

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
JULY 21, 2016**

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

**EXCUSED:** Kristi Sullivan

**STAFF:** Dan Williams – Executive Director, Nilajah Hardin – Bureau Assistant, Sharon Henes – Administrative Rules Coordinator, and other Department staff

**CALL TO ORDER**

Thaddeus Schumacher, Chair, called the meeting to order at 8:32 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Item C 2) d. is Updated to Read: “Kristi Sullivan – 7/1/2016 (Reappointed, not yet confirmed)*
- *Remove Item: “D. APPEARANCE: St. Vincent de Paul Charitable Pharmacy Request as to Remote Dispensing Deviation”*
- *Item I 27) l. is Amended to Read: “Pilot Program Report Liaison(s): Philip Trapskin, Cathy Winters”*

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 25, 2016**

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to approve the minutes of May 25, 2016 as published. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**Adoption of Clearinghouse Rule 15-064 Relating to Definitions and Controlled Substances**

**MOTION:** Terry Maves moved, seconded by Cathy Winters, to approve the Adoption Order for Clearinghouse Rule 15-064 relating to Definitions and Controlled Substances. Motion carried unanimously.

**Adoption of Clearinghouse Rule 15-081 Relating to Renewal and Reinstatement**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to approve the Adoption Order for Clearinghouse Rule 15-081 relating to Renewal and Reinstatement. Motion carried unanimously.

**Adoption of Clearinghouse Rule 16-017 Relating to Application and Examination**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to approve the Adoption Order for Clearinghouse Rule 16-017 relating to Application and Examination. Motion carried unanimously.

**Adoption of Clearinghouse Rule 16-018 Relating to ID Required for Controlled Substances (Act 199)**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to approve the Adoption Order for Clearinghouse Rule 16-018 relating to ID required for Controlled Substances (Act 199). Motion carried unanimously.

**Phar 6 Relating to Temperature and Humidity Controls**

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to authorize the Chair to approve the preliminary rule draft of Phar 6 relating to Temperature and Humidity Controls for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Phar 7.10 Relating to Administration of Drug Products (Act 290)**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to authorize the Chair to review the draft of course of study requirements for Phar 7.10 for consultation with the Board of Nursing and the Medical Examining Board. Motion carried unanimously.

**Phar 15 Relating to Compounding**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to authorize the Chair to approve the preliminary rule draft of Phar 15 relating to Compounding for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**PILOT PROGRAMS**

**Institution Tech-Check-Tech**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to find the Institution Tech-Check-Tech Pilot Program is related to the practice of pharmacy or prescription verification, and the program will improve the safety, quality, or efficiency of the practice of pharmacy in Wisconsin. The Board authorizes the Institution Tech-Check-Tech Pilot Program, and approves waiver(s) from the following rules, promulgated by the Board in connection with the Institution Tech-Check-Tech Pilot Program: Wis. Admin. Code §§ Phar 7.01(1)(c), Phar 7.01(1)(d), Phar 7.015(3)(a), and Phar 7.015(4). The Institution Tech-Check-Tech Pilot Program will begin on October 1, 2016 and end on September 30, 2019, or the promulgation of rules, whichever is sooner. Motion carried unanimously.

**Pharmacy Technician Ratio**

**MOTION:** Franklin LaDien moved, seconded by Philip Trapskin, to find the Pharmacy Technician Ratio Pilot Program is related to the practice of pharmacy or prescription verification, and the program will improve the safety, quality, or efficiency of the practice of pharmacy in Wisconsin. The Board authorizes the Pharmacy Technician Ratio Pilot Program, and approves waiver(s) from the following rules, promulgated by the Board in connection with the Pharmacy Technician Ratio Pilot Program: Wis. Admin. Code § Phar 7.01(3). The Pharmacy Technician Ratio Pilot Program will begin on October 1, 2016 and end on September 30, 2019, or the promulgation of rules, whichever is sooner. Motion carried unanimously.

**Automated Technology Final Check**

**MOTION:** Cathy Winters moved, seconded by Terry Maves, to find the Automated Technology Final Check Pilot Program is related to the practice of pharmacy or prescription verification, and the program will improve the safety, quality, or efficiency of the practice of pharmacy in Wisconsin. The Board authorizes the Automated Technology Final Check Pilot Program, and approves waiver(s) from the following rules, promulgated by the Board in connection with the Automated Technology Final Check Pilot Program: Wis. Admin. Code §§ Phar 7.01(1)(c) and Phar 7.01(1)(d). The Automated Technology Final Check Pilot Program will begin on October 1, 2016 and end on September 30, 2019, or the promulgation of rules, whichever is sooner. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)****2016 Pharmacy Society of Wisconsin (PSW) Annual Meeting – August 26, 2016**

**MOTION:** Franklin LaDien moved, seconded by Terry Maves, to designate Philip Trapskin to speak on the Board's behalf at the Pharmacy Society of Wisconsin (PSW) Annual Meeting on August 26, 2016 in Wisconsin Dells, WI. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Franklin LaDien 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: Franklin LaDien –yes; Terry Maves-yes; Thaddeus Schumacher-yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:25 p.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Franklin LaDien moved, seconded by Terry Maves, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:51 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Cathy Winters moved, seconded by Terry Maves, to affirm all motions made in closed session. Motion carried unanimously.

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

**Monitoring**

*Dirk Larson, R.Ph. – Requesting Reduction in Drug and Alcohol Screens*

**MOTION:** Franklin LaDien moved, seconded by Terry Maves, to grant the request of Dirk Larson, R. Ph. for a reduction in drug and alcohol screens to 15 and one annual hair test while the respondent is not working as a Pharmacist. The Board delegates the decision to increase drug, alcohol, and hair testing once the respondent obtains employment as a Pharmacist to the Monitoring Liaison. Motion carried unanimously.

**Administrative Warning(s)**

**MOTION:** Philip Trapskin moved, seconded by Cathy Winters, to issue an Administrative Warning following matters:

1. 15 PHM 007 (R.S.)
2. 15 PHM 162 (R.W.K.)

Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders**

*14 PHM 128 – Walgreens # 04533*

**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 Walgreens # 04533, DLSC case number 14 PHM 128. Motion carried. Recused: Franklin LaDien

*(Franklin LaDien recused himself and left the room for deliberation, and voting in the matter concerning 14 PHM 128 (Walgreens # 04533).)*

***15 PHM 004 – S.V.H.***

**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 Steven V. Henningfield, R.Ph., DLSC case number 15 PHM 004. Motion carried unanimously.

**Case Closings**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to close the DLSC cases for the reasons outlined below:

1. 15 PHM 001 (M.M.H.) – Insufficient Evidence
2. 15 PHM 007 (Walgreens #02927) – No Violation
3. 15 PHM 162 (S.D., Inc.) – Prosecutorial Discretion (P2)
4. 15 PHM 176 (S.D.C.) – No Violation
5. 15 PHM 195 (P.R.C.) – Prosecutorial Discretion (P5)
6. 16 PHM 038 (P.E.M. and O.O.M.) - Prosecutorial Discretion (P2)
7. 16 PHM 041 (W.C.P. d/b/a D.D.) - Prosecutorial Discretion (P2)
8. 16 PHM 057 (A.P.) - Prosecutorial Discretion (P2)
9. 16 PHM 058 (D.D.) - No Violation
10. 16 PHM 059 (B.H.I.) - Prosecutorial Discretion (P2)
11. 16 PHM 064 (H.O.A.) - No Violation
12. 16 PHM 067 (S.L.H.P.) - Prosecutorial Discretion (P2)
13. 16 PHM 071 (M.C. and Walgreens #09740) – No Violation
14. 16 PHM 077 (O.S.R.) - Prosecutorial Discretion (P2)

Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Terry Maves moved, seconded by Cathy Winters, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:54 p.m.