



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
SEPTEMBER 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 September 8, 2014, in the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 5, Lansing, Michigan.

CALL TO ORDER

Pamela Wyett, Public Member, Chairperson, called the meeting to order at 1:30 p.m.

Members Present: Pamela Wyett, Public Member, Chairperson
Suit Hing Moy-Sandusky, R.Ph. (arrived at 1:45 p.m.)
Nichole Penny, R.Ph.
Patricia Smeelink, R.Ph.
James Stevenson, PharmD

Members Absent: Kathleen Burgess, Public Member

Staff Present: Amy Schneider, Secretary, Policy, Rules and Board Support Section
Joe Campbell, Enforcement Division Director
Stephanie Rosenthal, Enforcement Analyst, Enforcement Division
Bruce Johnson, Assistant Attorney General
Tim Smith, Investigations Division, Pharmacy Section

Others Present: Susan Devuyst, Meijer
Courtney Serra, FSU
Kaylin Petak, FSU
Laura Ryba, FSU

APPROVAL OF MINUTES

MOTION by Penny seconded by Stevenson, to approve the June 11, 2014 meeting minutes as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Penny, seconded by Stevenson, to approve the Agenda with the following Correction: items M, N, and O shall be combined and handled as one case, McKesson – Consent Order and Stipulation.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Aurobindo Pharma USA Inc. – Consent Order and Stipulation

MOTION by Stevenson, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Aurobindo Pharma USA Inc.

Discussion was held.

A roll call vote followed: Yeas: Penny, Smeelink, Stevenson, Wyett

MOTION PREVAILED

Jaafar Barakat, R.Ph – Consent Order and Stipulation

MOTION by Stevenson, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Jaafar Barakat, R.Ph.

Discussion was held.

A roll call vote followed: Nay: Penny, Smeelink, Stevenson, Wyett

MOTION DENIED

MOTION by Penny, seconded by Stevenson, to reject the Consent Order and Stipulation and offer a counter-offer to suspend Respondent's license for six (6) months and one (1) day in the matter of Jaafar Barakat, R.Ph.

Additionally, a fine shall be assessed in the amount of \$15,000.00.

All other terms shall remain as written.

Discussion was held.

A roll call vote followed: Yeas: Penny, Smeelink, Stevenson, Wyett

MOTION PREVAILED

Cardinal Health – Consent Order and Stipulation

MOTION by Stevenson, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Cardinal Health.

Discussion was held.

A roll call vote followed: Yeas: Penny, Smeelink, Stevenson, Wyett

MOTION PREVAILED

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

MOTION by Penny, seconded by Stevenson, to table the Consent Order and Stipulation in the matter of Eugene Austin Biegert, R.Ph.

Discussion was held.

A roll call vote followed: Yeas: Penny, Smeelink, Stevenson, Wyett

MOTION PREVAILED

Expert - Med – Consent Order and Stipulation

MOTION by Penny, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Expert - Med.

Discussion was held.

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

MOTION PREVAILED

First Veterinary Supply – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of First Veterinary Supply.

Discussion was held.

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

MOTION PREVAILED

Fresenius Kabi USA LLC d/b/a APP Pharmaceuticals LLC – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Fresenius Kabi USA LLC d/b/a APP Pharmaceuticals LLC.

Discussion was held.

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

MOTION PREVAILED

Brian Francis Galloway, R.Ph – 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 in the matter of Brian Francis Galloway, R.Ph.

Respondent shall be automatically reinstated to a limited Pharmacist license for a minimum period of three (3) years with the following terms and conditions:

- (1) No access to controlled substances.
- (2) Respondent must apply for reclassification at the end of the limitation period.

Additionally, Respondent shall be placed on concurrent probation. All other terms shall remain the same.

Discussion was held.

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

MOTION PREVAILED

Aiman Rabih Kawas, R.Ph – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Aiman Rabih Kawas, R.Ph.

Discussion was held.

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

MOTION PREVAILED

Daniel P. Keller, R.Ph – 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 Daniel P. Keller, R.Ph.

Respondent's Pharmacist license shall be limited for a minimum period of three (3) years with the following terms and conditions:

- (1) Limited from ownership or financial interest in a pharmacy.
- (2) No employment as Pharmacist in charge.
- (3) Respondent must apply for reclassification at the end of the limitation period.

All other terms shall remain the same.

Discussion was held.

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

MOTION PREVAILED

Shamoli Khanderia, R.Ph – Consent Order and Stipulation

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

Discussion was held.

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

MOTION PREVAILED

Letco Medical – Consent Order and Stipulation

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

Discussion was held.

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

MOTION PREVAILED

McKesson, McKesson Corporation, and McKesson Drug Company – Consent Order and Stipulation

MOTION by Stevenson, seconded by Penny, to accept the Consent Order and Stipulation in the matter of McKesson, McKesson Corporation, and McKesson Drug Company.

Discussion was held.

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

MOTION PREVAILED

Mortons Pharmacy – Consent Order and Stipulation

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

Discussion was held.

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

MOTION PREVAILED

Matthew Alan Pierce, R.Ph – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to reject the Consent Order and Stipulation and offer a counter-offer to suspend Respondent's license for six (6) months and one (1) day in the matter of Matthew Alan Pierce, R.Ph.

Additionally, a fine shall be assessed in the amount of \$15,000.00.

Discussion was held.

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

MOTION PREVAILED

Gerald S. Reschke, R.Ph – Consent Order and Stipulation

MOTION by Stevenson, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Gerald S. Reschke, R.Ph.

Discussion was held.

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

MOTION PREVAILED

ResMed Corp a/k/a ResMed South Carolina – Consent Order and Stipulation

MOTION by Stevenson, seconded by Moy-Sandusky, to accept the Consent Order and Stipulation in the matter of ResMed Corp a/k/a ResMed South Carolina.

Discussion was held.

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

MOTION PREVAILED

Gerald John Rubley, R.Ph., R.N., C.N.P. – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Gerald John Rubley, R.Ph., R.N., C.N.P.

Discussion was held.

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

MOTION PREVAILED

Gary E. Stein, R.Ph – Consent Order and Stipulation

MOTION by Penny, seconded by Stevenson, to reject the Consent Order and Stipulation and make a counter-offer as follows in the matter of Gary E. Stein, R.Ph.

A fine shall be assessed in the amount of \$1,500.00.

All other terms shall remain as written.

Discussion was held.

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

MOTION PREVAILED

The Harvard Drug Group, LLC. – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Gerald The Harvard Drug Group, LLC.

Discussion was held.

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

MOTION PREVAILED

Canali's Medical Pharmacy – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, to accept the Consent Order and Stipulation in the matter of Canali's Medical Pharmacy.

Discussion was held.

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

MOTION PREVAILED

Shan Michael McMurphy, R.Ph – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Shan Michael McMurphy, R.Ph.

Discussion was held.

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

MOTION PREVAILED

Xttrium Laboratories, Inc. – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Consent Order and Stipulation in the matter of Xttrium Laboratories, Inc.

Discussion was held.

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

MOTION PREVAILED

Serv-U-Well Pharmacy – Consent Order and Stipulation

MOTION by Moy-Sandusky, seconded by Penny, reject the Consent Order and Stipulation and make a counter-offer as follows in the matter of Serv-U-Well Pharmacy.

A fine shall be assessed in the amount of \$15,000.00, and the Pharmacy shall be subject to a minimum of three (3) unannounced inspections.

All other terms shall remain as written.

Discussion was held.

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

MOTION PREVAILED

David Joseph Miller, R.Ph – Request for Dismissal

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

Discussion was held.

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

MOTION PREVAILED

Thomas George Kundrat, R.Ph – Petition for Reclassification

MOTION by Stevenson, seconded by Penny, to grant the Petition for Reclassification in the matter of Thomas George Kundrat, R.Ph.

Discussion was held.

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

MOTION PREVAILED

Gladis Gewargis Sami, R.Ph – Petition for Reclassification

MOTION by Moy-Sandusky, seconded by Penny, to grant the Petition for Reclassification in the matter of Gladis Gewargis Sami, R.Ph.

Discussion was held.

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

MOTION PREVAILED

Donald James Buckley, R.Ph – Proposal for Decision

MOTION by Moy-Sandusky, seconded by Penny, to accept the Proposal for Decision in the matter of Donald James Buckley, R.Ph.

Discussion was held.

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

MOTION PREVAILED

MOTION by Smeelink, seconded by Moy-Sandusky, to suspend Respondent's license for a minimum of one (1) day, until he undergoes a Health Professional Recovery Program (HPRP) evaluation and enters into a monitoring agreement, if recommended, and deemed safe to practice, in the matter of Donald James Buckley, R.Ph.

Upon automatic reinstatement, Respondent shall be placed on probation for a period of three (3) years with the following terms and conditions:

- 1) Respondent shall comply with the Health Professional Recovery Program (HPRP), as necessary.

Discussion was held.

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

MOTION PREVAILED

Recess

Johnson asked the Chair for a 5-minute recess at 3:35 p.m. The meeting resumed at 3:40 p.m.

Srinvasulu Pathuri, R.Ph – Proposal for Decision and Mitigation Report

MOTION by Moy-Sandusky, seconded by Stevenson, to accept the Proposal for Decision and Mitigation Report in the matter of Srinvasulu Pathuri, R.Ph.

Discussion was held.

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

MOTION PREVAILED

MOTION by Smeelink, seconded by Stevenson, to suspend the Respondent's license for six (6) months and one (1) day in the matter of Srinvasulu Pathuri, R.Ph.

Additionally, Respondent shall pay a fine in the amount of \$15,000.00 payable prior to application for reinstatement.

Discussion was held.

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

MOTION PREVAILED

David J. Realy, R.Ph – Proposal for Decision/Findings of Facts-Conclusions of Law

MOTION by Stevenson, seconded by Smeelink, to accept the Findings of Facts-Conclusions of Law in the matter of David J. Realy, R.Ph.

Discussion was held.

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

MOTION PREVAILED

MOTION by Moy-Sandusky, seconded by Stevenson, to suspend the Respondent's license for six (6) months and one (1) day in the matter of David J. Realy, R.Ph.

Additionally, Respondent shall pay a fine in the amount of \$1,500.00 payable prior to application for reinstatement.

Discussion was held.

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

MOTION PREVAILED

Narendra Cheraku R.Ph – Administrative Complaint

MOTION by Smeelink, seconded by Moy-Sandusky, to dissolve the Order of Summary Suspension and revoke the Respondent's license in the matter of Narendra Cheraku R.Ph.

Discussion was held.

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

MOTION PREVAILED

Jeffrey Michael Fitzgerald, R.Ph – Administrative Complaint

MOTION by Moy-Sandusky, seconded by Penny, to revoke the Respondent's license in the matter of Jeffrey Michael Fitzgerald, R.Ph.

Discussion was held.

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

MOTION PREVAILED

Marcy A. Gazzarari, R.Ph – Administrative Complaint

MOTION by Penny, seconded by Moy-Sandusky, to suspend Respondent's license for a minimum of one (1) day until Continuing Education required for license renewal is completed in the matter of Marcy A. Gazzarari, R.Ph.

Additionally, a fine shall be assessed in the amount of \$1,500.00.

Discussion was held.

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

MOTION PREVAILED

David Alan Gonyer, R.Ph – Administrative Complaint

MOTION by Moy-Sandusky, seconded by Penny, to suspend Respondent's license for a minimum of one (1) day until Continuing Education required for license renewal is completed in the matter of David Alan Gonyer, R.Ph.

Additionally, a fine shall be assessed in the amount of \$1,500.00.

Discussion was held.

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

MOTION PREVAILED

Main Street Family Pharmacy, LLC. – Administrative Complaint

MOTION by Moy-Sandusky, seconded by Penny, to revoke the Respondent's license in the matter of Main Street Family Pharmacy, LLC.

Discussion was held.

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

MOTION PREVAILED

John Muyu Mbawe, R.Ph – Administrative Complaint

MOTION by Penny, seconded by Moy-Sandusky, to dissolve the Order of Summary Suspension and suspend the Respondent's license for six (6) months and one (1) day in the matter of John Muyu Mbawe, R.Ph.

Additionally, Respondent shall pay a fine in the amount of \$1,500.00 payable prior to application for reinstatement.

Discussion was held.

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

MOTION PREVAILED

PUBLIC COMMENT

None

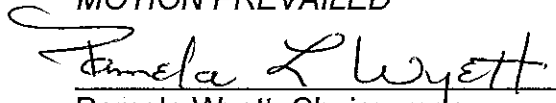
ANNOUNCEMENTS

The next regularly scheduled meeting will be held October 8, 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.

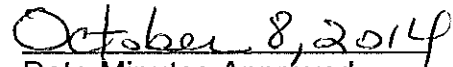
ADJOURNMENT

MOTION by Smeelink, seconded by Stevenson, to adjourn the meeting at 4:15 p.m.

MOTION PREVAILED



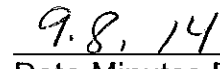
Pamela Wyett, Chairperson



Date Minutes Approved



Amy Schneider, Board Secretary



Date Minutes Prepared