

**PHARMACY EXAMINING BOARD
MEETING MINUTES
JANUARY 12, 2016**

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

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 11:07 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- *Under J. 2) Proposed Stipulations, Final Decisions and Orders: Items “ a.14 PHM 056 (M.L.T.C.)” and “b.14 PHM 056 (T.J.P.)”note that the updated case advisor is now Philip Trapskin*

MOTION: Terry Maves moved, seconded by Cathy Winters, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 18, 2015

MOTION: Terry Maves moved, seconded by Cathy Winters, to approve the minutes of November 18, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Election of Officers

Slate of Officers

NOMINATION: Terry Maves nominated the 2015 slate of officers to continue in 2016.

Dan Williams called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2015 Slate of Officers was reelected to continue in 2016.

2016 ELECTION RESULTS	
Board Chair	Thaddeus Schumacher
Vice Chair	Franklin LaDien
Secretary	Philip Trapskin

Appointment of Liaisons

2016 LIAISON APPOINTMENTS	
Continuing Education (CE) and Office of Education and Examinations Liaison	Terry Maves
Credentialing Liaison(s)	Terry Maves, Cathy Winters
Digest Liaison	Philip Trapskin
Legislative Liaison(s)	Philip Trapskin, Thaddeus Schumacher, Terry Maves
DLSC Liaison(s)	Thaddeus Schumacher, Cathy Winters
Professional Assistance Procedure (PAP) Liaison(s)	Franklin LaDien
Monitoring Liaison(s)	Franklin LaDien, Cathy Winters
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)	Franklin LaDien
Variance Report Liaison(s)	Philip Trapskin, Cathy Winters
PHARM Rep to SCAODA	Kristi Sullivan

2016 SCREENING PANEL APPOINTMENTS	
January - December 2016	Cathy Winters, Kristi Sullivan, Philip Trapskin

2016 COMMITTEE MEMBER APPOINTMENTS	
Pharmacy Rules Committee	Thaddeus Schumacher, Franklin LaDien, Philip Trapskin, Kristi Sullivan

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, to affirm the Chair's appointment of liaisons for 2016. Motion carried unanimously.

Delegation of Authority***Delegated Authority for Urgent Matters***

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, 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: Kristi Sullivan 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: Cathy Winters moved, seconded by Franklin LaDien, 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: Terry Maves moved, seconded by Kristi Sullivan, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters. Motion carried unanimously.

MOTION: Cathy Winters moved, seconded by Kristi Sullivan, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegation

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

Education Delegations

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, 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.

Variance Report Delegation

MOTION: Terry Maves moved, seconded by Cathy Winters, to delegate authority to the Variance Report Liaison(s) to address all issues related to variance report matters. Motion carried unanimously.

Rules Committee

MOTION: Kristi Sullivan moved, seconded by Cathy Winters, to grant the Rules Committee the ability to address all rule making language. Motion carried unanimously.

CLOSED SESSION

MOTION: Franklin LaDien moved, seconded by Philip Trapskin, 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; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:47 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 2:41 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**Administrative Warning(s)*****15 PHM 007 – R.S.***

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to table the Administrative Warning in the matter of 15 PHM 007 (R.S.). Motion carried. Abstained: Franklin LaDien

Proposed Stipulation(s), Final Decision(s) and Order(s)***14 PHM 055 – D.A.O***

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David A. Obermeyer, R.Ph., DLSC case number 14 PHM 055. Motion carried. Recused: Franklin LaDien

(Franklin LaDien recused himself and left the room for deliberation, and voting in the matter concerning David A. Obermeyer, R.Ph., DLSC case number 14 PHM 055.)

14 PHM 056 – M.L.T.C.

MOTION: Cathy Winters moved, seconded by Philip Trapskin, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Morton, LTC., DLSC case number 14 PHM 056. Motion carried. Recused: Terry Maves

(Terry Maves recused himself and left the room for deliberation, and voting in the matter concerning Morton, LTC., DLSC case number 14 PHM 056.)

14 PHM 056 – T.J.P.

MOTION: Cathy Winters moved, seconded by Philip Trapskin, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Timothy J. Price, R.Ph., DLSC case number 14 PHM 056. Motion carried. Recused: Terry Maves

(Terry Maves recused himself and left the room for deliberation, and voting in the matter concerning Timothy J. Price, R.Ph., DLSC case number 14 PHM 056.)

14 PHM 078 – S.H.

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 Stephen Herbst, R.Ph., DLSC case number 14 PHM 078. Motion carried. Recused: Thaddeus Schumacher

(Thaddeus Schumacher recused himself and left the room for deliberation, and voting in the matter concerning Stephen Herbst, R.Ph., DLSC case number 14 PHM 078.)

14 PHM 109 – M.P.P.

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Medical Park Pharmacy, DLSC case number 14 PHM 109. Motion carried unanimously.

14 PHM 144 – T.C.W.

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas C. Wilke, R.Ph., DLSC case number 14 PHM 144. Motion carried. Abstained: Terry Maves

15 PHM 170 – D.L.

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 Downing Labs, LLC., R.Ph., DLSC case number 15 PHM 170. Motion carried unanimously.

Case Closings

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to close the DLSC cases for the reasons outlined below:

1. 14 PHM 145 (A.I.S.) - Prosecutorial Discretion (P2)
2. 15 PHM 108 (H.P.) - Prosecutorial Discretion (P2)
3. 15 PHM 108 (T.H.E.) - Prosecutorial Discretion (P2)
4. 15 PHM 109 (P.D.W.) - Prosecutorial Discretion (P2)
5. 15 PHM 109 (T.M.S.) - Prosecutorial Discretion (P2)
6. 15 PHM 110 (A.K.S.) - Prosecutorial Discretion (P2)
7. 15 PHM 110 (M.P.I.) - Prosecutorial Discretion (P2)
8. 15 PHM 111 (B.E.N.) - Prosecutorial Discretion (P2)
9. 15 PHM 111 (R.C.P.I.) - Prosecutorial Discretion (P2)
10. 15 PHM 112 (N.L.S.) - Prosecutorial Discretion (P2)
11. 15 PHM 112 (S.P.) - Prosecutorial Discretion (P2)
12. 15 PHM 158 (L.S.C.P.) - Prosecutorial Discretion (P2)
13. 15 PHM 159 (P.L.) - Prosecutorial Discretion (P2)
14. 15 PHM 164 (M.C.P.) - Prosecutorial Discretion (P2)
15. 15 PHM 165 (W.H.P.) - Prosecutorial Discretion (P2)
16. 15 PHM 171 (T.P.) - Prosecutorial Discretion (P2)
17. 15 PHM 174 (D.M.P.) – No Violation
18. 15 PHM 177 (M.P.) - Prosecutorial Discretion (P2)
19. 15 PHM 179 (T.P.) - Prosecutorial Discretion (P2)
20. 15 PHM 190 (A.C.P.) - Prosecutorial Discretion (P2)
21. 15 PHM 194 (O.R.) - Prosecutorial Discretion (P2)
22. 15 PHM 196 (I.A.) - Prosecutorial Discretion (P2)

Motion carried unanimously.

12 PHM 035

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to close DLSC case number 12 PHM 035, against M.S, for Prosecutorial Discretion (P7). Motion carried unanimously.

14 PHM 078

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to close DLSC case number 14 PHM 078, against M.P, for Prosecutorial Discretion (P2). Motion carried. Recused: Thaddeus Schumacher

(Thaddeus Schumacher recused himself and left the room for deliberation, and voting in the matter concerning M.P., DLSC case number 14 PHM 078.)

14 PHM 078

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to close DLSC case number 14 PHM 078, against P.V., for Prosecutorial Discretion (P2). Motion carried. Recused: Thaddeus Schumacher

(Thaddeus Schumacher recused himself and left the room for deliberation, and voting in the matter concerning P.V, DLSC case number 14 PHM 078.)

15 PHM 007

MOTION: Philip Trapskin moved, seconded by Terry Maves, to table DLSC case number 15 PHM 007, against Walgreens #02927. Motion carried. Abstained: Franklin LaDien

Monitoring***Jay Bubrick, R. Ph. – Request to Surrender License***

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to grant the request of Jay Bubrick, R.Ph. for the surrender of his Pharmacist License. Motion carried unanimously.

ORDER(S) FIXING COSTS**Marvin Moore, R.Ph., Respondent (ORDER00004402)(DHA Case # SPS-15-0026)(DLSC Case # 12 PHM 035)**

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Marvin Moore, R.Ph., Respondent (ORDER00004402)(DHA Case # SPS-15-0026)(DLSC Case # 12 PHM 035). Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:58 p.m.