



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
LANSING

JANET OLSZEWSKI  
DIRECTOR

## MICHIGAN BOARD OF PHARMACY DISCIPLINARY SUBCOMMITTEE MEETING MINUTES OF FEBRUARY 13, 2008 APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Pharmacy Disciplinary Subcommittee met in regular session on February 13, 2008, at the Ottawa Building Conference Center, 611 West Ottawa, Conference Room 3 (Upper Level Parking), Lansing, Michigan.

### **CALL TO ORDER**

Pamela Gnodtke, Public Member, Chairperson, called the meeting to order at 10:30 a.m.

**Members Present:** Pamela Gnodtke, Public Member, Chairperson  
David Bach, R.Ph.  
Gwenesia Collins, R.Ph.  
Harvey Schmidt, R.Ph.

**Members Absent:** None

**Staff Present:** Karen Carpenter, Analyst, Enforcement Section  
Amy Rosenberg, Assistant Attorney General  
Laurie VanBeelen, Secretary, Licensing Division  
Natashia Oginsky, Intern, Bureau of Health Professions  
Mike Wissel, Pharmacy Inspector, Investigation Division  
(arrived at 11:07 a.m.)  
Rae Ramsdell, Director, Licensing Division  
(arrived at 11:13 a.m.)  
Liz Arasim, Policy Analyst, Licensing Division  
(arrived at 11:22 a.m.)

**Others Present:** Suhair Farida, R.Ph.  
Laura Shaw, R.Ph.

## **APPROVAL OF MINUTES**

**Motion** by Bach, seconded by Schmidt, to approve the minutes of December 12, 2007 meeting with the following corrections:

The header date on pages 2 thru 5 should reflect the date of December 12, 2007.

In the matter of **Donn W. Olson, R.Ph. – Proposal for Decision:**

The last sentence of the last paragraph before the roll call should read: "If Petitioner's suspension continues for six months and one day, he must petition for reclassification."

*MOTION PREVAILED*

## **APPROVAL OF AGENDA**

**Motion** by Schmidt, seconded by Collins, to approve the agenda as amended:

The order of the Agenda will be changed to reflect that item **P. R and G Pharmacy – Consent Order and Stipulation** shall immediately follow **N. Remy U. Onimoe, R.Ph. – Consent Order and Stipulation**.

*MOTION PREVAILED*

## **REGULATORY CONSIDERATIONS**

### **GERALD JOHN RUBLEY, R.Ph., R.N., C.N.P. – ADMINISTRATIVE COMPLAINT**

**Motion** by Bach, seconded by Schmidt, to dissolve the Order of Summary Suspension and suspend Respondent's license for a minimum period of one (1) day until he enters into and complies with a Health Professional Recovery Program (HPRP) monitoring agreement, if deemed necessary, in the matter of Gerald John Rubley, R.Ph., R.N., C.N.P.

Upon reinstatement, Respondent shall be placed on probation for a period of one (1) year requiring compliance with the monitoring agreement.

If Respondent's period of suspension exceeds six (6) months, he must petition for reinstatement.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**MARK DANIEL LUKAS, R.Ph. – PETITION FOR RECLASSIFICATION**

**Motion** by Schmidt, seconded by Bach, to grant Petitioner's request for reclassification and reinstate Petitioner's license to a full and unlimited status, in the matter of Mark Daniel Lukas, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**JOSEPH NURI FAKHOURY, R.Ph. – PROPOSAL FOR DECISION**

**Motion** by Bach, seconded by Collins, to accept the Proposal for Decision, in the matter of Joseph Nuri Fakhoury, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**Motion** by Bach, seconded by Schmidt, to grant Petitioner a limited license, with the following conditions, in the matter of Joseph Nuri Fakhoury, R.Ph.

Petitioner shall be under direct Board-approved supervision for the period of 1,500 hours with the following terms of probation to run concurrent with the limitation:

- 1) Employer shall submit quarterly reports;
- 2) Petitioner shall continue with the recommendations of the HPRP monitoring agreement; and
- 3) Petitioner shall comply with the February 7, 2007 Consent Order and Stipulation.

If Petitioner complies with the above terms, his license will be automatically reclassified at the end of the limitation period.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**DONALD ELLWOOD FRASER, JR., R.Ph. – PROPOSAL FOR DECISION**

**Motion** by Schmidt, seconded by Collins, to accept the Proposal for Decision and grant reclassification to a full and unlimited license, in the matter of Donald Ellwood Fraser, Jr., R.Ph.

With regard to page 4 of the Proposal for Decision, it should be noted that Petitioner applied for reclassification, not reinstatement, and is not required to be on probation for one (1) year.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**Motion** by Schmidt, seconded by Bach, to grant Petitioner a full and unrestricted license, in the matter of Donald Ellwood Fraser, Jr., R.Ph.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**BEVERLY BISHOP, R.Ph. – ORDER OF DISMISSAL**

**Motion** by Bach, seconded by Collins, to accept the Order of Dismissal, in the matter of Beverly Bishop, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt  
Nay – Gnodtke

*MOTION FAILED*

**Motion** by Bach, seconded by Schmidt, to reject the Order of Dismissal and propose a counter-offer imposing a fine in the amount of \$500, in the matter of Beverly Bishop, R.Ph.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**H. F. MEDICAL CENTER PHARMACY – ORDER OF DISMISSAL**

**Motion** by Bach, seconded by Schmidt, to accept the Order of Dismissal and Dismiss the Administrative Complaint, in the matter of H. F. Medical Center Pharmacy.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**WILLIAM J. LAMBERT, R.Ph. – ORDER OF DISMISSAL**

**Motion** by Schmidt, seconded by Collins, to accept the Order of Dismissal and Dismiss the Administrative Complaint, in the matter of William J. Lambert, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**APOTHECARY SHOP – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Schmidt, to accept the Consent Order and Stipulation, in the matter of Apothecary Shop.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**IAN JAMES BYRON, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Schmidt, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Ian James Byron, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**DONALD KERRY CISLER, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Donald Kerry Cisler, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**VERNE D. HULCE, R.T. – CONSENT ORDER AND STIPULATION**

***Motion*** by Schmidt, seconded by Bach, to accept the Consent Order and Stipulation in the matter of Verne D. Hulce, R.T.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**WASHDEV S. MATA, R.Ph. – CONSENT ORDER AND STIPULATION**

***Motion*** by Collins, seconded by Schmidt, to accept the Consent Order and Stipulation in the matter of Washdev S. Mata, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**DANIEL E. McNAMARA, R.Ph. – CONSENT ORDER AND STIPULATION**

***Motion*** by Bach, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Daniel E. McNamara, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**REMY U. ONIMOE, R.Ph. – CONSENT ORDER AND STIPULATION**

***Motion*** by Schmidt, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Remy U. Onimoe, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**R AND G PHARMACY – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Schmidt, to accept the Consent Order and Stipulation in the matter of R and G Pharmacy.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**MICHELLE V. PACIA, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Schmidt, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Michelle V. Pacia, R.Ph.

Discussion followed.

A roll call vote followed: Nays – Bach, Collins, Schmidt, Gnodtke

*MOTION FAILED*

**Motion** by Bach, seconded by Collins, to reject the Consent Order and Stipulation and propose a counter-offer to issue a written reprimand, assess a \$500 fine, place Respondent on one (1) year of probation, and require 15 hours of additional continuing education applicable to license renewal, which shall not count towards licensing requirements, in the matter of Michelle V. Pacia, R.Ph.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**SAAB DRUGS, INC. – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Saab Drugs, Inc.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**ZEYN NEZ SEABRON, M.D. – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Schmidt, to accept the Consent Order and Stipulation in the matter of Zeyn Nez Seabron, M.D.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**GARY L. SLATE, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Schmidt, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Gary L. Slate, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**GAYLE T. THOMPSON, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Collins, seconded by Schmidt, to accept the Consent Order and Stipulation in the matter of Gayle T. Thompson, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**ROBERT J. VAN BEMMELEN, R.Ph. – CONSENT ORDER AND STIPULATION**

**Motion** by Bach, seconded by Collins, to accept the Consent Order and Stipulation in the matter of Robert J. VanBemmelen, R.Ph.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

*MOTION PREVAILED*

**STEPHEN DAKHLIAN, R.Ph., FARMBROOK PHARMACY and MSP PHARMACY-COM – CONSENT ORDER AND STIPULATION**

**Motion** by Schmidt, seconded by Bach, to accept the Consent Order and Stipulation in the matter of Stephen Dakhlian, R.Ph., Farmbrook Pharmacy and MSP Pharmacy-COM.

Although not part of the Consent Order, the Board is requesting random inspection of Farmbrook Pharmacy to ensure compliance with supervision requirements.

Discussion followed.

A roll call vote followed: Yeas – Bach, Collins, Schmidt, Gnodtke

**MOTION PREVAILED**

**PUBLIC COMMENT**

Mike Wissel commented that the problem with internet pharmacies is the lack of communication between the patient, the doctor and the pharmacy. The problems tend to arise due to an on-line questionnaire that is filled out by the patient, and the lack of a doctor/patient relationship. The prevalency of unethical on-line pharmacies is due to the large amount of revenue that on-line pharmacies are generating. He stated that facilities that are operating an internet pharmacy are usually also operating a retail pharmacy.

**ANNOUNCEMENTS**

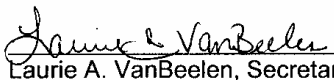
The next regularly scheduled meeting will be held on April 9, 2008 at 9:00 a.m. at the Ottawa Building Conference Center, 611 West Ottawa, Conference Room 3 (Upper Level Parking), Lansing, Michigan.

**ADJOURNMENT**

**Motion** by Schmidt, seconded by Collins, to adjourn the meeting at 12:22 a.m.

  
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Pamela Gnodtke, Public Member, Chairperson

4/9/2008  
Date Minutes Approved

  
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Laurie A. VanBeelen, Secretary

February 19, 2008  
Date Minutes Prepared