

Wisconsin Department of Safety and Professional Services
Division of Policy Development
1400 E. Washington Ave.
PO Box 8366
Madison WI 53708-8366



Phone: 608-266-2112
Web: <http://dps.wi.gov>
Email: dps@wisconsin.gov

Scott Walker, Governor
Eric Esser, Acting Secretary

DSPS Meetings for the week of January 16, 2017

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.



Scott Walker, Governor
Eric Esser, Acting Secretary

PHARMACY EXAMINING BOARD
Contact: Dan Williams (608) 266-2112
Room 121A, 1400 East Washington Avenue, Madison, WI 53703
January 17, 2017

Notice: The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the action and deliberation of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda**
- B. **Approval of Minutes of December 14, 2016**
- C. **8:30 A.M. Public Hearing on Emergency Rule EmR1635 and Clearinghouse Rule 16-079 Relating to Administration of Drug Products and Devices Other than Vaccines**
 - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- D. **8:30 A.M. Public Hearing on Clearinghouse Rule 16-085 Relating to Compounding Pharmaceuticals**
 - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- E. **APPEARANCE: David Mott Regarding Medication Labeling Research Project – Discussion and Consideration**
- F. **Legislation/Administrative Rule Matters – Discussion and Consideration**
 - 1) Update on Legislation and Pending or Possible Rulemaking Projects
- G. **Administrative Updates – Discussion and Consideration**
 - 1) **Election of Officers**
 - 2) **Liaison Appointments and Delegated Authorities**
 - 3) Staff Updates
 - 4) Board Member – Term Expiration Date
 - a. Grace Degner – 7/1/2018 (*Appointed, not yet confirmed*)
 - b. Franklin LaDien – 7/1/2020 (*Reappointed, not yet confirmed*)
 - c. Terry Maves – 7/1/2018
 - d. Thaddeus Schumacher – 7/1/2019
 - e. Kristi Sullivan – 7/1/2020 (*Reappointed, not yet confirmed*)
 - f. Philip Trapskin – 7/1/2017
 - g. Cathy Winters – 7/1/2017
- H. **Speaking Engagements, Travel, or Public Relations Requests**
 - 1) Pharmacy Society of Wisconsin Legislative Day – March 2, 2017

I. Informational Items – Discussion and Consideration

- 1) Prescription Requirement Under Section 503A of the Federal Food, Drug, and Cosmetic Act
- 2) U.S. Government Accountability Office – Notification
- 3) National Association of Boards of Pharmacy – Multistate Pharmacy Jurisprudence Examination

J. Items Received After Preparation of the Agenda

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaisons
- 4) Administrative Updates
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislation/Administrative Rule Matters
- 9) Informational Items
- 10) Disciplinary Matters
- 11) Presentations of Petitions for Summary Suspension
- 12) Petitions for Designation of Hearing Examiner
- 13) Presentation of Proposed Stipulations, Final Decisions and Orders
- 14) Presentation of Proposed Final Decision and Orders
- 15) Presentation of Interim Orders
- 16) Petitions for Re-Hearing
- 17) Petitions for Assessments
- 18) Petitions to Vacate Orders
- 19) Requests for Disciplinary Proceeding Presentations
- 20) Motions
- 21) Petitions
- 22) Appearances from Requests Received or Renewed
- 23) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 24) Division of Legal Services and Compliance (DLSC) Matters
- 25) Prescription Drug Monitoring Program Information
- 26) Consulting with Legal Counsel
- 27) Liaison Report(s)
 - a. Appointed to Controlled Substances Board per Wis. Stats. §15.405(5g): Franklin LaDien
 - b. Continuing Education (CE) and Education and Examinations Liaison: Terry Maves
 - c. Credentialing Liaison(s): Terry Maves, Cathy Winters
 - d. Digest Liaison: Philip Trapskin
 - e. DLSC Liaison: Thaddeus Schumacher, Cathy Winters
 - f. Legislative Liaison: Philip Trapskin, Thaddeus Schumacher, Terry Maves
 - g. Monitoring Liaison(s): Franklin LaDien, Cathy Winters
 - h. PHARM Rep to State Council on Alcohol and Other Drug Abuse (SCAODA): Kristi Sullivan
 - i. Pharmacy Rules Committee: Thaddeus Schumacher, Franklin LaDien, Philip Trapskin, Kristi Sullivan
 - j. Professional Assistance Procedure (PAP) Liaison: Franklin LaDien
 - k. Screening Panel: Cathy Winters, Kristi Sullivan, Philip Trapskin
 - l. Pilot Program Report Liaison(s): Philip Trapskin, Cathy Winters

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- L. **APPEARANCE: DSPS Attorney Sandy Nowack and Attorney Michael Johnson on Behalf of Petitioner, Review of Administrative Warning WARN00000575/DLSC Case No. 15 PHM 035**

- M. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
 - 1) **APPEARANCE: DSPS Attorney Sandy Nowack Regarding Discussion of Resolution in DLSC Case No. 16 PHM 005**
 - a. *Administrative Warning*
 - 1. 16 PHM 005 (C.P.)
 - b. *Case Closings*
 - 1. 16 PHM 005
 - 2) **Attorney Cody Wagner**
 - a. *Administrative Warnings*
 - 1. 16 PHM 013 (K.I.B.)
 - 2. 16 PHM 134 (R.A.B.)
 - b. *Proposed Stipulations, Final Decisions and Orders*
 - 1. 16 PHM 020 (M.H.H.)
 - 2. 16 PHM 062 (M.P.)
 - 3. 16 PHM 125 (M.A.)
 - 3) **Case Closings**
 - a. 15 PHM 076
 - b. 16 PHM 013
 - c. 16 PHM 098
 - d. 16 PHM 124
 - e. 16 PHM 130
 - f. 16 PHM 134
 - g. 16 PHM 156
 - h. 16 PHM 157
 - i. 16 PHM 128
 - 4) **Monitoring**
 - a. Robin Block – Requesting Reduction in Drug and Alcohol Screens
 - b. Erin Orth – Requesting Full Licensure

- N. **Deliberation of Items Received After Preparation of Agenda**
 - 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) Disciplinary Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petitions for Summary Suspension
 - 7) Petitions for Designation of Hearing Examiner
 - 8) Proposed Stipulations, Final Decisions and Orders
 - 9) Administrative Warnings
 - 10) Review of Administrative Warnings
 - 11) Proposed Final Decisions and Orders
 - 12) Orders Fixing Costs/Matters Related to Costs

- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O. Voting on Items Considered or Deliberated upon in Closed Session, if Voting is Appropriate**
- P. Board Meeting Process (Time Allocation, Agenda Items) – Discussion and Consideration**
 - 1) Starting times for Rules Committee and Board meetings on February 23, 2017.
- Q. Board Strategic Planning and its Mission, Vision, and Values – Discussion and Consideration**

ADJOURNMENT

The Next Scheduled Meeting is February 23, 2017.

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TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
Room 112, 1400 East Washington Avenue, Madison
Contact: Marlene Meyer (608) 261-4490
January 17, 2017

SCREENING PANEL
09:00 AM

1. Call Open Session to Order
2. Convene To Closed Session to consider discipline (s. 19.85(1)(b), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
 - a. Screen complaints received from the public against credential holders. The panel consists of 3 Board members and Department Staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

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PHARMACY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Steve Engelbrecht (608) 261-4483
January 17, 2017

SCREENING PANEL
12:30 p.m.

(Or immediately following the conclusion of the Pharmacy Examining Board meeting.)

1. Call Open Session to Order
2. Convene to Closed Session to consider discipline (s. 19.85(1)(b), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
 - a. Screen complaints received from the public against credential holders. The panel consists of three Board members and Department Staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

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TELECONFERENCE
MEDICAL EXAMINING BOARD
Room 199B, 1400 E. Washington Avenue, Madison
Contact: Tenzin Tseten (608) 267-8922
January 17, 2017

SCREENING PANEL
2:00 p.m.

1. Call Open Session to Order
2. Convene To Closed Session to consider discipline (s. 19.85(1)(b), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
 - a. Screen complaints received from the public against credential holders. The panel consists of three Board members and Department staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

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Scott Walker, Governor
Eric Esser, Acting Secretary

MEDICAL EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
January 18, 2017

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda**
- B) Minutes of December 21, 2016 – Review and Approval**
- C) Conflicts of Interest**
- D) Administrative Updates**
 - 1) **Election of Officers**
 - 2) **Appointments, Reappointments, Confirmations, and Committee, Panel, Liaison and Mentor Appointments**
 - 3) **Board Liaison Training**
 - 4) Department and Staff Updates
 - 5) Board Members – Term Expiration Dates
 - a) Mary Jo Capodice – 07/01/2018
 - b) Michael Carton – 07/01/2020
 - c) Padmaja Doniparthi – 07/01/2017
 - d) Rodney Erickson – 07/01/2019
 - e) Bradley Kudick – 07/01/2020
 - f) Lee Ann Lau – 07/01/2020
 - g) Carolyn Ogland Vukich – 07/01/2017
 - h) David Roelke – 07/01/2017
 - i) Kenneth Simons – 07/01/2018
 - j) Timothy Westlake – 07/01/2020
 - k) Robert Zoeller – 07/01/2019
 - l) Robert Zondag – 07/01/2018
 - 6) Introductions, Announcements and Recognition
 - 7) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
 - 8) Informational Items
- E) Legislation and Rule Matters – Discussion and Consideration**
 - 1) Update on Legislation and Pending or Possible Rulemaking Projects
- F) Interstate Medical Licensure Compact Commission – Report from Wisconsin’s Commissioners**
- G) Federation of State Medical Boards (FSMB) Matters**
 - 1) FSMB Annual Meeting – April 20-22, 2017 – Fort Worth, Texas – Delegate Appointment and Travel Authorization

- 2) Request for Comment on Draft Model Policy for the Use of Opioid Analgesics in the Treatment of Chronic Pain

H) Speaking Engagement(s), Travel, or Public Relation Request(s), and Report(s)

I) Newsletter Matters

J) Screening Panel Report

K) Informational Items

L) Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Future Agenda Items
- 8) Legislation/Administrative Rule Matters
- 9) Liaison Report(s)
- 10) Newsletter Matters
- 11) Annual Report Matters
- 12) Informational Item(s)
- 13) Disciplinary Matters
- 14) Presentations of Petition(s) for Summary Suspension
- 15) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 16) Presentation of Proposed Decisions
- 17) Presentation of Interim Order(s)
- 18) Petitions for Re-Hearing
- 19) Petitions for Assessments
- 20) Petitions to Vacate Order(s)
- 21) Petitions for Designation of Hearing Examiner
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed
- 26) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

M) Future Agenda Items

N) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

O) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) Complaints**
- 2) Administrative Warnings**
 - a) 15 MED 341 – P.A.K.
 - b) 16 MED 370 – E.J.S.
 - c) 16 MED 407 – N.I.
- 3) Proposed Stipulations, Final Decisions and Orders**
 - a) 14 MED 300, 14 MED 302, and 15 MED 002 – David J. Houlihan, M.D.
 - b) 16 MED 242 – Jonathan R. Oppenheimer, M.D.
- 4) Case Closings**
 - a) 16 MED 403

5) Monitoring

P) Requests for Waiver of 24 Months of ACGME/AOA Approved Post Graduate Training

- 1) Robert Krause, M.D.
- 2) Hima Musunuru, M.D.

Q) Board Liaison Training

R) Open Cases

S) Consulting With Legal Counsel

T) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

U) Open Session Items Noticed Above not Completed in the Initial Open Session

V) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

W) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF ZERO (0) CANDIDATES FOR LICENSURE

ROOM 124D/E

9:30 A.M., OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examinations of zero (0) Candidates for Licensure –Dr. Lau & Dr. Simons

NEXT MEETING DATE FEBRUARY 15, 2017

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PODIATRY AFFILIATED CREDENTIALING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
January 19, 2017

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda**
- B) Approval of Minutes of October 20, 2016**
- C) Administrative Updates**
 - 1) **Election of Officers**
 - 2) **Liaison Appointments and Delegated Authorities**
 - 3) Department and Staff Updates
 - 4) Board Members – Term Expiration Dates
 - a) Jeffery Giesking – 07/01/2020
 - b) Thomas Komp – 07/01/2017
 - c) William Weis – 07/01/2019
 - 5) Appointments/Reappointments/Confirmations
- D) Board Liaison Training and Appointment of Mentors**
- E) Board Member Recusal**
- F) Legislative/Administrative Rule Matters**
 - 1) Proposals for Guidelines Regarding Best Practices in Prescribing Controlled Substances
 - a) Wisconsin Medical Examining Board Opioid Prescribing Guideline
 - 2) Review of Draft Language for Pod 1 Relating to Licensure Requirements and Pod 4 Relating to Biennial Registration
 - 3) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- G) Speaking Engagement(s), Travel, or Public Relation Request(s)**
- H) Informational Items**
- I) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Election of Board Officers

- 3) Appointment of Board Liaison(s)
- 4) Administrative Updates
- 5) Nominations, Elections, and Appointments
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislation/Administrative Rule Matters
- 10) Liaison Reports
- 11) Informational Items
- 12) Disciplinary Matters
- 13) Presentations of Petitions for Summary Suspension
- 14) Petitions for Designation of Hearing Examiner
- 15) Presentation of Proposed Stipulations, Final Decisions and Orders
- 16) Presentation of Proposed Final Decisions and Orders
- 17) Presentation of Interim Orders
- 18) Petitions for Re-Hearing
- 19) Petitions for Assessments
- 20) Petitions to Vacate Orders
- 21) Requests for Disciplinary Proceeding Presentations
- 22) Motions
- 23) Petitions
- 24) Appearances from Requests Received or Renewed
- 25) Speaking Engagement(s), Travel, or Public Relation Request(s)

J) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

K) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) Case Closings
 - a) 15 POD 003

L) Board Liaison Training

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decisions and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs

- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O) Open Session Items Noticed Above not Completed in the Initial Open Session

P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Q) Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING DATE JUNE 22, 2017

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Scott Walker, Governor
Eric Esser, Acting Secretary

TELECONFERENCE
COMMERCIAL BUILDING CODE COUNCIL
Room 121A, 1400 East Washington Avenue, Madison
Contact: Mindy Allen (608) 266-4463
January 19, 2017

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the resulting meeting minutes for a description of the recommendations of the Council.

AGENDA

1:00 P.M.

CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda**
- B. Approval of Minutes of November 16, 2016**
- C. Department Update**
- D. Review Department Changes and Recommendations to the SPS 361 to 366 Proposed Rulemaking Order**
 - 1) SPS 361-Administration and Enforcement
 - 2) SPS 362-Buildings and Structures
 - 3) SPS 363-Energy Conservation
 - 4) SPS 364-Heating, Ventilating and Air Conditioning
 - 5) SPS 365-Fuel Gas Appliances
 - 6) SPS 366-Existing Buildings
- E. Public Comments**
- F. Adjournment**

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**TELECONFERENCE/VIRTUAL MEETING
EXPLOSIVES, FIREWORKS, MINES, PITS AND QUARRIES CODE ADVISORY
COMMITTEE MEETING**

**Room 121C, 1400 East Washington Avenue, Madison
Contact: Dale Kleven (608) 261-4472
January 20, 2017**

The following agenda describes the issues that the Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the resulting meeting minutes for a description of the recommendations of the Committee.

AGENDA

9:00 A.M.

CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda**
- B. Approval of Minutes of December 7, 2016**
- C. Department Update**
- D. Review and Discussion of Proposed Rule Language for SPS 307 Relating to Explosives and Fireworks and SPS 308 Relating to Mines, Pits, and Quarries**
 - 1) Consider Approval of Draft Rule Language
- E. Public Comments**
- F. Adjournment**

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