



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
ACTING DIRECTOR

MICHIGAN BOARD OF PHARMACY DISCIPLINARY SUBCOMMITTEE OCTOBER 8, 2014 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 October 8, 2014, in the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

CALL TO ORDER

Pamela Wyett, Public Member, Chairperson, called the meeting to order at 10:53 p.m.

Members Present: Pamela Wyett, Public Member, Chairperson
Kathleen Burgess, Public Member
Suit Hing Moy-Sandusky, R.Ph.
Nichole Penny, R.Ph.
James Stevenson, PharmD

Members Absent: None

Staff Present: Amy Schneider, Secretary, Policy, Rules and Board Support Section
Norene Lind, Board Manager, Policy, Rules and Board Support Section
Joe Campbell, Enforcement Division Director (arrived at 10:55)
Stephanie Rosenthal, Enforcement Analyst, Enforcement Division
Bruce Johnson, Assistant Attorney General

Others Present: Dhafer Almaklani, R.Ph.
Nabil Fakh, R.Ph.
Patricia Harney
Jonathan Pignataro
Carolyn Batchelor, HPRP
Mary Burkhardt, HPRP
Carl Christensen, HPRP
Eric Roath, MPA
Amy Parker, MPA

Keri Marsh, SUDS Coalition
Rose Baran, Ferris State University
Jeff Rowe, Diplomat Specialty Pharmacy

APPROVAL OF MINUTES

MOTION by Burgess, seconded by Moy-Sandusky, to approve the September 8, 2014 meeting minutes as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Penny, seconded by Moy-Sandusky, to approve the agenda as presented.

MOTION PREVAILED

MASTER RESOLUTION

MOTION by Penny, seconded by Moy-Sandusky, to approve the DSC Pharmacy Master Resolution as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Cystic Fibrosis Pharmacy – Consent Order and Stipulation

MOTION by Penny, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Cystic Fibrosis Pharmacy.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyatt

MOTION PREVAILED

Eugene Austin Biegert, R.Ph – Consent Order and Stipulation

MOTION by Penny, seconded by Moy-Sandusky, to untable the Consent Order and Stipulation in the matter of Eugene Austin Biegert, R.Ph.

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Eugene Austin Biegert, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson
Abstain: Wyett

MOTION PREVAILED

Ganapathy K. Kumar, M.D. – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Ganapathy K. Kumar, M.D.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

Linde Gas North America, L.L.C. – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Linde Gas North America, L.L.C.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Wyett
Nay: Stevenson

MOTION PREVAILED

Precision Pharmacy – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Precision Pharmacy.

Discussion was held.

A roll call vote followed: Yeas: Moy-Sandusky, Penny, Stevenson, Wyett
Nay: Burgess

MOTION PREVAILED

The Procter & Gamble Distributing, L.L.C. – Consent Order and Stipulation

MOTION by Stevenson, seconded by Burgess, to accept the Consent Order and Stipulation in the matter of The Procter & Gamble Distributing, L.L.C.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

Nageswar Rao Yesu, R.Ph – Consent Order and Stipulation

MOTION by Stevenson, seconded by Moy-Sandusky, to accept the Consent Order and Stipulation in the matter of Nageswar Rao Yesu, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

Mack's Discount Pharmacy – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to reject the Consent Order and Stipulation and make a counter-offer as follows in the matter of Mack's Discount Pharmacy.

A fine shall be assessed in the amount of \$7,000.00, payable within thirty (30) days of the effective date of the Order; probation for two (2) years; and the Pharmacy shall be subject to four (4) unannounced inspections per year.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

James Gordon Trussler, R.Ph – Consent Order and Stipulation

MOTION by Penny, seconded by Burgess, to reject the Consent Order and Stipulation and make a counter-offer as follows in the matter of James Gordon Trussler, R.Ph.

The Respondent shall be limited from holding a controlled substances license for six (6) months.

A fine shall be assessed in the amount of \$7,000.00, and the Respondent shall be placed on probation for two (2) years with the following terms:

(1) Respondent shall be required to complete a total of six (6) credits of continuing education in the areas of:

- a. Diversion (5)
- b. Law Update (1)

(2) Respondent shall be subject to four (4) unannounced inspections per year.

Discussion was held.

A roll call vote followed: Yeas: Penny, Burgess
Nay: Stevenson, Moy-Sandusky, Wyatt

MOTION FAILED.

MOTION by Stevenson, seconded by Moy-Sandusky, to reject the Consent Order and Stipulation and make a counter-offer as follows in the matter of James Gordon Trussler, R.Ph.

A fine shall be assessed in the amount of \$7,000.00, and the Respondent shall be placed on probation for two (2) years with the following terms:

(1) Respondent shall be required to complete a total of six (6) credits of continuing education in the areas of:

- a. Diversion (5)
- b. Law Update (1)

(2) Respondent shall be subject to four (4) unannounced inspections per year.

Discussion was held.

A roll call vote followed: Yeas: Stevenson, Moy-Sandusky, Wyatt
Nay: Penny, Burgess

MOTION PREVAILED.

David Joseph Miller, R.Ph – Request for Dismissal

MOTION by Stevenson, seconded by Penny, to untable the Request for Dismissal in the matter of David Joseph Miller, R.Ph.

MOTION by Penny, seconded by Moy-Sandusky, to deny the Request for Dismissal in the matter of David Joseph Miller, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

Dorian N. Lange, R.Ph – Administrative Complaint

MOTION by Penny, seconded by Moy-Sandusky, suspend the Respondent's license for six (6) months and one (1) day in the matter of Dorian N. Lange, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Burgess, Moy-Sandusky, Penny, Stevenson, Wyett

MOTION PREVAILED

PUBLIC COMMENT

None

ANNOUNCEMENTS

The next regularly scheduled meeting will be held December 10, 2014, immediately following the full board meeting scheduled to begin at 9:00 a.m. in the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

ADJOURNMENT

MOTION by Burgess, seconded by Penny, to adjourn the meeting at 11:55 a.m.

MOTION PREVAILED

Kathleen Burgess *Acting Chairperson*

Pamela Wyatt, Chairperson

12-10-14

Date Minutes Approved

Amy Schneider

Amy Schneider, Board Secretary

10.8.14

Date Minutes Prepared