



RICK SNYDER
GOVERNOR

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

STEVE ARWOOD
DIRECTOR

MICHIGAN BOARD OF PHARMACY AUGUST 14, 2013 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 August 14, 2013, in the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

Call to Order

Dhafer Almaklani, R.Ph, Chairperson, called the meeting to order at 9:00 a.m.

Members Present: Dhafer Almaklani, R.Ph., Chairperson
Nichole Penny, R.Ph., Vice-Chairperson
Pamela Bufe-Wyett, Public Member
Dale Carlson, Public Member
Mark Cousens, Public Member
Patricia Harney, Public Member
Suit Hing Moy-Sandusky, R.Ph.
Harvey Schmidt, R.Ph.
Patricia Smeelink, R.Ph.
James Stevenson, PharmD

Members Absent: Devin Senneker, Public Member

Staff Present: Amy Schneider, Policy, Rules and Board Support Section
Karen Carpenter, Policy, Rules and Board Support Section
Bill Hurth, Manager, Enforcement Section
Stephanie Rosenthal, Enforcement Analyst, Enforcement Section
Heidi Johnson, Assistant Attorney General
Dan Burns, Continuing Education, Licensing Division
Vaughn Hafner, Inspector, Health Investigation Division
Janice Waldmiller, Inspector, Health Investigation Division
Sue Morgan, Inspector, Health Investigation Division

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Others Present: Kenny Wallap, Specialty Medicine Compounding
Karen Jonas, Michigan Pharmacists Association
Amy Drumm, Michigan Retailers Association
Jeff Kauffman, Walmart
Teresa Willard, Meijer
Susan DeYeyst-Miller, Meijer
Gershom Avery, Cannabis Cancer Project
Darrel Zalee
Rose Baran, Ferris State University
Nouvellon Pauline
Jeremy Truitt
Amdadul Hoqu
Anthony Terhe
David Tran
Josh Petersman
Suhyun Kim
Deby Motun
Alicia Beck
Renee Johnson-Maybee
Darcey Watson
Michelle Popwich
Roni Fouria
Tarek Mazloun

APPROVAL OF MINUTES

MOTION by Carlson, seconded by Penny, to approve the June 12, 2013 meeting minutes as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Penny, seconded by Smeelink, to approve the agenda with the following changes: delete Item B, "Resolutions" under New Business, and move Item D, "Using Data to Find Medicare Fraud – Joan Harman, U.S. Department of Justice," under Approval of Agenda.

MOTION PREVAILED

Using Data to Find Medicare Fraud

Almaklani introduced Joan Hartman from the U.S. Department of Justice, Eastern Michigan Region. Ms. Hartman gave an informative presentation on how USAMIE is using data to find health care fraud and abuse in the East Michigan Region. Hartman stated that home

health care is the largest problem area in addition to collusive arrangements between physicians and independent pharmacies. Hartman believes that over 200 physicians are currently involved in fraudulent activities. Three hundred (300) prosecutions have been handled in the last three (3) years. She would like to find avenues for cooperation between DOJ and the Board of Pharmacy in dealing with this problem.

REGULATORY CONSIDERATIONS

Larry Charles Sarver, R.Ph. – Petition for Reinstatement

MOTION by Cousens, seconded by Stevenson, to deny the Petition for Reinstatement in the matter of Larry Charles Sarver, R.Ph.

Discussion was held.

A roll call vote taken: Yeas: Bufo-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt,
Smeelink, Stevenson, Almaklani

MOTION PREVAILED

Robia Ismail Baydoun, R.Ph. – Proposal for Decision

MOTION by Cousens, seconded by Schmidt, to accept the Proposal for Decision and deny reinstatement in the matter of Robia Ismail Baydoun, R.Ph.

Discussion was held.

A roll call vote taken: Yeas: Bufo-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt,
Smeelink, Stevenson, Almaklani

MOTION PREVAILED

COMMITTEE REPORTS

Continuing Education (CE) Approval

MOTION by Moy-Sandusky, seconded by Penny, to approve the list of continuing education programs. (See addendum #1 attached hereto.)

MOTION PREVAILED

Rules Committee

Penny stated that she attended the Public Hearing for the Board of Pharmacy held on July 23, 2013. The hearing was held to receive comments for the proposed General Rules, Controlled Substances rules, and the Animal Euthanasia and Sedation Pharmacy rules.

Carpenter provided Board members with a draft of the "Pharmacy-Proposed Controlled Substance Rules" and a summary of the public comments from the July 23, 2013 hearing. Carpenter informed that the controlled substances emergency rules will expire on January 9, 2014. She stated the Board needs to approve the proposed controlled substances rules, so that permanent rules can replace the temporary emergency rules as soon as practicable.

Recess

Almaklani asked the Board for a 15-minute recess at 9:50 a.m. to review the "Proposed Controlled Substance Rules." The meeting resumed at 10:05 a.m.

MOTION by Penny, seconded by Smeelink, that public comment to the Rule 338.3141(1) should be tabled since that rule was not open for revision.

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Stevenson, to include electronic invoice files in Rule 338.3153(2).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Stevenson, to include electronic initials and dates in Rule 338.3153(3) to be consistent with proposed Rule 338.401(1).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Moy-Sandusky, seconded by Penny, to include electronic records in Rule 338.3153(4).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Stevenson, that Rule 338.3153(6) that needs to be consistent with proposed Rule 338.479(b)(11) to allow for electronic storage after (3) three years.

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Carlson, that Rule 338.3153(8) should not be amended and the original "date of dispensing" should be retained.

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Carlson, that Rule 338.3153(8) needs to be consistent with proposed R338.479(b)(11) to include language specifying that "after three (3) years an electronic image of the prescription may be made."

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Stevenson, to table public comment on Rule 338.3161(4), since the rule is not open for amendment.

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Moy-Sandusky, to rescind Rule 338.3161(6) to be consistent with the proposed rescission of Rule 338.479(b)(5).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Moy-Sandusky, that the change to daily reporting requirement in proposed Rule 338.3162(d) be retained.

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani
Nay: Smeelink

MOTION PREVAILED

MOTION by Penny, seconded by Moy-Sandusky, to accept Rule 338.3162 with the following change: add "180 days after filing" to the subsection rule 338.3162(d)(1).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

MOTION by Penny, seconded by Stevenson, to table the following Rules: 338.3120(2) and 338.3123 (1)(2).

Discussion was held.

A roll call vote followed: Yeas: Bufe-Wyett, Carlson, Cousens, Harney,
Moy-Sandusky, Penny, Schmidt, Smeelink,
Stevenson, Almaklani

MOTION PREVAILED

Policy Committee

No report

OLD BUSINESS

None

NEW BUSINESS

Elections

MOTION by Penny, seconded by Wyett, to re-elect Almaklani as Chairperson.

MOTION PREVAILED

MOTION by Wyett, seconded by Carlson, to re-elect Penny as Vice-Chairperson.

MOTION PREVAILED

Committee Assignments

Almaklani asked that members contact him with choice of committee assignments by email.

HPRC Appointment

Almaklani provided the Board with an overview of the program, and explained that every two (2) years, appointments or reappointments are made to the Health Professional Recovery Program Committee (HPRC). He stated Mary Dimo's term will expire on December 31, 2013. Any interested candidate is welcome to submit their Curriculum Vitae to: BushongS@michigan.gov

Department Update

Carpenter informed that the Michigan Public Health Code is being reviewed by a committee appointed by the Michigan Department of Community Health, and chaired by Lawrence Burns, a Grand Rapids attorney, to determine what revisions are needed. The committee will provide its recommendations to the DCH by late January, 2014.

PUBLIC COMMENT

Bufe-Wyett observed that data from "Using Data to Find Medicare Fraud" presentation with data from Vermont did not seem comparable to Michigan.

Penny noted the (NABP) National Association of Boards of Pharmacy - (AACP) American Association of Colleges of Pharmacy District IV Annual Meeting and CE Conference meeting, will be held November 6-8, 2013, in Alsip, Illinois. She encouraged attendance.

Gersh Avery, Michigan Cannabis Cancer Project, commented on medical studies and medical professionals, and he believes that the use of medical marihuana in contrasting numbers is safe and therapeutic.

Tarek Mazloun commented on his CPMP procedure and requested that the Board review CPMP Rules.


ANNOUNCEMENTS

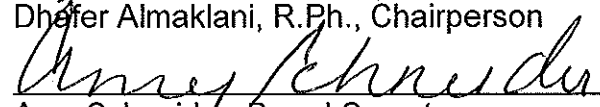
The next regularly scheduled meeting will be held October 9, 2013, at 9:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

ADJOURNMENT

MOTION by Penny, seconded by Carlson, to adjourn at 10:50 a.m.

MOTION PREVAILED



Dhefer Almaklani, R.Ph., Chairperson


Amy Schneider, Board Secretary

10-9-13
Date Minutes Approved
8.14.13
Date Minutes Prepared

ADDENDUM #1

PHARMACY CONTINUING EDUCATION REVIEW

August 14, 2013

APPROVED PROGRAMS

ST JOHN RETAIL PHARMACIES – Transitions in Care Medication Therapy Management Program held October 15, 2013 in Madison Heights MI for 1 hour.

RECOMMENDATION: 1 HOUR

MDCH-OFFICE OF PUBLIC HEALTH PREPAREDNESS – Michigan's Receipt, Stage and Store (RSS) Strategic National Stockpile (SNS) Program Training Module held online at MI-TRAIN.org, course ID 1045148 for 1 hour.

RECOMMENDATION: 1 HOUR