



Jim Doyle
Governor

A Newsletter of the
PHARMACY EXAMINING BOARD

September 2007

**THE WISCONSIN
PHARMACY
EXAMINING BOARD**



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BOARD MEMBER NEWS

Jason Walker-Crawford was appointed to the Pharmacy Examining Board by Governor Jim

Doyle on June 26th, 2007. Jason is a native of South Dakota, where he graduated from South Dakota State University in 1996 with a Bachelor of Science in Pharmacy. He held staff pharmacist positions at an independent community pharmacy in Vermillion, South Dakota and a small county hospital in Fairfield, Iowa before moving to Wisconsin in 1997. In Wisconsin he has worked as an inpatient pharmacist at St. Agnes Hospital in Fond du Lac, WI and a relief pharmacist for Osco Drug. In 2000, he moved to the Madison area to work as a clinical pharmacist at the University of Wisconsin Hospital & Clinics in the ambulatory pharmacies. He has also worked as a relief pharmacist for It's A Relief - Temporary Pharmacist Service. In 2001, he accepted the managing pharmacist position at the University Health Service Pharmacy.

Jason and his partner currently reside in Stoughton, WI. He continues to work as the managing pharmacist at UHS Pharmacy as a Senior Clinical Pharmacist. He is also a manager with the UW Health ambulatory pharmacy group, responsible for third-party contracting, pharmacist scheduling and the ambulatory computer systems. His primary specialties are in college health, including contraceptive management issues, and pharmacy technology.

Tim Boehmer, R.Ph., was appointed to the Pharmacy Examining Board by Governor Jim Doyle on July 13, 2007. Tim was born and raised in Rice Lake, Wisconsin, graduated from the University of Wisconsin in 1982 with a Bachelor of Science in pharmacy, then interned

at the University of Wisconsin Hospital and Clinics. After working as a staff pharmacist at Madison General Hospital for 2 years, he was recruited to develop pharmacy services for the Women's and Children Center at Providence Hospital in Anchorage, Alaska. Tim lived in Alaska for 12 years and served on Alaska's Board of Pharmacy from 1990-1994.

In 1997, Tim, his wife Kim, who is also a pharmacist, and 3 children moved back home to Wisconsin. With the goal of contributing to improved health and well-being of women and children, he served as the first pharmacist president of the Wisconsin Association for Perinatal Care (WAPC). He is currently the Clinical Coordinator of Pediatric and Neonatal Pharmacy Services for Affinity Health System and is based out of St. Elizabeth's hospital in Appleton.

CONTINUING EDUCATION AUDIT RESULTS AND REMINDER OF CONTINUING EDUCATION REQUIREMENTS

In October 2006 the Pharmacy Examining Board reviewed the results of the Continuing Education Audit conducted by the Department of Regulation and Licensing for the previous licensing period. Two hundred pharmacists received the audit and the results were as follows:

- | | |
|----------------------------------|-----|
| 1. In compliance:
(90.5%) | 181 |
| 2. Submitted insufficient hours: | 16 |
| 3. No Response: | 0 |
| 4. No current address: | 2 |
| 5. Deceased: | 1 |

This audit serves as a reminder of the regulations that apply to pharmacists requiring them to timely complete the continuing education requirements necessary to renew a license and to keep a current address on file with the Department.

Wis. Admin. Code § Phar 5.02(2) requires a pharmacist to notify the board in writing when his or her address had been changed, within 30

days of the change. Please make sure you notify the Department of changes in address.

A pharmacist renewing a license must comply with meeting the continuing education requirements under Wis. Stat. § 450.085, and Wis. Admin. Code Chapter Phar 16, and pay the applicable renewal fee on or before the renewal date. Failure to timely renew terminates the right of a person to act as a pharmacist.

If you cannot complete the required continuing education prior to renewal, Wis. Admin. Code § Phar 16.02 (2) provides the procedure for applying for a waiver as follows:

- (2) A pharmacist may apply to the board for waiver of the requirements of this chapter on grounds of exceptional circumstances such as prolonged illness, disability or other similar circumstances that the pharmacist indicates have prevented him or her from meeting the requirements. The board will consider each application for waiver individually on its merits.

Record retention for completed continuing education is very important to prove that courses have been attended. If a Department investigator requests proof of continuing education attendance, you must provide it. Wis. Admin. Code § Phar 16.05, requires a pharmacist to retain evidence of compliance for 3 years following the renewal date for the biennium in which the credits apply.

CURRENTLY PENDING LEGISLATION – REMOTE DISPENSING

Under current law, no pharmacist may dispense a prescribed drug or device from a location that is not licensed by the Wisconsin Pharmacy Examining Board as a pharmacy.

LRB-1199/3 would allow the Board for a period of two years to review and approve proposals on a case by case basis for pharmacists to dispense at locations not licensed as a pharmacy. Administrative rulemaking would be required by the board for permanent implementation of regulatory guidelines for remote dispensing

beyond the two year implementation date of LRB-1199/3.

Remote dispensing entails a pharmacy maintaining a supply of non patient specific packaged drugs at a location other than a pharmacy, and a pharmacist acting in concert with another person, and/or mechanical dispensing machine, to do all dispensing tasks necessary to prepare a drug for delivery, via transfer to the patient. These dispensing functions include patient medication profile reviews, insurance adjudication, packaging, labeling, counseling, and final transfer of the drug to the patient.

Remote dispensing can act as an integral part of the patient prescription drug delivery system in underserved areas of Wisconsin. An in-state or out-of-state licensed pharmacy may partner with a rural health clinic or other health care provider to assist in performing certain dispensing functions under the supervision of a pharmacist.

Remote dispensing:

1. Addresses a shortage of pharmacists in Wisconsin.
2. Addresses patient access in areas where a delay in care could impact health.
3. Promotes the creation of new business models to respond to changing health care delivery needs.
4. Fully utilizes the concept of “central fill” whereby a pharmacy may contract with another pharmacy to perform dispensing functions in concert with other health care providers.
5. Allows Wisconsin health care providers to fully implement the remote dispensing of controlled substances in nursing home patient care settings, currently allowed by United States Drug Enforcement Agency Rules, but not allowed for pharmacists by Wisconsin law. (Thus improving patient access and reducing waste and cost.)

Key aspect of remote dispensing - storage of drugs in non patient specific packaging at a non pharmacy location. In remote dispensing, pharmacy tasks are being performed at the non pharmacy location under the supervision of a pharmacist.

COLLABORATIVE PRACTICE AGREEMENTS

The following statutory provision from the Medical Practices Act provides the authority for delegation from practitioners (licensed to practice medicine and surgery) to non licensed persons to perform medical acts. A license to practice medicine and surgery is not needed for:

Wis. Stat. § 448.03(2)(e): Any other person other than a physician assistant who is providing patient services as directed, supervised and inspected by a physician who has power to direct, decide and oversee the implementation of patient services rendered.

This statutory provision allows physicians to participate in collaborative practice agreements with pharmacists.

The Pharmacy Examining Board does not have regulations that outline and/or define the contents of a collaborative practice agreement. The Board recognizes current law and administrative rules allow physicians to delegate duties within certain limits direction, supervision and inspection. The ability to enter into such agreements by a pharmacist may be impacted by the requirements of that pharmacist’s professional liability insurance.

RULE CHANGES

FOREIGN GRADUATE INTERNSHIP

Beginning November, 2006, there as been a change in the rules governing practice as a foreign graduate intern. The number of hours that may be practiced prior to obtaining licensure as a pharmacist has been reduced to 2000. Also, certification by the foreign pharmacy graduate examination committee is now required prior to performing duties as a

foreign graduate intern, and must be submitted with an application for licensure as a pharmacist. Supervising pharmacists must now also be disclosed to the board at the time an application for licensure is filed, and at any time thereafter when a change in the supervising pharmacist is made. All supervising pharmacists should review these new rules.

Wis. Admin. Code § Phar 17.04 - Foreign graduate internship.

(1) Prior to performing duties as an intern or to receiving credit for hours participating in a foreign graduate internship the person must file an application with the board for original licensure under Wis. Admin. Code § Phar 2.02, and submit evidence satisfactory to the board of having obtained certification by the foreign pharmacy graduate examination committee.

(2) A foreign graduate internship is limited to performing duties constituting the practice of pharmacy under the supervision of a supervising pharmacist. The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her supervision, signed by the intern and the supervising pharmacist. The written record shall be produced to the board upon request. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern.

(4) Upon completing a maximum of 2000 hours of the practice of pharmacy in a foreign graduate internship, the internship is terminated and the person shall not further engage in the practice

of pharmacy until obtaining licensure from the board.

PHARMACY ALARMS

A reminder from the Board: a central alarm system for a pharmacy is no longer mandatory. Different security systems may be used if prior approval is obtained from the Board.

Wis. Admin. Code § Phar 6.08 - Security.

A pharmacy shall have a centrally monitored alarm system in the pharmacy or the immediate physical structure within which the pharmacy is located. A security system or plan that does not utilize a centrally monitored alarm system may be used if reviewed by and prior approval is obtained from the board.

DISCIPLINARY ACTIONS

Michael W. Kube – Pharmacist, Arcadia

The Pharmacy Examining Board suspended Michael Kube’s license to practice pharmacy for an indefinite period and ordered payment of costs of \$600.00. Kube may petition for a stay of the suspension upon demonstrated compliance with conditions set by the Board, including successful completion of the multi-state pharmacy jurisprudence exam. Upon obtaining a stay, Kube must continue with required drug and alcohol abstinence, treatment and testing. The Board found that Kube diverted and consumed cough syrup with codeine while working as a pharmacist. Dated: September 13, 2006. Wis. Stat. §§ 450.10(1)(a) 2 and 3, and 450.10(1)(b) 1, and Wis. Adm. Code §§ Phar 10.03(1) and (8).

Todd Kudronowicz, R.Ph. – Pharmacist, Cuba City

The Pharmacy Examining Board reprimanded Todd Kudronowicz and ordered payment of a forfeiture of \$500.00 and costs of \$296.00. The Board found that Kudronowicz allowed the

transfer of prescription refills to patients without patient consultations. Dated: October 11, 2006. Wis. Adm. Code § Phar 7.01(1)(e).

Matthew Loring, R.Ph. – Pharmacist, Platteville

The Pharmacy Examining Board reprimanded Matthew Loring and ordered payment of a forfeiture of \$250.00 and costs of \$296.00. Loring allowed the transfer of prescription refills to patients without patient consultations. Dated: October 11, 2006. Wis. Adm. Code § Phar 7.01(1)(e).

Jill M. Barth, R.Ph. – Pharmacist, Franklin

The Pharmacy Examining Board suspended the license of Jill M. Barth for an indefinite period. Barth may petition the board for a stay of suspension upon demonstrated compliance with requirements of sobriety and drug and alcohol screening and treatment. The board ordered payment of costs of \$800.00. Barth tested positive for marijuana during a random employer drug test. Dated: February 7, 2007. Wis. Stat. §§ 450.10(1)(b)(1) and Wis. Admin. Code § Phar 10.03(1).

Steven Ziebell, R.Ph. – Pharmacist, Port Washington

The Pharmacy Examining Board suspended the license of Steven Ziebell, R.Ph., to practice as a pharmacist for an indefinite period and ordered him to pay costs of \$1,000.00. This suspension may be stayed upon Ziebell's provision of proof that he is in compliance with appropriate drug and alcohol treatment, and other requirements. Ziebell diverted cough syrup containing Vicodin from his pharmacy employer and consumed it during work hours, and he has been convicted of four misdemeanor counts of obtaining a prescription drug by fraud. Dated: February 7, 2007. Wis. Stat. § 450.10(1)(a)(3) and Wis. Admin. Code § Phar 10.03(1).

Gary W. Miller – Pharmacist, Westby

The Pharmacy Examining Board accepted the surrender of Gary W. Miller's credential to practice as a pharmacist. The Board ordered

Miller to sell Westby Pharmacy and to pay costs of \$6,000.00. Miller allowed non-pharmacists to dispense medications in his Westby Pharmacy. Miller dispensed prescription medications, including narcotics, without prescriptions. Miller also committed medication dispensing and labeling errors, practiced pharmacy without a valid license and illegally refilled narcotics prescriptions. Dated: March 15, 2007. Wis. Stat. §§ 450.09(2) and (4), 450.10(1)(a) 2 and 6, 450.10(1) (b) 1, and 961.38(3), and Wis. Adm. Code §§ Phar 6.04, Phar 7.01(1)(e) and (em), Phar 7.07(4), Phar 8.06, Phar 8.05(2), Phar 10.03(1), (2), (3), (7), (7m), (10), (13) and (19).

Roland A. Buchholz, R.Ph. – Pharmacist, Powers Lake

The Pharmacy Examining Board reprimanded Roland A Buchholz and ordered him to retake and pass the Wisconsin Multistate Pharmacy Jurisprudence Examination. The board also ordered payment of a forfeiture of \$500.00 and costs of \$428.48. Buchholz, as a managing pharmacist, failed to insure that only licensed pharmacists transfer and consult with patients upon transfer of prescription medications to the patients. Dated: April 4, 2007. Wis. Stat. § 450.10(1) and Wis. Adm. Code §§ Phar 7.01(1)(e) and (em).

Dalton L. Holmen, R.Ph. – Pharmacist, Beaver Dam

The Pharmacy Examining Board reprimanded Dalton Holmen and further ordered that he complete continuing education courses and pay a forfeiture and costs of \$800.00. While stating on his renewal application for the 2003-2004 biennium that he completed the required continuing education courses, Holmen failed to provide proof that he had completed any continuing education courses when asked by the department. Dated: April 4, 2007. Wis. Stat. §§ 450.085, 450.10(1)(a)1 and 450.10(1)(b).

Robert V. Matenaer, R.Ph. – Pharmacist, Menomonee Falls

The Pharmacy Examining Board reprimanded Robert V. Matenaer and ordered him to pay

costs of \$400.00. Matenaer mistakenly dispensed 100 mg Amitriptyline tablets instead of 10 mg tablets as prescribed. Dated: April 4, 2007. Wis. Stat. § 450.10(1)(b)1 and Wis. Adm. Code §§ Phar 7.01(1)(d) and Phar 10.03(2).

Teresa M. Whitaker, R.Ph. – Pharmacist, La Crosse

The Pharmacy Examining Board suspended indefinitely the license to practice as a pharmacist of Theresa M. Whitaker, and ordered her to pay costs of \$1,200.00. Whitaker may petition for a stay upon a showing of, among other things, participation in a drug and alcohol treatment program, abstention from personal use of alcohol and controlled substances, and submission to drug and alcohol screens. Whitaker was diagnosed as having drug and alcohol dependence. Dated: April 4, 2007. Wis. Stat. §§ 450.10(1)(a)2 and 450.10(1)(b)1, and Wis. Adm. Code § Phar 10.03(1).

Ronald J. Collard, R.Ph. – Pharmacist, Appleton

The Pharmacy Examining Board reprimanded Ronald J. Collard and ordered him to pay a forfeiture of \$250.00 and costs of \$250.00. Collard failed to disclose in an application that he, as the managing pharmacist listed on the application, had been disciplined. Dated: Wis. Stat. § 450.10(1)(a)1. and Wis. Adm. Code § 10.03(8).

Milwaukee Health Services, Inc., d/b/a MLK Heritage Pharmacy and Isaac Coggs Heritage Pharmacy – Pharmacy, Milwaukee

The Pharmacy Examining Board indefinitely suspended the pharmacy licenses of Milwaukee Health Services, Inc., d/b/a MLK Heritage Pharmacy and also as Isaac Coggs Heritage Pharmacy, and ordered payment of a forfeiture of \$3,000.00 and costs of \$5,900.00. The suspension was stayed for 90 days; such stay to continue if, among other things, Milwaukee Health Services employs managing pharmacists for all of its pharmacies, does not employ Derrick Austin unless he obtains a pharmacist license, insures that all the managing pharmacists employed pass the Multi-State

Pharmacy Jurisprudence Examination, employs a pharmacist Monitor to inspect current and future pharmacies, and restructures its indigent drug ordering process such that a prescriber receives and stores all drugs. Milwaukee Health Services failed to notify the board of changes in its pharmacies as required by law, employed an unlicensed managing pharmacist, distributed drugs from an unlicensed pharmacy and allowed technicians to dispense drugs. Dated: June 27, 2007. Wis. Stat. §§ 450.06, 450.08(1), 450.09(2), and 450.10(1)(a)2., and Wis. Adm. Code §§ Phar 5.01(3), Phar 6.02(2), Phar 6.03, Phar 10.02(12), and Phar 10.03(10) and (19).

Bart A. Sheard, R.Ph. – Pharmacist, Sturgeon Bay

The Pharmacy Examining Board suspended indefinitely the license to practice as a pharmacist of Bart A. Sheard and ordered him to pay costs of \$300.00. The suspension may be stayed if Sheard provides proof that, among other things, he has entered into and continued in a drug and alcohol treatment program, abstained from personal use of controlled substances and alcohol, participated in a drug and alcohol monitoring program, and submits specified reports to the department. If the suspension is stayed Sheard shall, among other things, not be employed as a pharmacist in charge or managing pharmacist unless approved by the board, shall practice only in the presence of another pharmacist unless otherwise approved, and shall be monitored by his managing pharmacist in order to detect loss, diversion, tampering or discrepancy relating to controlled substances and other abuse-able prescription drugs. Sheard diverted cough syrup containing Hydrocodone for his use. Dated: June 27, 2007. Wis. Stat. §§ 450.10(1)(a)3. and 450.10(1)(b)1., and Wis. Adm. Code § Phar 10.03(1).

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