

**PHARMACY EXAMINING BOARD
MEETING MINUTES
September 23, 2015**

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

EXCUSED: Charlotte Rasmussen

STAFF: Dan Williams, Executive Director; Kimberly Wood, Bureau Assistant; Sharon Henes, Administrative Rules Coordinator, and other Department staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 11:47 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Move consideration of items D, E, and F to occur before item B and C

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

APPROVAL OF MINUTES OF JULY 22, 2015

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to approve the minutes of July 22, 2015 as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 15-064

Amending Phar 1 and 8, Relating to Controlled Substances

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to accept all Clearinghouse comments for CR 15-064, relating to definitions and controlled substances. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Philip, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule CR 15-064, relating to definitions and controlled substances, for submission to the Governor's Office and Legislature. Motion carried unanimously.

VARIANCES

Reports

University of Wisconsin Hospital and Clinics

MOTION: Cathy Winters moved, seconded by Terry Maves, to approve the Tech-Check-Tech Variance Report submitted by University of Wisconsin Hospital and Clinics. Motion carried.

(Philip Trapskin recused himself and left the room for consideration of the variance report of University of Wisconsin Hospital and Clinics.)

Requests

LTC Rx, Inc.

MOTION: Philip Trapskin moved, seconded by Terry Maves, to approve the Variance Request submitted by LTC Rx. Inc. for a pharmacist to technician ratio of 1:7, not to exceed an average ratio of 1:4, and to maintain operations as a closed door pharmacy, with standard reporting requirements. Motion carried unanimously.

Memorial Medical Center Pharmacy

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to table the Tech-Check-Tech Variance Request submitted by Memorial Medical Center Pharmacy, and to request a representative of Memorial Medical Center Pharmacy to appear at the November 11, 2015 meeting. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Pending Projects

Phar 5, Relating to Renewal and Reinstatement

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to authorize the Chair to approve the preliminary rule draft of Phar 5, relating to renewal and reinstatement, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Update on Controlled Substances Board Rule Projects

CSB 4, Relating to Submission of Data to the Prescription Drug Monitoring Program

MOTION: Philip Trapskin moved, seconded by Terry Maves, to authorize the Chair to draft correspondence on behalf of the Board, to provide public comments on CSB 4.04(p), relating to submission of data to the Prescription Drug Monitoring Program. Motion carried unanimously.

CLOSED SESSION

MOTION: Philip Trapskin 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.). 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; Thaddeus Schumacher-yes; Kristi Sullivan- yes; Philip Trapskin-yes; and Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:40 p.m.

RECONVENE TO OPEN SESSION

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:22 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Terry Maves moved, seconded by Kristi Sullivan, 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

14 PHM 087

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Martin Avenue Pharmacy, DLSC case number 14 PHM 087. Motion carried unanimously.

15 PHM 064

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 Westbury Pharmacy, DLSC case number 15 PHM 064. Motion carried unanimously.

15 PHM 065

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 Rood & Riddle Veterinary Pharmacy, DLSC case number 15 PHM 065. Motion carried unanimously.

15 PHM 102

MOTION: Philip Trapskin moved, seconded by Terry Maves, to accept the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against College Pharmacy, DLSC case number 15 PHM 102. Motion carried unanimously.

Administrative Warnings

14 PHM 012 – F.H.

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of F.H., DLSC case number 14 PHM 012. Motion carried unanimously.

15 PHM 035 – C.H.W. & T.J.L.

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to **table** deliberation of DLSC case number in the matter of C.H.W. and T.J.L., DLSC case number 15 PHM 035. Motion carried unanimously.

Case Closings

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, to close the following cases for the reasons outlined below:

1. 14 PHM 042 (R.L.H.) – No Violation
2. 14 PHM 080 (I.A.) – Prosecutorial Discretion (P2)
3. 14 PHM 092 (S.H.) – Prosecutorial Discretion (P2)
4. 14 PHM 099 (E.P.S.) – Prosecutorial Discretion (P2)
5. 14 PHM 105 (L.C.P.D.) – Prosecutorial Discretion (P2)
6. 14 PHM 113 (T.C.P.) – Prosecutorial Discretion (P2)
7. 14 PHM 119 (H.P.) – Prosecutorial Discretion (P2)
8. 14 PHM 119 (J.P.H.) – Prosecutorial Discretion (P2)
9. 14 PHM 120 (A.M.H.) – Prosecutorial Discretion (P2)
10. 14 PHM 120 (H.W.P.) – Prosecutorial Discretion (P2)
11. 14 PHM 122 (E.A.W.) – Prosecutorial Discretion (P2)
12. 14 PHM 122 (S.S.H.) – Prosecutorial Discretion (P2)
13. 15 PHM 012 (L.C.) – Prosecutorial Discretion (P2)
14. 15 PHM 014 (V.R.D.) – Prosecutorial Discretion (P2)
15. 15 PHM 021 (C.H. 414) – Prosecutorial Discretion (P2)
16. 15 PHM 022 (P.M.) – Prosecutorial Discretion (P2)
17. 15 PHM 023 (E.P.I.) – Prosecutorial Discretion (P2)

18. 15 PHM 024 (W.) – Prosecutorial Discretion (P2)
19. 15 PHM 025 (BCP V.P.) – Prosecutorial Discretion (P2)
20. 15 PHM 026 (M.C.P.S.) – Prosecutorial Discretion (P2)
21. 15 PHM 027 (D.P.) – Prosecutorial Discretion (P2)
22. 15 PHM 028 (C.P.S.) – Prosecutorial Discretion (P2)
23. 15 PHM 031 (W.S.P.) – Prosecutorial Discretion (P2)
24. 15 PHM 032 (S.D.) – Prosecutorial Discretion (P2)
25. 15 PHM 033 (O.P.S.I.) – Prosecutorial Discretion (P2)
26. 15 PHM 034 (P.I.) – Prosecutorial Discretion (P2)
27. 15 PHM 055 (C.H.) – Insufficient Evidence
28. 15 PHM 055 (D.R.N.) – Insufficient Evidence
29. 15 PHM 055 (J.R.J.) – Insufficient Evidence
30. 15 PHM 058 (R.R.V.P.) – Prosecutorial Discretion (P2)
31. 15 PHM 059 (P.) – Prosecutorial Discretion (P2)
32. 15 PHM 060 (C.P.P.) – Prosecutorial Discretion (P2)
33. 15 PHM 061 (M.C.D.) – Prosecutorial Discretion (P2)
34. 15 PHM 071 (A.H.G.I.) – No Violation
35. 15 PHM 072 (A.C.P.) – Prosecutorial Discretion (P2)
36. 15 PHM 073 (D.S.I.) – No Violation
37. 15 PHM 074 (H.M.P.) – No Violation
38. 15 PHM 075 (M.A.P.) – Prosecutorial Discretion (P2)
39. 15 PHM 077 (N.C.M.S.) – No Violation
40. 15 PHM 078 (P.S.P.) – Prosecutorial Discretion (P2)
41. 15 PHM 079 (A.P.) – Prosecutorial Discretion (P2)
42. 15 PHM 080 (R.P.) – Prosecutorial Discretion (P2)
43. 15 PHM 081 (S.D.LLC) – Prosecutorial Discretion (P2)
44. 15 PHM 082 (P.C.) – Prosecutorial Discretion (P2)
45. 15 PHM 083 (T.V.P.) – Prosecutorial Discretion (P2)
46. 15 PHM 098 (A.P.) – No Violation
47. 15 PHM 099 (B.H.I.) – Prosecutorial Discretion (P2)
48. 15 PHM 103 (P.I.) – Prosecutorial Discretion (P2)
49. 15 PHM 116 (A.H.S.) – Prosecutorial Discretion (P2)
50. 15 PHM 117 (DCA P.) – Prosecutorial Discretion (P2)
51. 15 PHM 119 (H.P.) – Prosecutorial Discretion (P2)
52. 15 PHM 121 (B.R.) – Prosecutorial Discretion (P2)
53. 15 PHM 124 (A.P.) – No Violation
54. 15 PHM 135 (V.R.P.) – Prosecutorial Discretion (P2)

Motion carried unanimously.

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to **table** deliberation of DLSC case number 15 PHM 007, against (W.). Motion carried.

(Franklin LaDien recused himself and left the room for the matter concerning 15 PHM 007.)

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, to **table** deliberation of DLSC case numbers 14 PHM 005, against E.S., and 14 PHM 006, against C.C.. Motion carried unanimously.

Monitoring

Scott Vondra, R. Ph. – Requesting Modification

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to deny the request of Scott Vondra, R.Ph. for reduction in the frequency of AA/NA meetings to two (2) times per month. **Reason for Denial:** The Board requires further compliance with the terms of the Board Order (2/13/2013), in terms of missed check-ins and missed tests. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 4:26 p.m.