



Jim Doyle
Governor

A Newsletter of the
PHARMACY EXAMINING BOARD

July 2008

**THE WISCONSIN
PHARMACY
EXAMINING BOARD**



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BOARD MEMBER NEWS

Amy Mattila was appointed to the Wisconsin Pharmacy Examining Board by Governor James Doyle on January 23, 2008. Amy was born and raised in northern Wisconsin and graduated from Ashland High School. She attended the University of Minnesota - Minneapolis where she obtained her Bachelors Degree in Pharmacy in 1986 and her doctorate in Pharmacy in 1987. After working for Minneapolis Children's Hospital and Walgreens in Minneapolis, Amy relocated back to Ashland, Wisconsin and purchased a Snyder Drug Store from her father's chain of independent pharmacies. Following ten years of owning an independent Pharmacy, Amy was recruited to manage the Wal-Mart Pharmacy in Ashland and became a district manager for Wal-Mart in 2002, overseeing 15 pharmacies in northern Wisconsin, Minnesota and Michigan. Amy and her family currently reside in Washburn, WI where they enjoy the beauty and recreation of Lake Superior.

**NEW WISCONSIN LAWS IMPACT
PHARMACY PRACTICE**

2007 Wisconsin Act 102

Effective March 28, 2008, 2007 Wisconsin Act 102 requires a hospital that provides emergency services to a sexual assault victim to: (1) provide the victim medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy; (2) orally inform the victim of: (a) her option to receive emergency contraception at the hospital; (b) her option to report the sexual assault to a law enforcement

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agency; and (c) any available options for her to receive an examination to gather evidence regarding the sexual assault; and (3) immediately provide the victim, upon her request, emergency contraception in accordance with instructions approved by the federal Food and Drug Administration. If the medication is taken in more than one dosage, the hospital must provide all subsequent dosages to the victim for later self-administration.

2007 Wisconsin Act 201

The Volunteer Health Care Provider (VHCP) program allows certain types of health care providers to provide health care services with state agent status protection if they file a joint application with a nonprofit agency and the joint application is approved by the Department of Administration. Effective April 15, 2008, 2007 Wisconsin Act 201 allows pharmacists and pharmacy technicians to participate in the VHCP program.

2007 Wisconsin Act 202

Act 202 provides an exception to the general requirement that pharmacists dispense prescription drugs at licensed pharmacies (remote dispensing). Under the exception created by the Act, a pharmacist may dispense at a location not licensed as a pharmacy pursuant to rules promulgated by the Board. The Act limits the locations at which remote dispensing may occur to health care facilities, the office or clinic of a practitioner, correctional, detention, rehabilitation and residential care centers. Effective April 15, 2008, the Act requires the Board to promulgate rules within 24 months. In the interim, the Board may grant variances for remote dispensing sites.

2007 Wisconsin Act 20

The Board has created emergency rules effective June 1, 2008 to implement the statutory changes set forth in the drug distributor portions of 2007 Wisconsin Act 20 (state budget bill) including; newly enhanced qualifications for distributor licensing, inspection requirements, identification and

qualifications of a designated representative, bonding requirements and additional recordkeeping requirements including where appropriate, the maintaining of drug distribution pedigrees.

PRESCRIPTION CONTAINER LABELING **– NEW OPTIONS**

The creation of Wis. Stat. § 450.11 (4g) and the amendment of Wis. Admin. Code § Phar 7.02 now allow two new labeling options for listing brand/generic drug names on a prescription container label:

- In instances when a drug product equivalent is dispensed, it is now permitted to include on the prescription label both the generic name and the brand name of the drug product equivalent specified in the prescription order, unless the prescribing practitioner requests that the brand name be omitted.

- If a brand name drug product is dispensed, the prescription label may contain both the brand name and the generic name of the brand name drug product unless the prescribing practitioner requests that the generic name of the drug product equivalent be omitted from the label.

Wis. Admin. Code § Phar 7.02 now provides as follows:

- Prescription label; name of drug or drug product dispensed.

No drug product may be dispensed unless the prescription label discloses the brand name and strength, or the generic name, strength, and manufacturer or distributor of the drug product dispensed unless the prescribing practitioner requests omission of the above information. If a pharmacist, pursuant to a prescription order that specifies a drug product by its brand name, dispenses the drug product equivalent of the drug product specified in the prescription order, the prescription label may include both the generic name of the drug product

equivalent and the brand name specified in the prescription order, unless the prescribing practitioner requests that the brand name be omitted from the label. If a brand name drug product is dispensed, the prescription label may contain both the brand name and the generic name of the drug product equivalent dispensed unless the prescribing practitioner requests that the generic name of the drug product equivalent be omitted from the label.

TRANSFER OF A PRESCRIPTION TO A PATIENT OR AGENT OF THE PATIENT

The Pharmacy Examining Board has amended Wis. Admin. Code § Phar 7.015, to clarify that pharmacy technicians may permissibly transfer a prescription order to a patient or an agent of the patient if the pharmacist has first provided a patient consultation.

Creating this new technician task, Wis. Admin. Code § Phar 7.015 (2) (q), now explicitly provides: Transferring the prescription to the patient or agent of the patient, provided that the pharmacist has first provided a patient consultation.

CLARIFICATION OF PHARMACIST'S ABILITY TO UPDATE INFORMATION ON THE HARD COPY OF A SCHEDULE II CONTROLLED SUBSTANCE PRESCRIPTION

On December 19, 2007, the DEA passed a rule regarding the issuance of multiple prescriptions for schedule II controlled substance prescriptions. Based upon several written statements contained in the rule's analysis provided by DEA, many questions have arisen as to what/if any changes a pharmacist can make to the hard copy of a controlled substances prescription order. The DEA answers this question on its website as follows:

Question: What changes may a pharmacist make to a prescription written for a controlled substance?

Answer: The pharmacist may add the patient's address or change the patient's address upon verification. The pharmacist may change or add the dosage form, drug strength, drug quantity, directions for use, or issue date only after consultation with and agreement of the prescribing practitioner. Such consultations and corresponding changes should be noted on the prescription as well as the patient's medical record. Pharmacists and practitioners must comply with any state/local laws, regulations, or policies prohibiting any of these changes to controlled substance prescriptions. The majority of changes can be made only after the pharmacist contacts the prescribing practitioner. After consultation with the prescribing practitioner, the pharmacist is permitted to add or change the dosage form, drug strength, drug quantity, directions for use, and issue date. The pharmacist is permitted to make information additions that are provided by the patient or bearer, such as the patient's address, and such additions should be verified. The pharmacist is never permitted to make changes to the patient's name, controlled substance prescribed (except for generic substitution permitted by state law) or the prescriber's signature.

AUTOMATED DISPENSING V. AUTOMATED COUNTING

Wis. Admin. Code § Phar 7.09 defines Automated Dispensing Systems as mechanical systems that perform operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing or distribution of medications, and which collects, controls, and maintains all transaction information. These types of systems are required to track all of the medications that are dispensed or returned thru these systems. A good example of this type of equipment would be a robot that packages and dispenses doses to an inpatient unit. These types of units are allowed in community pharmacies as well. Not

all mechanical systems are Automated Dispensing Systems. They must track transactional data or they would be considered an Automated Counting system. Examples of this type of system would be a Baker or Accumed system.

ELECTRONIC TRANSMISSION OF PRESCRIPTION ORDERS

Wis. Admin. Code § Phar 7.08 allows for the acceptance of and dispensing from prescription orders transmitted electronically from a computer or other similar electronic device (Ex. PDA). The reception of this electronic order can also be electronic (computer-to-computer) or paper (computer-to-printer/fax). Reception of an order via fax is only electronic if the fax machine is used as a peripheral to the device that originally sent the order. Transmission from fax-to-fax is a written order. Electronically received orders should be signed electronically by the prescriber. Any written orders must have a written signature by the prescriber or the prescriber's authorized agent. Written signatures that have been stored electronically are not electronic signatures and are not valid as a written signature when printed. This includes printed prescriptions that are to be transmitted fax-to-fax. Electronic images of written prescriptions are not considered sufficient records. Also transmission of tamper resistant prescriptions that display the phrases such as 'VOID', 'Cancel' or 'Invalid' are not valid written orders. These may be converted to an oral order by the pharmacist contacting the prescriber or prescriber's agent to verify validity.

DISCIPLINARY ACTIONS

Julie Wells - Pharmacist, Oconomowoc

The Pharmacy Examining Board reprimanded Julie A. Wells and limited her license to practice as a pharmacist by requiring her, for each pediatric prescription and refill for which she is responsible, to make and retain a record of her computations for the safe maximum dosage. Wells was ordered to pay a forfeiture of \$300 and costs of \$600. Wells was the verifying pharmacist for a prescription which was not

properly filled by the pharmacy. Dated: September 12, 2007. Wis. Stat. §§ 450.10(1)(a)6 and 450.10(1)(b)1, and Wis. Adm. Code § Phar 10.03(2).

Leigh A Zimmer – Pharmacist, Pewaukee

The Pharmacy Examining Board reprimanded Leigh A. Zimmer and limited her license to practice as a pharmacist in that she may not work as a pharmacist in charge or managing pharmacist. Zimmer must also pay a forfeiture of \$300 and costs of \$600. Zimmer, upon recognizing that a prescription for an infant was filled incorrectly, called the mother and told her the dose was too high but did not tell her that the medication likely contained a substance not prescribed. Dated: September 12, 2007. Wis. Stat. §§ 450.10(1)(a)6 and 450.10(1)(b)1, and Wis. Adm. Code § Phar 10.03(2).

Paul A. Devetter – Pharmacist, LaCrescent, MN

The Pharmacy Examining Board reprimanded Paul A. Devetter, and ordered him to pay a forfeiture of \$250 and costs of \$270. While employed as a pharmacist on duty Devetter permitted the transfer of a prescription to a consumer without providing consultation for the consumer contrary to law. Dated: December 5, 2007. Wis. Stat. § 450.10(1), and Wis. Adm. Code §§ Phar 7.01(1)(e) and (em).

Renee H. Gard – Pharmacist, Greenfield

The Pharmacy Examining Board reprimanded Renee H. Gard, and ordered her to pay a forfeiture of \$250 and costs of \$100. Gard failed to complete the required continuing education courses for the biennium ending May 31, 2006 in a timely way. Dated: December 5, 2007. Wis. Stat. §§ 450.085 and 450.10(1)(a)1 and (b).

Dalton L. Holmen – Pharmacist, Baraboo

The Pharmacy Examining Board suspended for an indefinite period the license of Dalton L. Holmen to practice as a pharmacist, and ordered him to pay costs of \$500. The suspension may be ended upon receipt by the Board of a report of a mental health and alcohol and drug

assessment by an approved mental health care and substance abuse practitioner that Holmen is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents him from practicing in such manner. After receipt of such report the Board may limit the license of Holmen to practice as a pharmacist in accordance with the Order. Holmen has a history of alcohol dependence, cocaine use and suicide attempts, and a current diagnosis of bipolar disorder, along with a recent conviction of Operating While Under Influence. Dated: December 5, 2007. Wis. Stat. §§ 450.10(1)(a)2 and 6, and 450.10(1)(b)1.

Deena Leavens – Pharmacist, Janesville

The Pharmacy Examining Board suspended for six months the license of Deena Leavens to practice as a pharmacist, and ordered her to pay costs of \$300. Leavens obtained insurance money by submitting fraudulent claims for prescriptions which were neither filled nor dispensed, and obtained prescription medication through her employing pharmacy by altering pharmacy records in order to avoid paying. Dated: December 5, 2007. Wis. Stat. §§ 450.10(1)(a)7 and 450.10(1)(b).

Gary A. Miller – Pharmacist, Kaukauna

The Pharmacy Examining Board reprimanded Gary A. Miller, and ordered him to pay a forfeiture of \$500 and costs of \$100. Miller failed to complete the required continuing education for the biennium ending May 31, 2006, although he reported to the Department that he had completed the requirements. Dated: December 5, 2007. Wis. Stat. §§ 450.085, 450.10(1)(a)1, and 450.10(1)(b).

Charles Roe – Pharmacist, Superior

The Pharmacy Examining Board reprimanded Charles Roe, and ordered him to pay a forfeiture of \$250, and costs of \$100. Roe signed the 2006 licensure renewal application below the statement that he had completed the required continuing education but could not verify that he had completed the required continuing

education credits. Dated: December 5, 2007. Wis. Stat. §§ 450.085 and 450.10(1)(a)1 and (b).

Robert A. Tamblyn – Pharmacist, De Kalb, IL

The Pharmacy Examining board reprimanded Robert A. Tamblyn, and ordered him to pay a forfeiture of \$500 and costs of \$100. Tamblyn did not complete the required continuing education for the biennium beginning ending May 31, 2006 as required. Dated: December 5, 2007. Wis. Stat. §§ 450.085 and 450.10(1)(a)1. and (b).

Brian R. Cyr – Pharmacist, Green Bay

The Pharmacy Examining Board reprimanded Brian R. Cyr, and ordered him to pay a forfeiture of \$250 and costs of \$100. Cyr failed to require pharmacist consultations for all prescriptions while employed as a managing pharmacist at CVS Pharmacy #8535. Dated: February 6, 2008. Wis. Stat. s. 450.10(1)(a)2., and Wis. Adm. Code §§ Phar 7.01(e) and (em), and Phar 10.03(2).

James A. Hanrahan – Pharmacist, Green Bay

The Pharmacy Examining Board reprimanded James A. Hanrahan, and ordered him to pay a forfeiture of \$250 and costs of \$100. While working as a pharmacist, Hanrahan failed to conduct consultations as required by law. Dated: February 6, 2008. Wis. Stat. §§ 450.10(1)(a)2., and Wis. Adm. Code §§ Phar 7.01(e) and (em), and Phar 10.03(2).

David L. Karbulka – Pharmacist, Racine

The Pharmacy Examining Board reprimanded David L. Karbulka, and ordered him to pay a forfeiture of \$250.00 and costs of \$100.00. Karbulka reported that he had completed the required continuing education for the biennium ending May 31, 2006 but failed to provide proof that he had done so. Dated: February 6, 2008. Wis. Stat. §§ 450.085, and 450.10(1)(a)1. and (b).

Ralph G. Koch – Pharmacist, Sheboygan

The Pharmacy Examining Board reprimanded Ralph G. Koch, and ordered him to pay a forfeiture of \$250.00 and costs of \$600.00. Koch failed to conduct consultations when dispensing refilled prescriptions. Dated: February 6, 2008. Wis. Stat. § 450.10(1)(a)2., and Wis. Adm. Code §§ Phar 7.01(e) and (em) and Phar 10.03(2).

John R. Lemberger – Pharmacist, Milwaukee

The Pharmacy Examining Board reprimanded John R. Lemberger, and ordered him to pay a forfeiture of \$250 and costs of \$400. Lemberger failed to provide consultations when medications were dispensed at the pharmacy where he was employed. Dated: February 6, 2008. Wis. Stat. §§ 450.10(1)(a)2 and 450.10(1)(b)1, and Wis. Adm. Code §§ Phar 7.01(e) and (em), and Phar 10.03(2).

Frank C. Petiniot – Pharmacist, Green Bay

The Pharmacy Examining Board reprimanded Frank C. Petinio, and ordered him to pay a forfeiture \$250 and costs of \$100. Petiniot failed to conduct consultations for dispensing refilled prescriptions. Dated: February 6, 2008. Wis. Stat. § 450.10(1)(a)2., and Wis. Adm. Code §§ Phar 7.01(e) and (em), and Phar 10.03(2).

DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?

Visit the Department's Web site at:

drl.wi.gov

Send comments to: web@drl.state.wi.us

CHANGE OF NAME OR ADDRESS?

Please send changes to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

TELEPHONE DIRECTORY

To contact the Department, just dial (608) 266-2112, then follow the instructions for the service you need:

- For renewal questions, say 'renewal'
- For a new license including exam and education requirements, say 'licensing'
- For complaint information, say 'complaint'
- For legal questions or interpretations, say 'legal questions'
- For exam administration, say 'exam'
- For continuing education, say 'education'
- For your pin, say 'obtain pin'
- For license verifications, say 'verify license'
- For the agency staff directory, say 'staff directory'
- For all other questions, say 'operator'

VERIFICATIONS

Verifications are now available online at www.drl.state.wi.us. On the Department Web site, please click on "Look Up License Holders". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing – please include \$10 payable to the Department.