

**PHARMACY EXAMINING BOARD
MEETING MINUTES
APRIL 15, 2013**

PRESENT: Charlotte Rasmussen, Thaddeus Schumacher, Jeanne Severson, Jason Walker-Crawford, and Rocky LaDien (entered via teleconference at 1:09 p.m.)

EXCUSED: Greg Weber

STAFF: Dan Williams, Executive Director; Matthew Niehaus, Bureau Assistant; and other Department Staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 9:08 a.m. A quorum of four (4) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item "I" (open session) **ADD** the agenda item titled "I.8 Phillip M. Moist, R.Ph. – 12 PHM 037"
- Item "E.3.c" (open session) **ADD** the agenda item titled "E.3.c.2 Froedert Health – St. Joseph's"
- Item "S" (closed session) **ADD** the agenda item titled "S.8 Phillip M. Moist, R.Ph. – 12 PHM 037"
- Item "G" (open session) **REMOVE** the agenda item titled "G Speaking Engagement Report by Rocky LaDien"
- Item "H" (open session) **REMOVE** the agenda item titled "H Speaking Engagement Report by Thaddeus Schumahcer"

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 13, 2013

Amendments to the Minutes

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the minutes of February 13, 2013 as published. Motion carried unanimously.

**PUBLIC HEARING ON ADMINISTRATIVE RULE PHAR 7.01(1)(E) RELATING TO
PRESCRIPTION DELIVERY**

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the proposed changes from Clearinghouse. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to designate the Chair as the Board's representative to review and approve the legislative draft regarding Phar 7.01(1)(e). Motion carried unanimously.

VARIANCE REPORTS

Delivery

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to accept the delivery variance report of Dean Clinic Pharmacy – Fish Hatchery Road, Embrace Pharmacy, Mallatts – Abilities, Mallatts – CLC, Mallatts – Creatability, Mallatts – Dungarvin, Mallatts – Green County, Mallatts – Kingsley Way, Mallatts – Options, Mallatts – PACT, Optum – Overland, and Optum - Carlsbad. Motion carried unanimously.

Aurora – Sheboygan – Delivery

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to reject the delivery variance report of Aurora – Sheboygan. The Board requests that the report be resubmitted that the form be completed, in particular the number of prescriptions that were not picked up, returned, and destroyed. Motion carried unanimously.

Roeschen's Omnicare Pharmacy – Robotic Dispensing

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the robotic dispensing variance report of Roeschen's Omnicare Pharmacy. Motion carried unanimously.

Tech-Check-Tech

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to accept the Tech-Check-Tech variance report of Amery, Aurora – BayCare, Aurora – Burlington, Aurora – Grafton, Aurora – Lakeland, Aurora – Manitowoc, Aurora – Oshkosh, Aurora – Sheboygan, Aurora – St. Luke's, Aurora – Summit, Aurora – Washington County, and Roeschen's Omnicare Pharmacy. Motion carried unanimously.

VARIANCE REQUESTS

Allergychoices Pharmacy - Delivery

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the Delivery variance request of Allergychoices Pharmacy with standard reporting, as amended that counseling is provided rather than offered. Motion carried unanimously.

Genoa Healthcare – Delivery

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the Delivery variance request of Genoa Healthcare with standard reporting. Motion carried unanimously.

MedPak Pharmacy – Technician-to-Pharmacist Ratio

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to reject the Technician-to-Pharmacist Ratio variance request of MedPak Pharmacy and requests that MedPak Pharmacy resubmit the request with documentation showing that they are a closed door pharmacy. Motion carried unanimously.

Gundersen Lutheran Medical Center – Tech-Check-Tech Ratio

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the Tech-Check-Tech Ratio variance request of Gundersen Lutheran Medical Center with standard reporting. Motion carried unanimously.

Froedtert Health – St. Joseph’s Hospital – Tech-Check-Tech Ratio

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to approve the Tech-Check-Tech Ratio variance request of Froedtert Health – St. Joseph’s Hospital with standard reporting. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to table discussion on Phar 7 & 8 relating to electronic prescriptions and Phar 7.04(1)(e) relating to returning healthcare items until the next meeting of the Pharmacy Examining Board, pending additional investigation. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, that the Pharmacy Examining Board will not consider amendments to Phar 7.09(1)(b) due to pending rule changes. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, that DSPS staff draft a Scope statement revising and updating Phar 7 relating to pharmacy practice. Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, that the Board accepts the draft language for updates to Chapter 450 and related statutes. Motion carried unanimously.

POSITION STATEMENTS

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to accept the position statements discussed at the April 15, 2013 meeting as amended. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM UPDATE

MOTION: Charlotte Rasmussen moved, seconded by Jason Walker-Crawford, to approve the permanent Scope Statement on Phar 18 and designate the Chair as the Board's representative to approve the Scope for implementation after publication. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to request DSPS staff draft a Scope Statement relating to revisions and updates to Phar 18. Motion carried unanimously.

ACPE SURVEY

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to designate Jason Walker-Crawford as the Board's representative to complete the ACPE Survey. Motion carried unanimously.

CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Jeanne Severson-yes; and Jason Walker-Crawford-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:21 p.m.

Rocky LaDien entered the meeting via teleconference at 1:09 p.m.

MONITORING

Thomas W. Gabriel, R.Ph. – Requesting Reduction in Drug and Alcohol Screens

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to grant the request for modification of order in the matter of Thomas W. Gabriel, R.Ph. The modification is as follows: Reduction in the frequency of drug screens to no less than twenty-eight (28) per year with one (1) annual hair test. Motion carried unanimously.

Jeremy Van Buren, R.Ph. – Requesting Full Licensure

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to grant the request of Jeremy Van Buren, R.Ph. for full licensure. Motion carried.

Jason Walker-Crawford recused himself from discussion and voting in the matter of Jeremy Van Buren, R.Ph.

APPLICATION REVIEW

Paula Napier, R.Ph.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to approve the request for reinstatement, subject to completion of the MPJE with a passing score and meeting all other application requirements for licensure in the matter of Paula Napier, R.Ph. Motion carried unanimously.

CASE CLOSINGS

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to close case #12 PHM 038 for No Violation (NV). Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to close case #12 PHM 043 for No Violation (NV). Motion carried unanimously.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to close case #12 PHM 072 against Pick & Save Pharmacy (#42-8500) for No Violation (NV). Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to close case #13 PHM 002 for Insufficient Evidence (IE). Motion carried unanimously.

DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS

Dalton L. Holmen, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Dalton L. Holmen, R.Ph., Respondent – DLSC Case # 11 PHM 064. Motion carried unanimously.

Jeffrey A. Swanson, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R.Ph., Respondent – DLSC Case # 11 PHM 065. Motion carried unanimously.

John R. Lemberger, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against John R. Lemberger, R.Ph., Respondent – DLSC Case # 11 PHM 065. Motion carried unanimously.

Laabs, Inc.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Laabs, Inc., Respondent – DLSC Case # 11 PHM 065. Motion carried unanimously.

Christopher J. Schultz, R.Ph.

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Christopher J. Schultz, R.Ph., Respondent – DLSC Case # 12 PHM 062. Motion carried unanimously.

David M. Boman, R.Ph.

MOTION: Jason Walker-Crawford moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against David M. Boman, R.Ph., Respondent – DLSC Case # 12 PHM 068. Motion carried unanimously.

Christo B. Vermeulen, R.Ph.

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Christo B. Vermeulen, R.Ph., Respondent – DLSC Case # 12 PHM 072. Motion carried unanimously.

Phillip M. Moist, R.Ph.

MOTION: Jeanne Severson moved, seconded by Rocky LaDien, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Phillip M. Moist, R.Ph., Respondent – DLSC Case # 12 PHM 037. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 1:33 p.m.

ADJOURNMENT

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:45 p.m.