

**VIRTUAL/TELECONFERENCE
PHARMACY EXAMINING BOARD
MEETING MINUTES
DECEMBER 7, 2023**

PRESENT: Susan Kleppin, Tiffany O'Hagan, Anthony Peterangelo, Michael Walsh, John Weitekamp, Christa Wilson

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other Department staff

CALL TO ORDER

John Weitekamp, Chairperson, called the meeting to order at 11:07 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 26, 2023

MOTION: Susan Kleppin moved, seconded by Michael Walsh, to approve the Minutes of October 26, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement

Phar 7, Relating to Comprehensive Review

MOTION: Tiffany O'Hagan moved, seconded by Michael Walsh, to approve the Scope Statement revising Phar 7, relating to Comprehensive Review, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion failed.

MOTION: Michael Walsh moved, seconded by Tony Peterangelo, to request DSPS staff draft a Scope Statement revising Phar 7 relating to electronic prescriptions, prescription labeling, CPR for pharmacists, Epinephrine Delivery Systems, and controlled substance prescription transfers. Motion carried.

IMPLEMENT 2021 WISCONSIN ACT 9 – 100 MOST PRESCRIBED DRUGS

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to approve the Top 100 Most Prescribed Drug List as required by s. 450.13(5m) (b) for publication on the DSPS website. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

120th NABP Annual Meeting, May 14 – 17, 2024, Fort Worth, TX

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to designate Tiffany O'Hagan as the Board's delegate and John Weitekamp, as the Board's alternate delegate, and Executive Director Brad Wojciechowski to attend the 120th NABP Annual Meeting on May 14 – 17, 2024, in Fort Worth, TX. Motion carried unanimously.

CLOSED SESSION

MOTION: Michael Walsh moved, seconded by Tiffany O'Hagan, 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.). John Weitekamp, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Susan Kleppin-yes; Tiffany O'Hagan-yes; Anthony Peterangelo-yes; Michael Walsh-yes; John Weitekamp-yes; and Christa Wilson-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:44 p.m.

CREDENTIALING MATTERS

Empower Pharmacy – Out of State Pharmacy Applicant

MOTION: John Weitekamp moved, seconded by Christa Wilson, to table the Out of State Pharmacy application of Empower Pharmacy, and request two additional consultant reports required by the Stipulated Settlement and disciplinary order issued by California. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Michael Walsh moved, seconded by Tiffany O'Hagan, to issue an Administrative Warning in the following DLSC Cases:

22 PHM 035 – H.P. 20
22 PHM 149 – H.P.
22 PHM 154 – C.V.S.
22 PHM 154 – T.T.T., R.Ph.
23 PHM 057 – R.P.C., R.Ph.
23 PHM 094 – P.A.A., R.Ph.
Motion carried unanimously.

Case Closings

MOTION: Michael Walsh moved, seconded by Anthony Peterangelo, to close the following DLSC Cases for the reasons outlined below:

22 PHM 035 – H.P. 9 – No Violation (NV)
22 PHM 035 – H.P. 12 – No Violation (NV)
22 PHM 035 – H.P. 19 – No Violation (NV)
22 PHM 035 – H.P. 2 – Insufficient Evidence (IE)
22 PHM 035 – H.P. 7 – Insufficient Evidence (IE)
22 PHM 035 – H.P. 16 – Insufficient Evidence (IE)
22 PHM 084 – W – No Violation
22 PHM 126 – R.U.P. – Lack of Jurisdiction (L2)
22 PHM 164 – W.P.I. & W.V.P. – No Violation
22 PHM 179 – CVS – Prosecutorial Discretion (P1)
23 PHM 010 – W.P. & C.P.K. – Insufficient Evidence (IE)
23 PHM 057 – W. – No Violation
23 PHM 094 – P.N.S. – Prosecutorial Discretion (P7)
23 PHM 098 – G.Z. – Insufficient Evidence (IE)
23 PHM 108 – L.C.P. – Insufficient Evidence (IE)
Motion carried unanimously.

21 PHM 162 – W.P.

MOTION: Michael Walsh moved, seconded by Susan Kleppin, to refer back to DLSC, DLSC Case Number 21 PHM 162, against W.P., for further investigation. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

21 PHM 157 – McGuff Compounding Pharmacy Services, Inc.

MOTION: John Weitekamp moved, seconded by Michael Walsh, to adopt the Proposed Decision and Order in the matter of disciplinary proceedings against McGuff Compounding Pharmacy Services, Inc., DLSC Case Number 21 PHM 157. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Susan Kleppin moved, seconded by Christa Wilson, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 2:53 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Susan Kleppin moved, seconded by Anthony Peterangelo, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Anthony Peterangelo moved, seconded by Michael Walsh, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:55p.m.