

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 24, 2016**

**PRESENT:** Franklin LaDien, Terry Maves (*via GoToMeeting*), Thaddeus Schumacher, Kristi Sullivan, Philip Trapskin, Cathy Winters (*via GoToMeeting, was excused from the meeting at 1:33 p.m.*)

**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 11:15 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 12, 2016**

**MOTION:** Philip Trapskin moved, seconded by Franklin LaDien, to approve the minutes of January 12, 2016 as published. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE 16-017 RELATING TO APPLICATION AND EXAMINATION**

**Review and Respond to Clearinghouse Report and Public Hearing Comments**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to accept Clearinghouse comments for Clearinghouse Rule 16-017 Relating to Application and Examination. Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 16-017 Relating to Application and Examination for submission to the Governor's Office and the Legislature. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE 16-018 RELATING TO IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES (ACT 199)**

**Review and Respond to Clearinghouse Report and Public Hearing Comments**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to reject Clearinghouse comment number(s) 2(a) and accept all remaining Clearinghouse comments for Clearinghouse 16-018 Relating to Identification Card Required for Certain Controlled Substances (Act 199). Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 16-018 Relating to Identification Card Required for Certain Controlled Substances (Act 199) for submission to the Governor's Office and the Legislature. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)**

**2016 NABP Annual Meeting – May 14-17, 2016**

**MOTION:** Kristi Sullivan moved, seconded by Terry Maves, to designate Cathy Winters as the board's delegate to attend the 2016 NABP Annual Meeting on May 14-17, 2016 in San Diego, CA and to authorize travel. Motion carried unanimously.

**NABP MPJE Item-Development Workshop – March 15-16, 2016**

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to designate the Chair to develop a proposal for a MPJE Test Question Committee for consideration at a future Board meeting. Motion carried unanimously.

*Cathy Winters was excused from the meeting at 1:33 p.m.*

**CLOSED SESSION**

**MOTION:** Franklin LaDien moved, seconded by Kristi Sullivan, 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. Motion carried unanimously.

The Board convened into Closed Session at 1:49 p.m.

**RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 3:52 p.m.

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

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

**CREDENTIALING MATTERS****M.K. – Application Review (NABP License Transfer)**

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to approve the Pharmacist endorsement application of Matthew Kolb, once all requirements are met. Motion carried.

**PROPOSED FINAL DECISION AND ORDER(S)****Khushboo S. Modi, R.Ph., Respondent (DHA Case # SPS-15-0042)(DLSC Case # 14 PHM 062)**

**MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to adopt the Findings of Fact within the Proposed Final Decision and Order in the matter of disciplinary proceedings against Khushboo S. Modi, R.Ph., Respondent (DHA Case # SPS-15-0042)(DLSC Case # 14 PHM 062) but varies the remaining portions of the Order to reflect the Boards decision. Motion carried. Recused: Philip Trapskin

**MOTION:** Terry Maves moved, seconded by Kristi Sullivan, to designate the Chair to review and approve the Order with Variance Khushboo S. Modi, R.Ph., Respondent (DHA Case # SPS-15-0042)(DLSC Case # 14 PHM 062). Motion carried. Recused: Philip Trapskin

*(Philip Trapskin recused himself and left the room for deliberation, and voting in the matter concerning Khushboo S. Modi, R.Ph., Respondent (DHA Case # SPS-15-0042)(DLSC Case # 14 PHM 062).)*

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

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

***15 PHM 038 – B.T.P.***

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of 15 PHM 038 (B.T.P.). Motion carried unanimously.

***15 PHM 047 – S.P.S.***

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to issue an Administrative Warning in the matter of 15 PHM 047 (S.P.S.). Motion carried unanimously.

**Proposed Stipulations, Final Decisions and Orders**

**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:

1. 14 PHM 129 (A.L.H.)
2. 15 PHM 161 (M.L.)
3. 15 PHM 193 (S.P.)

Motion carried unanimously.

***15 PHM 004 – S.V.H.***

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to reject 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:** Franklin LaDien moved, seconded by Kristi Sullivan, to close the DLSC cases for the reasons outlined below:

1. 14 PHM 061 (I.A. and A.P.) – Prosecutorial Discretion (P2)
2. 15 PHM 052 (W.L.) - Prosecutorial Discretion (P5 - Flag)
3. 15 PHM 123 (P.G.M.) - Prosecutorial Discretion (P5 - Flag)

Motion carried unanimously.

***15 PHM 007***

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to **table** DLSC case number 15 PHM 007, against Walgreens # 02927. Motion carried unanimously.

**MOTION:** Philip Trapskin moved, seconded by Terry Maves, to deny the request of John Bosnjak, R.Ph. for a reduction in AA/NA attendance. The Board grants the request of John Bosnjak, R.Ph. for a reduction in drug and alcohol screens to 24 per year and one annual hair test. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (12/11/2013). Motion carried unanimously.

***Erin Orth, R. Ph. – Requesting Full Licensure***

**MOTION:** Philip Trapskin moved, seconded by Kristi Sullivan, to deny the request of Erin Orth, R.Ph. for full licensure. The Board instead grants a reduction in drug and alcohol screens to 24 and one annual hair test and 24 PIC hours. **Reason for Denial:** Insufficient time of compliance under the terms of the Order (09/23/2009). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Kristi Sullivan moved, seconded by Franklin LaDien, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:54 p.m.