Wisconsin Department of Safety and Professional Services Division of Policy Development 4822 Madison Yards Way, 2nd Floor PO Box 8366 Madison WI 53708-8366



Phone: 608-266-2112 Web: http://dsps.wi.gov Email: dsps@wisconsin.gov

Tony Evers, Governor Dawn B. Crim, Secretary

PHARMACY EXAMINING BOARD Room N108, 4822 Madison Yards Way, 1st Floor, Madison Contact: Debra Sybell (608) 266-2112 December 17, 2019

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 of the Board.

AGENDA

8:30 A.M.

OPEN SESSION - CALL TO ORDER - ROLL CALL

- A. Adoption of Agenda (1-4)
- **B.** Approval of Minutes
 - 1) October 23, 2019 (**5-6**)
 - 2) October 28, 2019 (**7-9**)
 - 3) November 15, 2019 (**10**)
- C. Administrative Matters Discussion and Consideration
 - 1) Department, Staff and Board Updates
 - 2) 2020 Meeting Dates (**11**)
 - 3) Board Members Term Expiration Dates
- D. Request to List Multiple Office Locations on Physician Licenses Update from Legal Counsel Discussion and Consideration
- E. Newsletter Planning (12-14)
- F. 8:30 A.M. PUBLIC HEARING: CR 19-145, Relating to the Practice of Pharmacy (15)
 - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- **G.** Informational Items
 - 1) Economic Impact Analysis Process
- H. Discussion and Consideration on Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities

- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Pilot Program Matters
- 13) Liaison Reports
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Pilot Program Matters
- 23) Petitions for Re-Hearing
- 24) Petitions for Assessments
- 25) Petitions to Vacate Orders
- 26) Requests for Disciplinary Proceeding Presentations
- 27) Motions
- 28) Petitions
- 29) Appearances from Requests Received or Renewed
- 30) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

1:00 P.M. 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.).

J. Credentialing Matters

1) Application Reviews

a. Intercept Pharmaceuticals, Inc. (16-54)

K. Deliberation on Division of Legal Services and Compliance Matters

1) Administrative Warnings

- a. 17 PHM 135 G.W.H. (55-56)
- b. 17 PHM 153 P.D.F. (**57-58**)
- c. 17 PHM 172 I.A. (**59-60**)

2) Proposed Stipulations, Final Decisions, and Orders

- a. 16 PHM 201 Kevin Litten, R.Ph. (**61-67**)
- b. 17 PHM 068, 19 PHM 025 and 19 PHM 054, Shawnte L. Robinson, R.Ph. (68-74)
- c. 17 PHM 135 Walgreens #10925 (**75-80**)
- d. 18 PHM 041 Brenda L. Wellner, R.Ph. (**81-86**)

3) Case Closings

- a. 17 PHM 068 A.H.A. and H.P. (87-100)
- b. 17 PHM 153 C.P. (**101-109**)
- c. 18 PHM 025 B.D.K. (**110-112**)
- d. 18 PHM 073 A.W.F., K.C.N. and W. (113-117)
- e. 19 PHM 012 M.W. (118-123)
- f. 19 PHM 061 N.C.P. and N.P. (124-126)

4) Monitoring Matters (127-128)

- a. Robert Stevens, R.Ph. Requesting Reduction in Testing Frequency, Reduction in AA/NA Attendance Frequency, and Additional Unsupervised Practice Hours (129-159)
- b. Robin Block, R. Ph. Requesting Full Licensure (160-193)

L. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Application Reviews
- 4) DLSC Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petitions for Summary Suspensions
- 8) Petitions for Designation of Hearing Examiner
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Proposed Interim Orders
- 11) Administrative Warnings
- 12) Review of Administrative Warnings
- 13) Proposed Final Decisions and Orders
- 14) Matters Relating to Costs/Orders Fixing Costs
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

1:30 P.M. RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- O. Open Session Items Noticed Above Not Completed in the Initial Open Session

P. CR 19-145, Relating to the Practice of Pharmacy (Continued)

1) Review and Respond to Clearinghouse Report and Public Hearing Comments

O. Informational Items

1) Economic Impact Analysis Process

- R. Board Meeting Process (Time Allocation, Agenda Items) Discussion and Consideration
- S. Board Strategic Planning and its Mission, Vision, and Values Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JANUARY 30, 2020

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 4822 Madison Yards Way, 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.

PHARMACY EXAMINING BOARD MEETING MINUTES OCTOBER 23, 2019

PRESENT: Franklin LaDien, Anthony Peterangelo, Philip Trapskin, Shana Weiss, John

Weitekamp, Cathy Winters

STAFF: Debra Sybell, Executive Director; Jameson Whitney, Legal Counsel; Sharon

Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and

other Department staff

CALL TO ORDER

Philip Trapskin, Chairperson, called the meeting to order at 10:21 a.m. A quorum was confirmed with six (6) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

• Under O. Deliberation on Division of Legal Services and Compliance Matters; 3. Monitoring Matters – Change **Bradley** Spross, R.Ph. to **Brad** Spross, R.Ph.

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to adopt the Agenda

as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 25, 2019

Amendments to the Minutes:

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to adopt the Minutes

of September 25, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption of Phar 7 Relating to Pharmacist to Delegate Ratio

MOTION: John Weitekamp moved, seconded by Anthony Peterangelo, to approve

the Adoption Order for Clearinghouse Rule 19-022, relating to Pharmacist

to Delegate Ratio. Motion carried unanimously.

Adoption of Phar 7 Relating to Automated Technology Product Verification Check

MOTION: Cathy Winters moved, seconded by John Weitekamp, to approve the

Adoption Order for Clearinghouse Rule 19-023, relating to Automated Technology Product Verification Check. Motion carried unanimously.

Adoption of Phar 7 Relating to Delegate-Check-Delegate

MOTION: Anthony Peterangelo moved, seconded by Franklin LaDien, to approve

the Adoption Order for Clearinghouse Rule 19-024, relating to Delegate-

Check-Delegate. Motion carried unanimously.

APPEARANCE – SUSAN BRISCHLER TRUJILLO, QUARLES AND BRADY: REQUEST TO LIST MULTIPLE OFFICE LOCATIONS ON PHYSICIAN LICENSES

MOTION: Franklin LaDien moved, seconded by Anthony Peterangelo, to thank

Susan Brischler Trujillo, Quarles and Brady, for her appearance before,

and presentation to, the Board. Motion carried unanimously.

ADJOURNMENT

MOTION: Franklin LaDien moved, seconded by Cathy Winters, to adjourn the

meeting. Motion carried unanimously.

The meeting adjourned at 4:29 p.m.

PHARMACY EXAMINING BOARD MEETING MINUTES OCTOBER 28, 2019

PRESENT: Franklin LaDien, Anthony Peterangelo (arrived at 8:52 a.m.), Philip Trapskin,

John Weitekamp (via Skype), Cathy Winters

EXCUSED: Shana Weiss

STAFF: Debra Sybell, Executive Director; Jameson Whitney, Legal Counsel; Sharon

Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and

other Department staff

CALL TO ORDER

Philip Trapskin, Chairperson, called the meeting to order at 8:34 a.m. A quorum was confirmed with four (4) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

MOTION: Franklin LaDien moved, seconded by Cathy Winters, to adopt the Agenda

as published. Motion carried unanimously.

(Anthony Peterangelo arrived at 8:52 a.m.)

ADMINISTRATIVE RULE MATTERS

Phar 7 Relating to Practice of Pharmacy

MOTION: Anthony Peterangelo moved, seconded by John Weitekamp, to authorize

the Chairperson to approve the preliminary rule draft of Phar 7, relating to Practice of Pharmacy, for posting of economic impact comments and

submission to the Clearinghouse. Motion carried.

CLOSED SESSION

MOTION: Franklin LaDien moved, seconded by Cathy Winters, 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.). Philip Trapskin, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Franklin LaDien-yes; Anthony Peterangelo-yes; Philip Trapskin-yes; John Weitekamp-yes; and Cathy Winters-yes.

Motion carried unanimously.

The Board convened into Closed Session at 4:12 p.m.

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

Stipulations, Final Decisions and Orders

17 PHM 158 – Richard D. Moe, R.Ph.

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to adopt the

Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Richard D. Moe, R.Ph., DLSC Case

Number 17 PHM 158. Motion carried unanimously.

Case Closings

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to close the DLSC

Cases for the reasons outlined below:

1. 17 PHM 172 – W., J.T.K., S.C.F. – Insufficient Evidence

2. 18 PHM 026 – K.G.V. – Insufficient Evidence

3. 18 PHM 056 – W. – Prosecutorial Discretion (P7)

4. 19 PHM 103 – C. – Prosecutorial Discretion (P1)

Motion carried unanimously.

Monitoring Matters

Brad Spross, R.Ph. – Requesting Reduction in Drug Screens and AA/NA Meeting Attendance

MOTION: Franklin LaDien moved, seconded by Cathy Winters, to grant the request

of Brad Spross, R.Ph. for reduction in the frequency of drug screens to 36 per year and AA/NA meeting attendance to one per week. Motion carried.

RECONVENE TO OPEN SESSION

MOTION: John Weitekamp moved, seconded by Cathy Winters, to reconvene into

Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 4:20 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to affirm all

motions made and votes taken in Closed Session. Motion carried

unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Cathy Winters moved, seconded by Anthony Peterangelo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:21 p.m.



PHARMACY EXAMINING BOARD MEETING MINUTES NOVEMBER 15, 2019

PRESENT: Franklin LaDien, Anthony Peterangelo, Philip Trapskin, John Weitekamp, Cathy

Winters

STAFF: Debra Sybell, Executive Director; Jameson Whitney, Legal Counsel; Sharon

Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv; and other Department staff

CALL TO ORDER

Philip Trapskin, Chairperson, called the meeting to order at 12:09 p.m. A quorum was confirmed with five (5) board members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- After item "D. Administrative Rule Matters Discussion and Consideration", **ADD:**
 - E. Consideration of Communication to Licensees Regarding Phar 7 Public Hearing at December 2019 Meeting

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to adopt the Agenda

as amended. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Phar 7 – Economic Impact Analysis

MOTION: Anthony Peterangelo moved, seconded by John Weitekamp, that the

Board disputes the cost estimates of 15 million dollars, or greater, in anticipated costs of implementation and compliance for the proposed draft

of Phar 7 provided by PCMA. Roll Call Vote: Franklin LaDien-no; Anthony Peterangelo-yes; Philip Trapskin-yes; John Weitekamp-yes; and

Cathy Winters-no. Motion carried.

ADJOURNMENT

MOTION: John Weitekamp moved, seconded by Franklin LaDien, to adjourn the

meeting. Motion carried unanimously.

The meeting adjourned at 4:42 p.m.

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Per	rson Submitting the Request	: 2) Date W	2) Date When Request Submitted:				
Kimberly Wood, Program	m Assistant Supervisor-Adv	. 11/27/2019	11/27/2019				
			Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting				
3) Name of Board, Com	mittee, Council, Sections:	<u> </u>					
Pharmacy Examining Bo	oard						
4) Meeting Date:	5) Attachments: 6) How should the item be titled on the agenda page?						
12/17/2019	☐ Yes 2020 Meeting Dates ☐ No		ates				
7) Place Item in: Open Session Closed Session	8) Is an appearance before the Board being scheduled? Yes No						
10) Describe the issue a	and action that should be add	dressed:					
Please review the finaliz	zed 2020 meeting dates. Any	conflicts should be	identified so to ensure quorum. (3 responses pending)				
1/30/2020 3/5/2020 6/4/2020 7/23/2020 9/24/2020 10/22/2020 12/3/2020		Authorization					
11)	,	Authorization					
Kimberly Wood			11/27/19				
Signature of person making this request Date							
Supervisor (if required)			Date				
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date							
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.							

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:							
Kimberly Wood, Program Assistant Supervisor-Adv.	9/13/19	9/13/19						
	Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting							
3) Name of Board, Committee, Council, Sections:	-							
Pharmacy Examining Board								
4) Meeting Date: 5) Attachments: 6) How should the ite	em be titled on the agenda page?							
- 9/25/19 12/17/19	vsletter Planning – Discussion and Consideration							
□ No								
7) Place Item in: 8) Is an appearance before scheduled?	re the Board being	9) Name of Case Advisor(s), if required:						
☐ Closed Session ☐ Yes								
No								
10) Describe the issue and action that should be addressed	:							
Review and discuss the example email newsletter format.								
11) Authorization								
Kimberly Wood		9/13/19						
Signature of person making this request		Date						
Supervisor (if required)		Date						
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date								
Directions for including supporting documents:								
1. This form should be attached to any documents submitted to the agenda.								
 Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a 								
meeting.								

Wood, Kimberly - DSPS

From: Wisconsin Department of Safety and Professional Services <WIDSPS@public.govdelivery.com>

Sent: Friday, August 23, 2019 11:15 AM **To:** Wood, Kimberly - DSPS; Cathy Winters

Subject: Wisconsin Pharmacy Examining Board Update: TEST

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DATE: Month D, YYYY

Wisconsin Pharmacy Examining Board Updates

You are receiving this update as a licensee of the Wisconsin Pharmacy Examining Board.

Important Information Regarding Recent Changes to Administrative Rules

- Effective November 1, 2017, Phar 6 has been updated pursuant to 2017 Wisconsin Act 18:
 - o Phar 6 Pharmacy Licenses and Equipment
 - o 2017 Wisconsin Act 18
- Effective November 1, 2017, Phar 14 has been updated:
 - Phar 14 Home Medical Oxygen Providers
- Effective September 1, 2017, Phar 7.10 has been updated:
 - Phar 7.10 Administration of drug products and devices other than vaccines
- On October 1, 2016 the following Pharmacy Chapters were updated:
 - o Rules:
 - Phar 1
 - Phar 2
 - Phar 4
 - Phar 5
 - Phar 8
 - o Orders
 - Phar 1, 8 Relating to Definitions and Controlled Substances
 - Phar 1, 2 and 4 Relating to Application and Examination
 - Phar 5 Relating to Renewal and Reinstatement

Phar 8 Relating to Identification Card Required for Certain
 Controlled Substances

Department Updates

<u>Click here</u> to subscribe to email updates on a number of topics from the department.

Pending Rule Changes

Keep current with any pending rule changes affecting your profession by visiting the DSPS website to view the <u>Pending Rules</u> listing.

CONTACT US

Email: <u>dsps@wisconsin.gov</u> | **Phone:** (608) 266-2112 | **Office Hours:** 7:45 a.m.- 4:30 p.m.

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State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:			:	2) Date When Request Submitted:					
Sharon Henes Administrative Rules Coordinator				2 December 2019					
					ered late if submitted after 12:00 p.m. on the deadline				
3) Name of Board, Com	mittee Co	ouncil Sections:		date which is 8 busin	ness days before the meeting				
3) Name of Board, Committee, Council, Sections: Pharmacy Examining Board									
4) Meeting Date:		hmonte:	6) How	should the item he ti	tled on the agenda nage?				
,	<u> </u>			How should the item be titled on the agenda page?					
17 December 2019	∐ Ye		Public Hearing on Clearinghouse Rule 19-145 relating practice of pharmacy a. Review and respond to Clearinghouse Report and Public Hearing						
		0	a.	comments					
7) Place Item in:		8) Is an appearance before the B scheduled?		e the Board being	9) Name of Case Advisor(s), if required:				
☐ Closed Session		☐ Yes							
		⊠ No							
10) Describe the issue a	and action	n that should be add	dressed:						
Hold Public Hearing at 8	3:30 a.m.								
Discuss any public hear	ring comr	nents. Review, dis	cuss and	respond to any Clea	rringhouse comments.				
	Ū	·							
11)			Authoriza	ition					
Sharon Hene	S			12/2/19					
Signature of person making this request					Date				
		•							
Supervisor (if required)					 Date				
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date									
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda.									
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.									
					e to the Bureau Assistant prior to the start of a				
meeting.									