

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
April 5 - 6, 2011**

TUESDAY, April 5, 2011

Ann Zweber, Board President, called the meeting to order at 8:30 AM.

The following Board Members were present:

Ann Zweber, President	Lee Howard
Larry Cartier, Vice President	Ken Wells
Dianna Pimlott	Christine Chute – <i>excused absence</i>
Linda Howrey	

The following staff members were present for all or part of this session:

Gary Schnabel, Executive Director	Chrisy Hennigan, Office Manager
Karen MacLean, Administrative Director	Tony Burt, Project Manager
Gary Miner, Compliance Director	Courtney Frank, Acting Project Manager
Gregg Hyman, Inspector	Joe Ball, Chief Investigator
Meg Aulerich, Inspector	Michele Cale, Inspector
Fiona Karbowicz, Inspector	Kim Oster, Compliance Assistant
Loretta Glenn, Management Secretary	Annette Gearhart, Compliance Secretary

Thomas Cowan, Board Counsel

MOTION

Motion to approve the agenda was made and unanimously carried (Motion by Cartier, second by Wells).

Approve Consent Agenda*

1. NAPLEX Scores (September 1 - December 31, 2010)
2. MPJE Scores (September 1 - December 31, 2010)
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (January 22, 2011-April 1, 2011)
6. NABP Memos
7. Approval of Board Meeting Minutes (January 25-26, 2011)

MOTION

Motion to approve Consent Agenda was made and unanimously carried (Motion by Cartier, second by Wells).

MOTION

Motion to enter Executive Session at 8:35 AM was made and unanimously carried (Motion by Cartier, second by Howard).

MOTION

Motion to resume Open Session at 4:00 PM was made and unanimously carried (Motion by Howard, second by Cartier).

GENERAL ADMINISTRATION

Discussion Items

Intern Extension Requests

Administrative Director Karen MacLean presented requests for five OSU students that request a one year extension. Most only need a few months to get past graduation and complete their exams.

Karen pointed out that with the rules implemented last year to a two year license that expires in November, the need for extending licenses should be minimized in a couple of years.

It was suggested that the Board might want to consider putting these requests on the staff authority grid in the future. The Board agreed and asked that all requests that are approved be added to the consent agenda.

MOTION

Motion to approve Hayes, Stephenson, Umanet, Uth and Elliot’s Intern Extension Requests was made and unanimously carried (Motion by Howrey, second by Wells).

FPGEC Waiver Requests

Compliance Director Gary Miner presented two FPGEC waiver requests. These individuals are both are foreign educated, have licenses in other states and are in good standing and appear to have no language issues. Requests with this criteria have been approved in the past.

MOTION

Motion to approve Dalmacio’s FPGEC waiver request was made and unanimously carried (Motion by Cartier, second by Howrey).

MOTION

Motion to approve Park’s FPGEC waiver request was made and unanimously carried (Motion by Howrey, second by Cartier).

Reciprocity/Exam Extension Requests

Administrative Director Karen MacLean presented information about three extension requests. The first was withdrawn, the other two requested extensions on reciprocity applications. The Board discussed each request.

MOTION

Motion to approve Kevorkian's extension of reciprocity application was made and unanimously carried (Motion by Cartier, second by Wells).

MOTION

Motion to approve Harms' extension of reciprocity application was made and unanimously carried (Motion by Howard, second by Wells).

Outlet Waiver Requests

Compliance Director Gary Miner presented three requests to the Board for their consideration.

1) St. Luke's Hospital requested a waiver of OAR 855-019-0100 (5) from the Oregon licensed PIC requirement. This waiver was approved last year as the outlet does not ship medications into Oregon, but rather fills discharge medications for Oregon residents that are on Medicaid. Oregon Medicaid requires them to have an Oregon pharmacy license in order to get paid. The Board agreed to make this extension good for three years.

2) CardinalHealth Rx e-source requested a waiver of OAR 855-041-0040 which relates to the storage, security and distribution of drugs. CardinalHealth is a consulting pharmacy which does not possess drugs and provides various consulting services. They are aware of the requirements for licensure of the pharmacy as a retail drug outlet and an Oregon licensed PIC. All pharmacists who provide services to Oregon residents will be Oregon licensees. Director Miner noted that in the past the Board has granted this waiver request for the above activities.

3) Volunteers in Medicine located in Bend, Oregon requested a waiver for OAR 855-044-0050 (d) and (j) related to dispensing of refrigerated items and the minimum nine month expiration date. Director Miner noted section (d) does not have a waiver clause but the Board can grant a waiver for section 0050 (j) which would allow the Charitable Pharmacy to accept and dispense refrigerated items. The Board discussed and granted the requests provided that the donators can certify that the items were kept under proper storage for the refrigerated items donated. Gary informed the Board that the second request for a waiver of the nine month expiration date involves a statutory requirement and can not be waived by the Board.

689.772 Establishment of program; immunity from liability. (3) The program may not distribute donated prescription drugs that: (b) Bear an expiration date that is less than nine months from the date the drug is donated;

855-044-0050 Drug Distribution(1) A charitable pharmacy may not distribute a donated prescription drug that: (d) Bears an expiration date that is less than nine months from the date the drug is donated; (j) Requires refrigeration;

MOTION

Motion to approve St. Luke's exception request to waive OAR 855-019-0100 (5) for three years was made and unanimously carried (Motion by Howrey, second by Pimlott).

MOTION

Motion to approve Cardinal Health Rx e-source exception request to waive OAR 855-041-0040 was made and unanimously carried (Motion by Wells, second by Howard).

MOTION

Motion to approve Volunteers In Medicine exception request to waive OAR 855-044-0050 (J) was made and unanimously carried (Motion by Cartier, second by Wells).

MOTION

Motion to adjourn at 4:30 PM as made and unanimously carried (Motion by Wells, second by Cartier).

WEDNESDAY, April 6, 2011

Ann Zweber, Board President, called the meeting to order at 8:30 AM.

The following Board Members were present:

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| Ann Zweber, President | Lee Howard |
| Larry Cartier, Vice President | Ken Wells |
| Dianna Pimlott | Christine Chute – <i>excused absence</i> |
| Linda Howrey | |

The following staff members were present for all or part of this session:

- | | |
|--|--|
| Gary Schnabel, Executive Director | Chrisy Hennigan, Office Manager |
| Karen MacLean, Administrative Director | Tony Burt, Project Manager |
| Gary Miner, Compliance Director | Joe Ball, Chief Investigator |
| Gregg Hyman, Inspector | Michele Cale, Inspector |
| Meg Aulerich, Inspector | Katie Baldwin, Inspector |
| Fiona Karbowicz, Inspector | Annette Gearhart, Compliance Secretary |
| Loretta Glenn, Management Secretary | Kim Oster, Compliance Assistant |
| Courtney Frank, Acting Project Manager | |

Thomas Cowan, Board Counsel

President Zweber asked those students in attendance to introduce themselves and identify where they are currently on rotation. There were four students present.

Motions for Disciplinary Action - Please see Motions for Disciplinary Cases at the end of this document.

ISSUES/ACTIVITIES

Reports:

Board President/Members

Ann Zweber, Dianna Pimlott and Tom Cowan had nothing to report.

Larry Cartier and Ken Wells reported that they attended recent Professional Practice Roundtable (PPR) and Pharmacy Coalition meetings. Linda Howrey also attended a recent Pharmacy Coalition meeting as well as the Immunization Practices Advisory Team (IPAT) meeting.

Compliance Director Gary Miner reported that Inspector's Gregg Hyman and Joe Ball will attend the MPJE exam writing workshop at NABP later this month. He has added a few more PIC training classes; Inspectors Meg Aulerich and Katie Baldwin will conduct some in Medford and Eugene. Compliance staff are developing new compliance tabs for the agency's website and Gary hopes to have it rolled out in the next month. Compliance Secretary Annette Gearhart has been busy entering outlet compliance data for the National HIPDB Clearinghouse. Inspectors have completed 10% of inspections so far this year. Gary has been working on audit of pharmacy technicians that failed the CE requirement this past renewal. 92% responded and 17% failed. Of those who failed, 112 are in various stages of non-compliance. These numbers are comparable to last year.

Administrative Director Karen MacLean reported that she and Compliance Director Miner met with representatives from the Pioneer Pacific College Technician program. They requested this meeting and had a list of questions. Karen and Gary reviewed and answered each of their questions as well as some issues that were discussed at the Strategic Planning meeting. Program representatives want to understand the Board's criteria for licensure and what can affect their students ability to become licensed. Staff will prepare a letter to all the schools conducting pharmacy technician programs in Oregon with in the next few weeks giving them all the same information.

Notice of the 2011 pharmacist online renewal go out this week with only one minor change from last year. As requested at the Strategic Planning meeting, Office Manager Chrisy Hennigan implemented a general list-serve for individuals to sign up for. A link for this is included on the renewal.

Karen provided an update on the fingerprinting process. The biggest delay continues to be the time an applicant takes to get the card back to the Board. Since February 1st, 372 packets have been mailed, 235 were submitted to the Oregon State Police (OSP) and 22 were rejected for poor fingerprint quality (they have to be redone). The average time it took to get a response back from OSP in March was 9 days.

Karen has completed over 30 fiscal impact requests for the Legislative Fiscal Office (LFO) for legislation currently being considered.

Inspector Fiona Karbowicz, R.Ph. joined the staff last month. Receptionist Brittany Hassell will be leaving us later this month and Project Manager Tony Burt is retiring later this month. Recruitments for these positions will be conducted in June or July. Temporary help will cover reception duties and Licensing Representative Courtney Frank has assumed the position of Acting Project Manager.

Karen reported that she and Executive Director Schnabel have recently attended meetings with the Governor's office and other health boards to consider the potential of becoming semi-independent agencies. This topic will be covered more completely at the June Board meeting.

Karen reported that she'll be out on leave April 16-June 20, but plans to try and attend the June 8th meeting.

Board Meeting Dates for 2011

- June 7 - 8, 2011 Portland
- August 8- 9, 2011 Portland **Changed**
- October 11 -12, 2011 Portland
- December 13 - 14, 2011 Portland

Rulemaking Hearing Dates

- March 23, 2011 Portland
- May 17, 2011 Portland
- November 22, 2011 Portland

2012 Board Meeting Dates

- February 14-15, 2012 Portland
- March 13 -14, 2012 Portland Strategic Planning
- April 10 - 11, 2012 Portland
- June 5 - 6, 2012 Portland
- August 7 - 8, 2012 Portland
- October 9 -10, 2012 Portland
- December 11 - 12, 2012 Portland

Several members had conflicts for the August 10, 2011 meeting and asked if it was possible to move the meeting to August 8-9, 2011. It was possible to obtain a conference room and all members are available to make the change. The change is made and will be updated on the web.

Board Member/Staff Presentations – *Zweber*

- Professional Practice Roundtable 3/15/11, 5/11/11
- OSHP Annual Meeting 4/9-11/11 – *Schnabel/Cartier*
- PSOP Technician Law CE - 5/4/11 – *Cartier/Hyman*
- OSPA Spring CE - 5/15/10 – *Miner*
- OSPA Annual Convention 9/17-18/11 – *Miner, Cartier, Chute*
- Additional items:
 - Inspector Gregg Hyman will be presenting at:
 - Linn/Benton Pharmacy Meeting in Corvallis on 4/14
 - OSCP (Consultant Pharmacists/LTC) in Portland on 4/21

Committees/Meetings

NABP Meetings

Executive Director Schnabel reported on NABP meetings that he participated in as Chair of the NABP Executive Committee. At most recent Executive Committee (EC) meeting, the main issue discussed was Aware Rx. This is NABP's consumer outreach program about internet pharmacies. The EC also discussed NABP's new CPE Monitoring program which will allow pharmacists and technicians to track ACPE accredited programs they attend. The Community Accreditation

Program in cooperation with APHA was also discussed. Gary and Larry Cartier will attend the Annual Meeting, May 21-24, 2011, San Antonio, TX which will be Gary's last official meeting as the Executive Committee Chair. Gary added that NABP's current President, Bill Winsley's main priority this past year has been working with the DEA to update the Controlled Substances Act. NABP's primary focus was on the pharmacy portion, but they've identified other areas that require review. The sub-committee is planning to look at the additional areas for revision and recommendations.

Inspectors Michele Cale, Meg Aulerich and Katie Baldwin attended the OSPA Lane County CE on 2/26-27/11 along with Compliance Director Gary Miner. The Inspectors always find this outreach beneficial as it makes them more approachable outside the disciplinary and inspection process. Gary added that he thought it was a good balance of topics this year.

Executive Director Gary Schnabel presented his invitation to attend the DEA Office of Diversion Control's 20th Annual Conference on Chemical and Pharmaceutical Diversion June 14-15 in Ft. Worth, TX. This is a meeting that tends to fall at the same time as the June Board meeting and we sometimes miss the opportunity to attend. The Board approved for Gary to attend, there is no registration fee and travel costs are minimal.

Ann Zweber asked Katie Baldwin to comment on a local NABP "Vet VIPPS" internet outlet inspection that she observed during Tuesday's meeting. Katie reported that NABP has 30 surveyors throughout the country. They conduct inspections on VIPPS certified outlets every three years. They ask questions that are similar to those our inspectors use during pharmacy inspections. Katie was able to conduct the Board's onsite inspection at the same time and was able to identify a few questions that needed to be answered specific to the valid prescriber/patient relationship. It was a good experience.

Research Councils

- Technician Research Council – see *Strategic Planning*
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GENERAL ADMINISTRATION

Discussion Items continued.

ER Dispensing Machines

Compliance Director Gary Miner reviewed this issue and asked the Board how they want to handle the use of dispensing machines in the emergency departments at hospitals. This request for review is on behalf of InstyMeds.

The Board's intent is that a dispensing machine can't be in a lobby; it has to be part of the ER pharmacy. The final discharge process needs to include appropriate review, verification and counseling.

Richard Proksch, Director of Pharmaceutical Care Services and R.Ph. John McNulty from Salem Hospital along with Julie Geason R.Ph from InstyMeds and Ed Rickertt, attorney and Counsel for InstyMeds were asked to come to the table and answer questions.

InstyMeds has sought and received approvals from a number of state boards of pharmacy including: Illinois, Nevada, Iowa. Minnesota's rule is the most like Oregon's current rule.

There was a lengthy discussion about how they envision the use, who pre-packages, how counseling occurs, is it for cash payers or insurance, how many drugs will be stocked in the machine and who has access, what kind of supply is offered etc.

Salem is the busiest ER in the state and is looking to replace stat-packs. They are initially targeting the pediatric population with preset suspensions.

Compliance Director Gary Miner advised that current rules don't prohibit this practice as long as it's in the ER and policies and procedures are in place. The new hospital rules anticipated this kind of new technology. However, anything outside of this probably needs additional rules.

The Board would like to have other states rules reviewed and see if we can build on their experiences. Staff will bring back information for further discussion in June.

Review of 2010 Intern Rules Intent

Compliance Director Gary Miner and Administrative Director Karen MacLean met with OSU and Pacific University Experiential Staff to review how the Intern rule rewrite from 2010 has worked this past year. The primary suggestion concerned the limitation on first year students and it was suggested that first year interns' duties could be limited to those permitted for a technician in Division 025. Experiential program staff would like to use the term "Volunteer Paid Faculty" to describe non-pharmacist preceptors. They also sought clarification on the intended content of the annual report along with a list of graduated students and how many hours they have completed. Note: this has now been communicated to the experiential staff.

Gary advised that there may be a need for a few small changes to rules, but they are not urgent. He and Joe Ball will work on changes for the Board to look at.

There was a brief discussion about making sure that renewing preceptors understand the rules and their responsibilities. Karen will make sure an insert is included with all renewing preceptors' licenses this renewal cycle.

Probation Draft Policy Discussion

Compliance Director Gary Miner reviewed the revised draft policy for probationers. He and Compliance Assistant Kim Oster shared new statistical information and explained the point system they designed to identify the various steps of progressive discipline for non-compliance.

MOTION

Motion to approve Probation Policy and delegate authority to staff was made and unanimously carried (Motion by Howard, second by Cartier).

Long Term Care Rules Advisory Committee update

Compliance Director Gary Miner gave a brief report. Staff will begin writing rules and they will establish a rules advisory committee to review and bring them back to the Board for consideration when they are ready.

Forged Prescriptions update

Executive Director Gary Schnabel and Compliance Director Gary Miner provided follow up from the January Board meeting on the response from the Professional Practice Roundtable (PPR). While the PPR agrees this is an issue, they do not want the Board to adopt a rule that would require reporting fake prescriptions to law enforcement. Gary S. also talked with the out-going Portland Police, Captain of Drugs and Vice, Captain Mike Leloff. He wants to raise the bar on this discussion. The Board agrees that this topic needs further discussion with a broader group. Staff was asked to convene a stakeholder group to include participants from groups including: staff pharmacists, pharmacy management, risk management, law enforcement, the medical and nursing associations and boards as well as the Governor's office. Staff will report back in June.

Compounding of Hydroxyprogesterone

Compliance Director Gary Miner discussed a recent issue about the compounding of hydroxyprogesterone. He asked if the Board want to determine that the high cost of a drug to the patient could be considered the "unavailability of a drug" per OAR 855-045-0230 (1) (c). Board Counsel Tom Cowan advised that he would need specific questions to research this and would need time to respond on this issue.

Review Workplace Survey

President Ann Zweber, Executive Director Schnabel and Administrative Director Karen MacLean reviewed the state Workforce Data Survey that is already incorporated in the 2011 R.Ph. Pharmacist Renewal as required. It hasn't changed from the 2010 survey. Ann and other Board members developed an OBOP workload survey after the March Strategic Planning meeting and Pacific University School of Pharmacy faculty has offered to include OBOP survey in their Workforce Project survey.

The Board feels that it's important to conduct its own survey since there have been a significant number of comments submitted to the Board on workplace safety over the last year. Some revisions were suggested and staff will bring a revised survey to review at the June meeting. The current plan is to survey pharmacists who provide an e-mail address through the renewal cycle in July. The survey is public record and de-identified data will be available upon request.

MOTION

Motion to enter Executive Session at 2:38 PM was made and unanimously carried (Motion by Wells, second by Howard).

MOTION

Motion to resume Open Session at 2:46 PM was made and unanimously carried (Motion by Howard, second by Cartier).

Prescription Drug Monitoring Program (PDMP) Update

Todd Beran, PDMP Program Coordinator reported they are working with a vendor and hope to begin testing data next week. They conducted a rulemaking hearing in March and hope to have permanent rules in place in May. They have asked pharmacies to display a poster which they believe meets the statutory requirement for notice. There is some controversy around whether or not an insert needs to be provided with each controlled substance prescription dispensed. This question is under review by Oregon Health Authority counsel.

It is their hope to get data retroactive from April 1, 2011 in order to launch the program in July. Pharmacies can begin enrolling in the system May 2, 2011. The Board advised that it would be more helpful for PDMP to communicate directly with the chain pharmacies' corporate offices rather than at the local store level. That way, a consistent message can be sent within each chain. Todd thanked the Board for that advice. The Board thanked him for the report.

Rules Updates

Project Manager Tony Burt and Compliance Director Gary Miner provided information on the following:

Rulemaking Hearing Report & Adoption of Rules – Tony reviewed the report and final proposed rules. There were no comments or changes to Division 019, 041 or 045. There were some comments and technical changes made to Division 080 with the assistance of the Oregon State Police Forensic Lab.

MOTION

Motion to adopt rules in OAR 855, Divisions 019, 041 and 045 and 080 as revised was made and unanimously carried (Motion by Cartier, second by Howrey).

Tony discussed sending Divisions 010 and 019 to a May 17th Rulemaking Hearing.

MOTION

Motion to send proposed rules as revised in OAR 855, Divisions 010, 019 to a rulemaking hearing as revised was made and unanimously carried (Motion by Howard, second by Cartier).

Future Rulemaking & 5 Year Rule Review

Gary discussed how he plans to approach upcoming rulemaking development. The following schedule outlines his plan. Immunizations were added to the list for December 2011.

Future Rulemaking

a. Long Term Care	<i>Rulemaking 12/11</i>
b. Consulting Pharmacies	<i>Rulemaking 12/11</i>
c. Drug Rooms	<i>Rulemaking 12/11</i>
d. Non-Prescription Drug Outlets	<i>Rulemaking 12/11</i>
e. Manufacturers	<i>Rulemaking 12/11</i>
f. Interns	<i>Rulemaking 12/11</i>
h. Immunizations	<i>Rulemaking 12/11</i>
g. Retail Drug Outlets	<i>Rulemaking 6/12</i>

5 Year Rule Review

	<u>Staff</u>	<u>Due</u>
a. Division 021 Pain CE	Project Mgr	12/11
b. Division 065 Wholesalers	Project Mgr	12/11

Retirement Recognition of Staff Member Tony Burt

Executive Director Gary Schnabel reported that Tony has been with the Agency for over five years. Tony came into a new position and was a perfect fit. His prior state agency experience managing projects, training and rulemaking has been invaluable. Some key accomplishments Tony

facilitated include working with stakeholders on the Wholesale & Manufacturer rule revisions as well as many others. Facilitating and/or finalizing rule development for legislation implemented in the 2007 and 2009 Sessions. Facilitating the development of the agencies Business Continuity Plan and facilitating the development of the agencies IT Security Plan. Gary thanked Tony for his service and presented him with a Certificate of Recognition. Licensing Representative Courtney Frank will temporarily assume the Project Manager duties.

Financial/Budget Report

Administrative Director Karen MacLean reported that expenditures continue to be on track. The budget work session is now tentatively scheduled for April 11th. She hopes to have more to report in June.

2011 Legislative Session Update

Project Manager Tony Burt reported on bills of current interest or concern. Executive Director Schnabel gave a brief update on semi-independent agency status. There is some interest on the part of other health boards and he and Karen have been part of the discussion. They will report more information on this at the June meeting.

Topics for future discussion – President Zweber reiterated that the following would be discussed at the June meeting.

- InstyMeds - ER Dispensing
 - PDMP - Update
 - Fraudulent/Forged Rx Stakeholder group
 - Workforce Survey
 - Semi-Independent Boards & Agencies
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Strategic Planning Update & Topics for March 2012 Meeting

Project Manager Tony Burt reviewed the Strategic Planning Board Meeting Minutes and timeline from March 8-9, 2011. There were no changes.

MOTION

Motion to approve March 8-9, 2011 Strategic Planning Minutes was made and unanimously carried (Motion by Cartier, second by Howard).

Technician Research Council Final Report

President Ann Zweber and Gary Miner discussed the final report with emphasis on the use of technicians and their duties. The Research Council is closed and Ann asked that staff send thank you notes to participants. The Board briefly discussed some of the policy decisions that were made at the Strategic Planning meeting. Gary Miner advised that these should be clarified in rule. There was specific discussion about technicians being able to gather information to help with MTM and medication reconciliation for example, technicians could gather information for pharmacists to use for professional judgment and clinical decision making. Staff will conduct appropriate research and bring proposals back to the Board (probably in August).

OPEN FORUM – President Ann Zweber invited comments from the public. There were none.

Adjourn

MOTION

Motion to adjourn at 3:20 PM was made and unanimously carried (Motion by Cartier, second by Howard).

Approved by:

A handwritten signature in black ink that reads "Gary A. Schnabel". The signature is written in a cursive style with a large, prominent initial 'G'.

Gary A. Schnabel, R.Ph., R.N.
Executive Director
Oregon Board of Pharmacy

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Ann Zweber, R.Ph., Presiding

Tuesday, April 5, 2011 @ 8:30 AM, Conference Room 1A
Wednesday, April 6, 2011 @ 8:30 AM, Conference Room 1A

An Executive Session of the Board to discuss Compliance was held on April 5, 2011 at 800 NE Oregon Street in Portland, with motions on Wednesday April 6, 2011.

Board Members present for all or part of compliance session:

Ann Zweber, R.Ph., President

Larry Cartier, R.Ph., Vice President

Lee Howard, Public Member

Linda Howrey, R.Ph.

Dianna Pimlott, R.Ph.

Kenneth Wells, R.Ph.

Board Members absent for all of the compliance session:

Christine Chute, Public Member

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director

Gary Miner, R.Ph., Compliance Director

Joe Ball, R.Ph., Chief Investigator

Meg Aulerich, R.Ph., Board Inspector

Michele Cale, R.Ph., Board Inspector

Gregg Hyman, R.Ph., Board Inspector

Fiona Karbowicz, R.Ph., Board Inspector

Annette Gearhart, Compliance Secretary

Kim Oster, Compliance Assistant

Karen MacLean, Administrative Director

Loretta Glenn, Administrative Secretary

Thomas Cowan, Senior AAG

Staff absent during the compliance deliberations session:

Katie Baldwin, R.Ph., Board Inspector

Motion to grant staff authority to issue Letter of Concern in medication error cases that meet Board approved mitigating factors. Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2011-0031 Motion to reinstate pharmacist license with probation. Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2011-0083 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion by: Lee Howard; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0311 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion by: Ken Wells; seconded by: Larry Cartier. Motion was accepted with Linda Howrey recused and Ann Zweber abstaining due to conflict of interest.

Case 2011-0096 Motion to accept signed order surrendering her license. Motion by: Larry Cartier; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2011-0001 Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0575 Motion to impose \$1,000 Civil Penalty against former Pharmacist-in-Charge; or 3 hours of CE in lieu of discipline; and in
Case 2011-0034 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation against pharmacist; and in
Case 2011-0117 Motion to impose \$10,000 civil penalty per violation against drug outlet.

Motion by: Lee Howard; seconded by: Linda Howrey. Motion was accepted with Ann Zweber opposed on Case 2011-0034

Case 2011-0015 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation against pharmacist; and
Case 2011-0029 Motion to suspend technician license and impose \$1,000 civil penalty per violation against 1st technician; and
Case 2011-0030 Motion to suspend technician license and impose \$1,000 civil penalty per violation against 2nd technician.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2011-0016 Motion to suspend pharmacist license and impose \$1,000 Civil Penalty per violation against Pharmacist-in-Charge;
Case 2011-0018 Motion to suspend pharmacist license and impose \$1,000 Civil Penalty per violation against Pharmacist;
Case 2011-0019 Motion to suspend pharmacist license and impose \$1,000 Civil Penalty per violation against Pharmacist;
Cases 2011-0020, 2011-0021, 2011-0022, 2011-0023, 2011-0024, 2011-0025, 2011-0026 and 2011-0027 Motion to suspend technician licenses and impose \$1,000 civil penalty per violation against the technicians in each individual case.

Motion by: Lee Howard; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0561 Motion to suspend R.Ph. license, and impose \$1,000 civil penalty per violation and issue letter of concern to corporation; and
Case 2010-0576 and 2011-0003: Motion to Suspend pharmacist license, and impose \$1,000 Civil Penalty per violation; and
Cases 2011-0005, 2011-0007, 2011-0009, 2011-0011 and 2011-0014: Motion to Suspend technician license and impose \$1,000 Civil Penalty per violation; and
Case 2011-0008 and 2011-0012: Motion to impose \$1,000 Civil Penalty per violation against technician.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was accepted with Linda Howrey abstaining on Case 2010-0561 due to conflict of interest.

Case 2010-0451 Motion to impose \$1,000 civil penalty per violation against pharmacist; and
Case 2010-0574 Motion to impose \$500 civil penalty per violation against technician; and
Case 2011-0052 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and issue letter of concern to corporation.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2011-0045 Motion to impose \$1,000 civil penalty against technician; and in
Case 2011-0118 Motion to issue letter of concern to outlet.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0558 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline. Motion by: Larry Cartier; seconded by: Linda Howrey. Motion was accepted with Ken Wells abstaining due to conflict of interest.

Case 2010-0473 Motion to revoke drug outlet registration and impose \$10,000 civil penalty per violation. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2011-0106 Motion to deny technician license. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0522 Motion to deny technician license. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2011-0086 Motion to deny technician license. Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2011-0037 Motion to deny technician license. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2011-0038 Motion to deny technician license. Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0542 Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2011-0062 Board members abstaining: Ken Wells, Linda Howrey and Larry Cartier. Due to lack of quorum, case tabled for future meeting.

Case 2011-0112 Motion to impose \$1,000 civil penalty per violation and suspend technician license;

Case 2011-0122 Motion to impose \$1,000 civil penalty per violation against drug outlet.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0540 Motion to revoke certified technician license and impose \$1,000 civil penalty per violation.

Case 2011-0221 Motion to impose \$1,000 civil penalty per violation against drug outlet.

Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2011-0048 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0539 Motion to impose \$10,000 civil penalty per violation against pharmacy. Motion by: Ken Wells; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2011-0088 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in

Case 2011-0108 Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.

Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2011-0065 Motion to impose \$1,000 civil penalty per violation against pharmacist; and

Case 2011-0113 Motion to impose \$500 civil penalty against technician or earn 3 hours of CE in lieu of discipline. Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was accepted with Ken Wells abstaining due to conflict of interest.

Case 2011-0109 Motion to impose \$10,000 Civil Penalty per violation against pharmacy; and in

Case 2010-0594 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline. Motion by: Ken Wells; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2011-0041 Motion to impose \$1,000 Civil Penalty against pharmacist; and 3 hours of CE; issue Letter of Concern regarding staffing to pharmacy and in

Case 2011-0085 Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.

Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0578 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline. Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0316 Motion to accept signed consent order in lieu of default order. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0564 Motion to issue letter of concern to pharmacist with recommendation that he complete 3 hours of medication error reduction CE. Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2011-0079 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and issue Letter of Concern to Pharmacist-in-Charge, CC: pharmacy. Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was accepted with Ken Wells abstaining due to conflict of interest.

Case 2009-0494 Motion to issue letter regarding appreciate your concern, but Board has determined that no change in policy is to be taken. Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2011-0006 Have revoked pharmacist licensee make an appearance before the Board, to petition for reinstatement. Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0364 Motion to deny request for reinstatement; may petition in one year. Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2011-0120 Motion to grant CPT license with conditions. Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2011-0082 Board direction that he has to do CE, get national certification, pay civil penalty, then can reapply. Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2011-0068 Motion to grant CPT license with conditions. Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0139 Motion to deny request to reinstate technician license. Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0175 Motion to deny request. Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0530 Motion to supersede default order with consent order \$1,000 civil penalty, stay \$850 and do three hours CE. Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0003 Motion to grant reduction in the number of annual UAs. Motion by: Larry Cartier; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2009-0625 Motion to deny request for reduction in UAs. Motion by: Dianna Pimlott; seconded by: Linda Howrey. Motion was unanimously accepted.

COMPLIANCE CONSENT AGENDA:

**Cases listed under the compliance consent agenda are considered to be routine agency matters and will be approved by a single motion of the Board without separate discussion. If separate discussion is desired, that case will be removed from the compliance consent agenda and placed on the regular compliance agenda.*

Motion to accept the items on the consent agenda. Motion by: Linda Howrey; seconded by: Ken Wells.
Motion was unanimously accepted.

LETTERS OF CONCERN CASES:

Case: 2011-0047 Letters of concern to Drug Outlet, pharmacist and technician; CC: Pharmacist-in-Charge.

Case: 2010-0536 Letter of Concern to pharmacy and CC: Pharmacist-in-Charge

DEFICIENCY NOTICES:

Cases: 2010-0510, 2010-0528, 2010-0585, 2010-0587, 2010-0589, 2011-0004, 2011-0017, 2011-0040, 2011-0042, 2011-0069, 2011-0100 and 2011-0101.

UNABLE TO SUBSTANTIATE:

Cases: 2010-0592, 2010-0593, 2010-0596, 2011-0032, 2011-0039, 2011-0067, 2011-0081 and 2011-0089.

NO VIOLATION:

Cases: 2010-0551, 2010-0560, 2010-0586, 2010-0588, 2011-0002, 2011-0013, 2011-0033 and 2011-0036.

NO JURISDICTION:

Case: 2011-0055

CPT C.E. AUDIT CASES:

Authority delegated to the Compliance Director by the Board [grant staff authority to revoke technician license to all technicians who did not respond to technician audit; and in regards all initial non-response technicians whose CE was unacceptable; and all other technicians that did not fulfill CE requirement in appropriate time period receive letters of concern.]

Case: 2010-0506

UNREGISTERED OUTLET CASES:

By authority delegated to Oregon Board of Pharmacy Staff by the Board notices to impose \$10,000 civil penalty notices have been issued to: (includes unregistered wholesalers, manufacturers and out-of-state pharmacies)

Cases: 2010-0526 and 2011-0084.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of technician licenses notices have been issued in:

Cases: 2011-0046, 2011-0105 and 2011-0107.

“SHORT COUNT” Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

Case: 2010-0386