



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

**MICHIGAN BOARD OF PHARMACY  
June 8, 2016 MEETING**

***APPROVED MINUTES***

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Pharmacy met on June 8, 2016, at the Ottawa Building, Conference Room 3, 611 West Ottawa Street, Lansing, Michigan 48933.

**CALL TO ORDER**

Nichole Penny, R.Ph., Chairperson, called the meeting to order at 10:36 AM.

**ROLL CALL**

***Members Present:*** Nichole Penny, R.Ph., Chairperson  
Dhafer Almaklani, R.Ph., Vice Chairperson  
Cynthia Boston, BHS, R.Ph.T.  
David Hills, Public Member  
Suit Hing Moy-Sandusky, R.Ph.  
Patricia Keim, R.Ph.  
Jonathan Pignataro, Public Member (left at 12:20 p.m.)  
James Stevenson, PharmD

***Members Absent:*** Kathleen Burgess, Public Member  
Nabil Fakhri, R.Ph.  
Pamela Wyett, Public Member

***Staff Present:***

Janielle Houston, Board Support, Boards and Committees Section  
Michael Siracuse, Analyst, Board and Committees Section  
Kiran Parag, Analyst, Compliance Section  
Stacie Bayes, Analyst, Licensing Division  
Michele Wagner-Gutkowski, Assistant Attorney General

## **APPROVAL OF AGENDA**

MOTION by Pignataro, seconded by Moy-Sandusky, to amend the agenda to include a moment of silence for Michael F. Wissel after Approval of the Minutes, and add Rules Committee under Reports.

A voice vote was taken.

MOTION PREVAILED

## **APPROVAL OF MINUTES**

MOTION by Pignataro, seconded by Almaklani, to approve the minutes from April 13, 2016 as written.

A voice vote was taken.

MOTION PREVAILED

A moment of silence was observed for Michael F. Wissel, who passed away May 29, 2016.

## **REGULATORY CONSIDERATIONS**

### **Evelyn Neh Djoumessi, R.Ph. – Proposal for Decision/Reinstatement**

MOTION by Stevenson, seconded by Pignataro, to accept the Proposal for Decision and deny reinstatement.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Pignataro, Stevenson  
Nays - None

MOTION PREVAILED

### **Robert Michael Leal, R.Ph. – Proposal for Decision/Reinstatement**

MOTION by Moy-Sandusky, seconded by Hills, to accept the Motion to Strike Petitioner's Response to the Bureau of Professional Licensing's Exceptions to the Proposal for Decision.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Pignataro, Stevenson  
Nays - None

## MOTION PREVAILED

MOTION by Stevenson, seconded by Moy-Sandusky, to accept the Proposal for Decision and to grant reinstatement.

Discussion was held.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Pignataro, Stevenson  
Nays - None

## MOTION PREVAILED

MOTION by Almaklani, seconded by Moy-Sandusky, to limit Petitioner's license for 2 years. The terms of limitation require that Petitioner practice for a minimum of 1000 hours under direct, on-site supervision, of a Board-approved, fully licensed pharmacist. Upon Petitioner's successful completion of a minimum of 1000 hours of direct supervised practice, Petitioner shall practice for a minimum of 1000 hours under the general supervision of a fully licensed, Board-approved pharmacist. Petitioner is also required to petition for reclassification of the limited license. In addition, Petitioner is placed on probation, to run concurrent with the period of limitation, with quarterly supervisor reports from the supervising pharmacist, advising of Petitioner's work performance.

Discussion was held.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Pignataro, Stevenson  
Nays - None

## MOTION PREVAILED

### **Matthew Gerald Mitchell – Proposal for Decision/Intent to Deny**

Motion by Moy-Sandusky, seconded by Stevenson, to accept the Proposal for Decision and to deny licensure with a correction and clarification to the Proposed Decision that the Administrative Law Judge does have the authority to make a recommendation to grant or deny licensure.

Discussion was held.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Pignataro, Stevenson  
Nays - None

MOTION PREVAILED

**Apryl Monique Simmons, Pharmacy Tech., Ltd. – Proposal for Decision/Intent to Deny**

MOTION by Keim, seconded by Hills, to accept in part, and reject in part, the Proposal for Decision and to table for a rewrite.

A roll call vote was taken.

Yeas - Penny, Boston, Hills, Keim, Moy-Sandusky, Pignataro, Stevenson  
Nays - None  
Recuse - Almaklani

MOTION PREVAILED

**Hossam M. Tanana, R.Ph. – Proposal for Decision/Reinstatement**

MOTION by Moy-Sandusky, seconded by Hills, to accept the Proposal for Decision

Discussion was held.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim, Moy-Sandusky, Pignataro, Stevenson  
Nays - None

MOTION PREVAILED

MOTION by Moy-Sandusky, seconded by Hills, to require Petitioner to take and successfully earn a passing score on the North American Pharmacist Licensure Examination (NAPLEX) and Multistate Pharmacy Jurisprudence Examination (MPJE) within 6 months. In the event Petitioner fails to earn a passing score on the NAPLEX and MPJE, Petitioner's license shall remain suspended and Petitioner shall file an application for reinstatement of the suspended license. If within 6 months the Department receives evidence of Petitioner passing the MPJE and NAPLEX, Petitioner shall be granted a limited license. Petitioner's license shall be limited for 2 years and Petitioner is prohibited from holding ownership/financial interest in any pharmacy. In addition, the terms of the limitation require that Petitioner practice for a minimum of 1000 hours under direct-on-site supervision of a Board-approved, fully licensed pharmacist. Upon Petitioner's successful completion of a minimum of 1000 hours of direct supervised practice, Petitioner shall practice for a minimum of 1000 hours under the general supervision of a fully licensed, Board-approved pharmacist. Petitioner placed on probation to run concurrent with the period of limitation with quarterly supervisor reports from the supervising pharmacist advising of Petitioner's work performance.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Moy-Sandusky, Pignataro, Stevenson  
Nays - Keim

MOTION PREVAILED

## OLD BUSINESS

### GE Accreditation Approval Request

MOTION by Hills, seconded by Moy-Sandusky, to untable the request.

Discussion was held.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim, Moy-Sandusky, Pignataro, Stevenson  
Nays - None

MOTION PREVAILED

MOTION by Stevenson, seconded by Boston, to approve the GE Accreditation approval request.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim, Moy-Sandusky, Pignataro, Stevenson  
Nays - None

MOTION PREVAILED

## NEW BUSINESS

### Reports

#### CE Committee

Moy-Sandusky directed the Board to the list of Continuing Education programs for consideration and provided an overview. (See Addendum #2 attached hereto).

MOTION by Almaklani, seconded by Stevenson, to approve the list of continuing education programs.

A voice vote was taken.

MOTION PREVAILED

### **Pharmacy CE Approval Request – Baran Consulting**

MOTION by Moy-Sandusky, seconded by Almaklani, to table Baran Consulting's Pharmacy continuing education request due to the Board needing more supporting information regarding classes' certification of hours.

A voice vote was held.

MOTION PREVAILED

### **Rules Subcommittee**

Siracuse explained that he met with the Rules Subcommittee and they went over several rules they would like to recommend to the Board for revision (see Attachment #1).

MOTION by Hills, seconded by Moy-Sandusky, to approve changes to the Administrative Rules recommended by the Rules Subcommittee.

A roll call vote was taken.

Yeas - Penny, Almaklani, Boston, Hills, Keim,  
Moy-Sandusky, Stevenson  
Nays - None

MOTION PREVAILED

### **Michigan Health & Hospital Association (MHA) Presentation and Discussion on Approval of Accreditation Organizations**

MHA representatives spoke to the Board about approving Medicare deemed status accrediting organizations and Medicare state certifying agencies as approved national accrediting organizations for compounding pharmacies. The MHA presented the board with a handout which included supporting information regarding their position on approving these agencies as national accrediting organizations.

The Joint Commission did a presentation to support their request to the Board to approve the Joint Commission's Medication Compounding Certification Program as an approved accrediting organization for compounding pharmacies. The Joint Commission also handed out supporting information for their request, to the Board.

Penny thanked MHA and the Joint Commission for attending the meeting and for the information they have provided in regards to the accreditation process. She is assured that the Board will continue to work with the Department and the state for an accrediting process that will work for everyone. Stevenson did mention a concern about the Joint Commission's capacity to handle surveyors to hospitals. Jennifer Hoppe of the Joint Commission stated they will have an idea of the volume of surveyors to hospitals before

January and can make provisions at that time. The Joint Commission also requested a clarification to what "in the accreditation process" means under MCL 333.17748a(2).

### **Department Update**

Kim Gaedeke, Director, Bureau of Professional Licensing, updated the Board regarding the licensing database and its replacement. She stated that the Department is hoping the process of implementing the new database can begin within the next few months. The first two boards that will be using the portal will be Nursing and Real Estate Brokers and Salespersons. This database program is a web based product and other licensing programs will be added soon. The process will probably take 2 years to implement all licensing programs. She mentioned that the Department is also working with the legislature, hoping that funding will be available this fiscal year to implement the program. The Department will work with all licensing boards for their input also.

Gaedeke also mentioned organizational changes that recently took place within the Bureau. The Compliance Section is now part of the Legal Affairs Division, and the Enforcement Division is now the Investigation and Inspection Division. The Allegations section is now under the Investigation and Inspection Division. Penny requested that the Department provide a new organizational chart for members.

Penny wanted an update on any pilot program approvals. Siracuse mentioned that there had been a request for a pilot program submitted. However, the request could not be approved because it was requesting an exception to the statute instead of an exception to a rule, which can be approved by the Board.

### **PUBLIC COMMENT**

Phil Burgess stated that he works as a consultant with Asteres, who submitted a request for the pilot program that was denied, and wanted the Board to review the request because he believed the program was not in violation of the statute.

Larry Wagenknecht, Michigan Pharmacists Association, requested direction for compliance on suspension devices.

Greg Baran, Baran Consulting, thanked the Board for addressing the 5% rule.

Hoppe, the Joint Commission, stated that they can provide a list of those applying for certification, to the Board.

## ANNOUNCEMENTS

The next regularly scheduled meeting will be held August 10, 2016 at 10:30 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

## ADJOURNMENT

MOTION by Moy-Sandusky, seconded by Stevenson, to adjourn the meeting.

MOTION PREVAILED

Penny adjourned the meeting at 12:45 p.m.

  
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Nichole Penny, R.Ph., Chairperson

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Date Minutes Approved

Janielle Houston, Board Support

Date Minutes Prepared: 6-14-16

## **ADDENDUM #1**

### **PHARMACY CONTINUING EDUCATION REVIEW June 8, 2016**

#### **APPROVED PROGRAMS**

**ST. JOHN HOSPITAL MED CENTER- DEPT OF INPATIENT SERVICES – Using a Video to Teach Children Inhaler Technique** to be held May 17, 2016 in Detroit Michigan for 1 hour with .5 hours in Pain Management.

**RECOMMENDATION PROVIDED BY M. SANDUSKY: 1 HOUR WITH 0.5 HOURS IN PAIN MANAGEMENT**

**ST. JOHN HOSPITAL MED CENTER- DEPT OF INPATIENT SERVICES – Resident Project Presentations; Impact of PCA Lockout Period In Post-Op Pain Mgt.** to be held May 10, 2016 in Detroit Michigan for 1 hour with .5 hours in Pain Management.

**RECOMMENDATION PROVIDED BY M. SANDUSKY: 1 HOUR WITH 0.5 HOURS IN PAIN MANAGEMENT**

**ST JOHNS RETAIL PHARMACIES – Sensitivities and Adverse Reactions** to be held June 15, 2016 in Warren Michigan for 1 hour.

**RECOMMENDATION PROVIDED BY M. SANDUSKY: 1 HOUR**

**MICHIGAN CENTER FOR RURAL HEALTH – Over-the-Counter Access to Oral Contraceptives** to be held July 20, 2016 in East Lansing Michigan for 1 hour.

**RECOMMENDATION PROVIDED BY M. SANDUSKY: 1 HOUR**

#### **REQUESTING FULL BOARD REVIEW**

**BARAN CONSULTING LLC – MI PHARMACY LAW REVIEW 2016** to be held online at convenience of attendee.

**Program Date(s) and Location(s)** - Application states, "At home book review of the statutes, administrative rules and code of federal regulations in a structured method."

**Total Number of Hours of Course Instruction** – applicant did not include requested amount of CE

**How Many Hours of the Program are Related to Pain Management** - applicant did not include requested amount hours for pain management