

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
MAY 30, 2012**

- Present:** Greg Weber, Jeanne Severson, Thad Schumacher, Tim Boehmer, Charlotte Rasmussen and Jason Walker-Crawford
- Staff:** Dan Williams, Executive Director; Lydia Thompson, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff
- Guests:** Teresa Geier, Meghann Lue, Andy Pulvermacher, Jamie Statz-Paynter, Erin Mahoney, Jim Budde, Angela Podevels, Brian McIlhorne, Eric Knox, Emily Zimmerman, Ashley Weber, Beth Wilmunen, Gina Besteman, John M. Flint, Jr., Tom Engels, Brenda Wiechman, Dan McCoy, Jess Jacobs, Rich Mueller, Julie Korb, Andy Christenson, Robert Stene, Jeremy Levin, James Semrad, Michelle Mitchell, Erica Wagner, Mike Ochowski, Judith Warmuth, Robert Phillips, Jo Preston, Karen Lacke Carrig, and Carol M. Brown

Greg Weber, Board Chair, called the meeting to order at 9:04 a.m. A quorum of 6 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Add Items
  - G.3.b. – Credentialing Liaison and Delegation of Authority
  - G.7.b. – Report – NABP 108<sup>th</sup> Annual Meeting, 5/19-22/12
    - Bylaws
    - Resolutions
  - H.1. – Informational Item – Surescripts Update on Industry Progress in Implementing Electronic Prescribing of Controlled Substances
  - E.2. and K.2. – Stipulation and Order
    - 11 PHM 078 – Conrad A. Charles, R.Ph.
      - Attorney Jim Polewski
      - Case Advisor: Greg Weber

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**Corrections**

- Remove strikeouts on pages 6 and 9 of the agenda packet

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the minutes of April 4, 2012, as corrected. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS  
BY THE DIVISION OF ENFORCEMENT**

Staff from the Division of Enforcement provided presentations related to the following Stipulations, Final Decisions and Orders:

1. 10 PHM 021 – Melvin L. Williams
2. 11 PHM 078 – Conrad A. Charles

## VARIANCES

### Continued Reporting Requirements

The Board discussed the current reporting requirements. This item will be addressed at a future meeting. It was noted that the Department is compiling historical variance information and will be reporting to the Board at a future meeting.

### Reporting Forms

#### a. Delivery Variance Form

Changes will be made to the form before submission for final approval.

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to amend the delivery variance report to include reporting dates with check boxes, change the report due dates to January 31 and July 31 and to remove the three questions that were added. Motion carried unanimously.

#### b. Tech-Check-Tech Form

Changes will be made to the form before submission for final approval.

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to modify the delivery variance report to include reporting dates with check boxes and change the report due dates to January 31 and July 31. Motion carried unanimously.

**MOTION:** Tim Boehmer moved, seconded by Thad Schumacher, to authorize the Board chair to review the form for changes prior to posting to the web-site. Motion carried unanimously.

#### c. Reports

##### 1. Mercy Health

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to reject the report and request that they resubmit the report to include July 1-Dec 31, 2011, require the report to include total number of doses filled and total number of doses checked. Motion carried unanimously.

##### 2. OptumRx (Formerly known as Prescription Solutions)

**MOTION:** Jason Walker-Crawford moved, seconded Thad Schumacher, to accept the report submitted by Prescription Solutions as OptumRx. Motion carried unanimously.

#### d. Requests

##### 1. Delivery

##### i. Community Care, Inc.

The Board noted that the technicians can serve as delivery agents.

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to deny the delivery variance amendment submitted by Community Care, Inc. since the technicians can serve as internal delivery agents. Motion carried unanimously.

##### ii. Genoa Healthcare of WI

Andy Christianson addressed the Board. The Board noted that a consult is required with either the patient or the caregiver/nursing staff that would be

administering the medication to the patient. Andy Christianson withdrew the variance request.

**MOTION:** Thad Schumacher moved, seconded by Charlotte Rasmussen, to accept the withdrawal of the variance request of Genoa Healthcare and ask them to resubmit the request including a detailed procedure outlining the consultation and who is delivering the medication to the patients. Motion carried unanimously.

**iii. Mallatt Pharmacy**

**MOTION:** Jason Walker-Crawford moved, seconded by Thad Schumacher, to approve the variance request as submitted by Mallatt Home Care Pharmacy to Green County Community Service Program Office with standard reporting requirements. Motion carried unanimously.

**iv. UW Health Pharmacy Services (12 locations)**

**MOTION:** Tim Boehmer moved, seconded by Jeanne Severson, to approve the variance request received from UW Health Pharmacy Services including the standard reporting requirements. Motion carried. Jason Walker-Crawford recused himself from the deliberation and vote.

**v. UW Health Pharmacy Services (3 locations)**

Andy Pulvermacher withdrew the variance request.

**MOTION:** Jeanne Severson moved, seconded by Tim Boehmer, to accept the withdrawal of the delivery variance request received from UW Health Pharmacy Services (three locations) to be resubmitted at a later date with additional information on how they secure medication not delivered, how they will deal with delayed discharge and removal of the east campus location to open December 2014. Motion carried. Jason Walker-Crawford recused himself from the deliberation and vote.

**vi. Wheaton Franciscan Pharmacy**

**MOTION:** Jeanne Severson moved, seconded by Tim Boehmer, to deny the Wheaton Franciscan Pharmacy variance request based upon insufficient information relative to the disposal of unused and returned medications. Motion carried unanimously.

**2. Security**

**i. St. Mary's Hospital, Madison**

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to grant the variance request received from St. Mary's Hospital. Motion carried unanimously.

**3. Tech Ratio**

**i. Aurora #1119**

**MOTION:** Jeanne Severson moved, seconded by Thad Schumacher, to grant the variance request submitted by Aurora #1119 including standard reporting requirements. Motion carried. Greg Weber abstained from discussion and voting.

## BOARD DISCUSSION

### 1. CREDENTIALING MATTERS

#### a. Remote Dispensing Sites

This report was noted. The Board asked for this report to be submitted for review annually at the May Board meeting.

#### b. Credentialing Liaison and Delegation of Authority

Dan Williams explained the request received from the Department to allow the credentialing liaison to address credentialing issues relative to military personnel pursuant to 2011 Act 120. It was noted that the current delegation of authority addresses this issue under item 1(a).

### 2. PRACTICE QUESTION MATTERS

#### a. Automated Dispensing

Karen Lacke Carrig, and Carol M. Brown from Rainbow Hospice and John M. Flint Jr. of Mallatt Pharmacy addressed the Board. The Board discussed the options and chose to remain silent on this matter per the Board's practice question policy.

### 3. LEGISLATION/ADMINISTRATIVE RULE MATTERS

#### a. PDMP Update

Chad Zadrazil highlighted the documents that he had submitted. He explained the changes recommended by the SBRRB (Small Business Regulatory Review Board). He also explained the rule changes that have been incorporated as a result of recommendations submitted by the SBRRB.

**MOTION:** Charlotte Rasmussen moved, seconded by Thad Schumacher, to accept the modifications to the PDMP rule as proposed by the Assembly Committee on Health. Motion carried unanimously.

Mr. Zadrazil provided the Board with an update relative to the RFP process. He also told the Board that a training grant has been awarded to the Board. He provided the Board with information related to the ASAP requirements.

**MOTION:** Tim Boehmer moved, seconded by Jeanne Severson, to accept a version and release 4.1 or higher of American Society of Automation in Pharmacy implementation guide for prescription monitoring program. Motion carried unanimously.

Tim Boehmer withdrew his motion.

**MOTION:** Tim Boehmer moved, seconded by Charlotte Rasmussen, to appoint Jeanne Severson as the Board's PDMP Liaison with Jason Walker-Crawford as the alternate to work with Chad Zadrazil and the chosen PDMP vendor during the development, testing, deployment and operation of the PDMP and training tutorials. Motion carried unanimously.

#### b. Review and Discuss Current and Future Rule Making Initiatives

Greg Weber noted that there were no changes to this document. He will be presenting this information to the PSW workgroup for input.

#### c. Review Revised Scope Statement to Modify PHAR 15 to Reflect Changes Necessary to be USP 795 and USP 797 Compliant

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to accept the scope statement as amended. Motion carried.

#### 4. LIAISON/COMMITTEE REPORTS

- a. Legislative Liaison  
Jason Walker-Crawford noted that the budget bill vetoes are being reviewed in the Assembly.
- b. Credentialing Liaison  
Tim Boehmer indicated that he has been receiving many requests for wholesale distributors. He is looking for guidance for the applications that are not Board of Pharmacy or VAWD (Verified-Accredited Wholesale Distributors) reviewed and approved.
- c. Division of Enforcement Liaison  
Thad Schumacher reported that the Wisconsin State Journal had an article explaining the process by which the Department will streamline the complaint process. Dan Williams indicated that the Department has added 4 additional criteria by which the Department could close before the screening panel reviewed the case. This policy is under review by the Department. The Board can expect a presentation by DOE at a future meeting.
- d. PSW Pharmacy Practice Review Liaison  
Thad Schumacher indicated that this will be the first meeting of all three committees. They will learn about the process by which the rules and statutes are changed. Greg Weber will be presenting the information relative to the Board's current and future rule making initiatives.

**MOTION:** Tim Boehmer moved, seconded by Jeanne Severson, to designate Greg Weber as the Board's representative at the June 7, 2012, PSW Pharmacy Practice Review meeting to present Board's current rule making and legislative initiatives. Motion carried unanimously.

- e. MPJE Item-Writing Workshop Liaison  
Thad Schumacher attended the workshop. He indicated that we can keep the current questions, send a liaison to revise the pool with the questions that were recently drafted, or the Board could remotely review the questions.
- f. PSW Task Force for Advancing Pharmacy Technician Practice  
Greg Weber indicated that the Board has been invited to participate in this process.

**MOTION:** Thad Schumacher moved, seconded by Jeanne Severson, to designate Charlotte Rasmussen as the delegate to the PSW Task Force for Advancing Pharmacy Technician Practice and to authorize two of three of the following members to attend future meetings of the taskforce as schedules permit Thad Schumacher, Jeanne Severson and Jason Walker-Crawford. Motion carried unanimously.

#### 5. SPEAKING ENGAGEMENT, TRAVEL, PUBLIC RELATIONS REQUESTS

- a. Thad Schumacher reported on his presentation to the UW-Madison SOP on April 18, 2012.

**MOTION:** Charlotte Rasmussen moved, seconded by Tim Boehmer, to post to the presentation to DPH-4 students on the web-site. Motion carried unanimously.

- b. Jason Walker-Crawford reported that the NABP Annual business meeting was very informative. He indicated that he was slightly concerned about a bylaw change to strike the 1500 hours. He told the Board that there was a discussion relative to discount drug cards being used for controlled substances. He explained the assessment tool that is being developed. Josh Bolin from NABP would like to appear at a Board meeting to explain the tools that NABP has available to the Board.

## INFORMATIONAL ITEMS

The Board reviewed the information received from Surescripts related to an update on Industry Progress in Implementing Electronic Prescribing for Controlled Substances. Lydia Thompson described the consumer protection settlement between the Department of Justice and Abbott Laboratories. She also indicated that there is also a settlement in a public assistance health care fraud case. Both settlements will result in Wisconsin receiving a cash settlement.

### CLOSED SESSION

**MOTION:** Greg Weber moved, seconded by Jason Walker-Crawford, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. 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.). Roll Call Vote: Greg Weber - yes; Jason Walker-Crawford - yes; Charlotte Rasmussen - yes; Thad Schumacher - yes; Jeanne Severson - yes; and Tim Boehmer - yes. Motion carried unanimously. Open session recessed at 2:14 p.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to reconvene in open session at 4:03 p.m. Motion carried unanimously.

### VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

#### PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 PHM 021 – Melvin L. Williams. Motion carried unanimously.

**MOTION:** Tim Boehmer moved, seconded by Thad Schumacher, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 11 PHM 078 – Conrad A. Charles. Motion carried unanimously.

#### CONSULTING WITH LEGAL COUNSEL

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to reopen case 08 PHM 002 to correct factual errors in the Final Decision and Order. Motion carried unanimously.

### CASE CLOSINGS

Action on 10 PHM 062 was tabled to the next meeting.

### MONITORING

**MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to direct Department staff to draft a letter to Michael Vande Zande informing him that the Board refused to act on the application as it is incomplete and further request that the applicant comply to the terms of the letter dated October 11, 2011. Motion carried unanimously.

**MOTION:** Jeanne Severson moved, seconded by Thad Schumacher, to reduce the drug screens to 36 times per year plus one hair screen per year and to maintain the requirement to sign in at NA/AA meetings in the matter of Thomas Gabriel. Motion carried unanimously.

**MOTION:** Tim Boehmer moved, seconded by Jeanne Severson, to reduce the number of drug screens to 28 times per year plus one hair screen per year in the matter of Bonny Kimball. Motion carried unanimously.

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to deny the request in the matter of William Weiler, David Klieforth and Sniteman Pharmacy due to non-compliance with item 5 of the terms of the order dated October 8, 2002, by dispensing Schedule V controlled substances without a prescription. Respondents can re-petition the Board after submitting an affidavit of being in compliance with the original order for a minimum of three months. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Thad Schumacher moved, seconded by Charlotte Rasmussen, to adjourn the meeting at 4:05 p.m. Motion carried unanimously.