 16 PHM 013, against J.V.W. and A.P.W., for Prosecutorial Discretion (P2). Motion carried unanimously.

16 PHM 098

MOTION: Terry Maves moved, seconded by Franklin LaDien, to close DLSC case number 16 PHM 098, against A.C.P., for No Violation. Motion carried unanimously.

16 PHM 124

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to close DLSC case number 16 PHM 124, against P.R., for **Insufficient Evidence**. Motion carried unanimously.

16 PHM 130

MOTION: Terry Maves moved, seconded by Philip Trapskin, to close DLSC case number 16 PHM 130, against W.H.I./A.R., for **Insufficient Evidence**. Motion carried unanimously.

16 PHM 156

MOTION: Terry Maves moved, seconded by Philip Trapskin, to close DLSC case number 16 PHM 156, against W.I.P., for Prosecutorial Discretion (P2). Motion carried unanimously.

16 PHM 157

MOTION: Terry Maves moved, seconded by Franklin LaDien, to close DLSC case number 16 PHM 157, against O.P., for Prosecutorial Discretion (P2). Motion carried unanimously.

16 PHM 128

MOTION: Franklin LaDien moved, seconded by Terry Maves, to close DLSC case number 16 PHM 128, against S.A. and W.P., for Insufficient Evidence. Motion carried unanimously.

Monitoring

Robin Block – Requesting Reduction in Drug and Alcohol Screens

MOTION: Philip Trapskin moved, seconded by Terry Maves, to grant the request of Robin Block for a reduction in drug and alcohol screens to 28 per year and one annual hair test. Motion carried unanimously.

Erin Orth – Requesting Full Licensure

MOTION: Philip Trapskin moved, seconded by Terry Maves, to grant the request of Erin Orth for full licensure. Motion carried unanimously.

(Kristi Sullivan excused herself from the meeting at 4:13 p.m.)

ADJOURNMENT

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

The meeting adjourned at 4:24 p.m.