



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF PHARMACY APRIL 8, 2009 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Pharmacy met in regular session on April 8, 2009, at the Ottawa Building Conference Center, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 4, Lansing, Michigan.

CALL TO ORDER

David Bach, R.Ph., Chairperson, called the meeting to order at 9:05 a.m.

ROLL CALL

Members Present:

David Bach, R.Ph., Chairperson
Laura Shaw, R.Ph., Vice Chairperson
Dale Carlson, Public Member
Sue Farida, R.Ph.
Harvey Schmidt, R.Ph.
Devin Senneker, Public Member

Members Absent:

Gwenesia Collins, R.Ph.
Sara Fakhoury, R.Ph.
Pamela Gnodtke, Public Member
Leigh Kegerreis, Public Member

Staff Present:

Rae Ramsdell, Director, Licensing Division
Amy Shell, Policy Administration Manager, Licensing Division
Karen Carpenter, Analyst, Enforcement Section
Tom Scallen, Assistant Attorney General
Mike Wissel, Manager, Pharmacy Section
Starla Walter, Board Secretary, Licensing Division
Laurie VanBeelen, Board Secretary, Licensing Division

Others Present:

Laurie Bednursh
Sandra Zori
Marcie Ferraro

Jessica Gherardini
Nissvine Kazoun
Susan DeVuyst-Miller
Brenda Ruehlman, Meijer
Teresa Willard, Meijer
Pratik Patel, Meijer
Wendy Zundel, Meijer
Becky Hanson, Meijer
Rose Baran, FSU
Jan Huffman, CVS
Jason Taylor, MPA
Shawna Kraft, MPA
Denise Markstrom, MPA
John Brubaker, St. John Pharmacy
Brian Fase, MPA
Greg Baran, MPA
Michael Lee, CVS
Jay Duprey, for Frank W. Kerr

APPROVAL OF MINUTES

MOTION by Schmidt, seconded by Carlson, to approve the February 11, 2009 meeting minutes, with the following corrections:

Under Regulatory Considerations, in the matter of Timothy James Dempsey, R.Ph. – Proposal for Decision, the fourth sentence of the second motion should read, "During the last six (6) months of limitation, Petitioner must complete a minimum of 1,000 hours of practice under general supervision by a board-approved supervisor." In the matter of Jean Marie Hitchens, R.Ph. – Proposal for Decision, the fourth sentence of the second motion should read, "During the last six (6) months of limitation, Petitioner must complete a minimum of 1,000 hours of practice under general supervision by a board-approved supervisor."

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Farida, seconded by Shaw, to approve the agenda with the following addition:

Under Regulatory Considerations, add C. Cortland R. Book, R.Ph. – Proposal for Decision.

MOTION PREVAILED

INTRODUCTIONS

Tom Scallen, Assistant Attorney General, introduced himself to the Board. He indicated that he will be filling in for Serene Katranji-Zeni while she is on maternity leave. Laurie VanBeelen introduced the Bureau's newest board secretary Starla Walter .

COMMITTEE REPORTS

Rules Committee

Schmidt advised that the committee will be working on draft 8 of the rules at today's subcommittee meeting.

Policy Committee

No report.

Disciplinary Subcommittee

Bach indicated that Gnodtke is unable to be present at today's meeting and thanked Senneker for agreeing to act as DSC chairperson in her place.

CE Approval

MOTION by Schmidt, seconded by Farida, to approve the Continuing Education Review Programs as presented.

MOTION PREVAILED

See Addendum #1 attached hereto.

OLD BUSINESS

NABP Meeting

Bach indicated that the NABP Annual Meeting is scheduled for May 16-19, 2009 in Miami, Florida. The Department will follow up with the NABP regarding travel reimbursement and provide the information to either Collins or Farida, as one of them will be attending as the Board's voting delegate.

NEW BUSINESS

NABP Annual Meeting Resolutions

Ramsdell directed the Board to the resolutions which will be discussed and considered at the annual meeting in May. Board discussion was held. Specific attention was given to the resolution provided by District 5 which pertains to valid patient care relationships. The Board supports this resolution and will discuss this issue further at the June meeting.

Proposed Pharmacy Peer Review Process

Bach referred the Board to the handout on this subject which was provided prior at the beginning of the meeting. He explained that quite often there is a lack of reporting of adverse events due to the disciplinary action that could result. Bach is proposing that a peer review process be established to help practitioners prevent future errors. He indicated that both the NABP and the Michigan Pharmacists Association (MPA) are in support of this mechanism of review, and that many states already participate in this practice. He provided an overview of the information and asked the Board to be prepared to take this issue to a vote at the June meeting.

Proposed Regulatory Changes

i. Demonstration Projects

Bach stated that he would like to see the Public Health Code brought up-to-date from its initial publication in 1978 and include the opportunity for board-approved demonstration projects. This will apply to all Boards; it will not be restricted to Pharmacy. Bach advised that the MPA supports this legislative change.

ii. Expunging Records

Farida indicated that she is working with the MPA to develop proposed language with regard to expunging records of disciplinary action for moderate offenses after a certain period of time. Ramsdell reminded the Board that if a discipline is reported to the National Data Bank, the information cannot be removed from the National Data Bank even if it is expunged in Michigan. Farida will provide more information as this issue progresses.

MPJE Item Writing Workshop

It was confirmed that Collins will attend this workshop in Illinois on June 4, 5 and 6, 2009. Schmidt will be unable to attend due to a scheduling conflict.

REGULATORY CONSIDERATIONS

Remy U. Onimoe, R.Ph. – Proposal for Decision

MOTION by Shaw, seconded by Schmidt, to accept the Proposal for Decision and reinstate Petitioner's pharmacy and controlled substance licenses in the matter of Remy U. Onimoe, R.Ph.

Discussion was held.

Motion was withdrawn.

MOTION by Shaw, seconded by Schmidt, to remand the matter of Remy U. Onimoe, R.Ph., back to the Department to obtain additional information.

A roll call vote followed: Yeas: Farida, Schmidt, Carlson, Senneker, Shaw, Bach

MOTION PREVAILED

Jean Marie Hitchens, R.Ph. – Petition for Reconsideration

MOTION by Shaw, seconded by Schmidt, to grant the Petition for Reconsideration in the matter of Jean Marie Hitchens, R.Ph., and amend the final order as follows:

- the Board agrees with the Administrative Law Judge that in the event petitioner passes the MPJE and practices under general supervision, she will meet the requirements of being safe to practice and pose no risk of harm to the public, therefore satisfying the requirements for reinstatement of her license;
- Petitioner is granted a limited license for the sole purpose of taking the MPJE. If Petitioner does not pass the MPJE within six (6) months, her license will revert to suspended status and she will have to apply for reinstatement;
- upon Petitioner passing the MPJE in the provided time frame, she will be granted a limited license for one (1) year requiring her to practice for 1,000 hours under direct, on-site supervision by a board-approved supervisor, followed by a minimum of 1,000 hours of general supervision by a board-approved supervisor.

The limitation will run concurrent with probation. Petitioner shall provide quarterly supervisor reports to the Department and shall complete five (5) live continuing education credits in the area of ethics. Petitioner's controlled substance license may be reinstated upon completion of licensure application and submitting applicable fees.

Discussion was held.

A roll call vote followed: Yeas: Farida, Schmidt, Carlson, Senneker, Shaw, Bach

MOTION PREVAILED

Cortland R. Book, R.Ph. – Proposal for Decision

MOTION by Shaw, seconded by Senneker, to accept the Proposal for Decision in the matter of Cortland R. Book, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Schmidt, Farida, Carlson, Senneker, Shaw, Bach

MOTION PREVAILED

MOTION by Farida, seconded by Shaw, that after review of the criminal background check to confirm there are no other convictions since 2001, Petitioner will be granted a limited license for two (2) years in the matter of Cortland R. Book, R.Ph. Additionally, Petitioner must practice for 1,000 hours under the direct, on-site supervision by a board-approved supervisor and for a minimum of 1,000 hours under the general supervision of a board-approved supervisor. Probation will run concurrent with these limitations and Petitioner must provide the Department with quarterly supervisor reports. Petitioner must also complete 30 hours of board-approved continuing education related to drug dispensing, of which 10 hours must be live, and which will not count towards licensing requirements. The continuing education hours must be completed within the first 1,000 hours of direct, on-site supervision practice and must include hours in the areas of disease management, patient counseling, new drugs from the last eight (8) years, and therapeutics. Petitioner's license will be automatically reclassified to a full and unencumbered status upon successful completion of these terms.

A roll call vote followed: Yeas: Schmidt, Farida, Carlson, Senneker, Shaw, Bach

MOTION PREVAILED

PUBLIC COMMENT

Theresa Miller, representing Meijer, stated that she was in favor of expunging certain sanctions from licenses, but believes that the lesser offenses should have an automatic expungement and should not have to come before the Board. With regard to the confirmation of a doctor/patient relationship, she is concerned that this will pose complications for individuals who come from other countries or states.

Wendy Soma, representing Meijer, referenced one of the previous regulatory matters and indicated that simply requiring a CE in the area of "therapeutics" is vague and the licensee may need additional information, and asked that the Board be mindful of this if this type of CE is assessed in the future.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held June 10, 2009 at 9:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

ADJOURNMENT

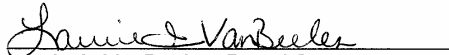
Motion by Schmidt, seconded by Shaw, to adjourn the meeting at 10:19 a.m.



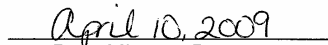
David S. Bach, R.Ph., Chairperson



Date Minutes Approved



Laurie A. VanBeelen, Board Secretary



Date Minutes Prepared

PHARMACY CONTINUING EDUCATION REVIEW

April 8, 2009

APPROVED PROGRAMS

ST. JOHN HOSPICE & INFUSION – War on Pain held March 19, 2009 in Southfield, MI for four hours.

RECOMMENDATION: FOUR HOURS

PROMEDICA HEALTH SYSTEM – 2ND Annual Pharmacology Update held March 14, 2009 in Toledo, OH for six hours.

RECOMMENDATION: SIX HOURS

MICHIGAN CENTER FOR RURAL HEALTH – Pharmacy Grand Rounds-Skunks, Raccoons & Bats, Oh My! (Rabies) held May 14, 2009, 12pm to 1pm EST broadcast videoconference/teleconference throughout rural Michigan for one hour.

RECOMMENDATION: ONE HOUR

ST. JOHN RETAIL PHARMACIES – Medication Management in the Older Adult held May 13 & 20, 2009 in Oakland County, MI for one hour.

RECOMMENDATION: ONE HOUR

ST. JOHN MACOMB-OAKLAND HOSPITAL – MACOMB CENTER – Optimizing Opioids in Pain Management held April 30, 2009 in Macomb, MI for one hour.

RECOMMENDATION: ONE HOUR