



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

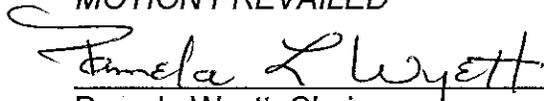
***ANNOUNCEMENTS***

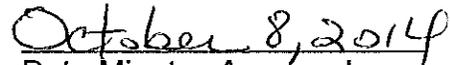
The next regularly scheduled meeting will be held October 8, 2014, immediately following the full board meeting scheduled to begin at 9:00 a.m. in the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

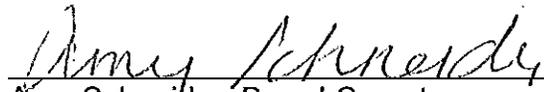
## **ADJOURNMENT**

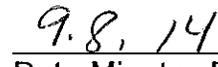
*MOTION* by Smeelink, seconded by Stevenson, to adjourn the meeting at 4:15 p.m.

*MOTION PREVAILED*

  
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Pamela Wyatt, Chairperson

  
\_\_\_\_\_  
Date Minutes Approved

  
\_\_\_\_\_  
Amy Schneider, Board Secretary

  
\_\_\_\_\_  
Date Minutes Prepared