

## **BOARD MEETING MINUTES**

**Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
December 11 - 12, 2012**

### **TUESDAY, DECEMBER 11, 2012**

Ken Wells, R.Ph. Board President, called the meeting to order at 8:30AM.

The following Board Members were present:

Ken Wells, President

Penny Reher

Brad Fujisaki

Christine Chute, Vice President

Roberto Linares

Dianna Pimlott Excused Absence

One Public Member position is vacant

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

Gary Schnabel, Executive Director

Chrisy Hennigan, Office Manager

Joe Ball, Chief Investigator

Fiona Karbowicz, Inspector

Meg Aulerich, Inspector

Kim Oster, Compliance Assistant

Gary Miner, Compliance Director

Courtney Wilson, Project Manager

Gregg Hyman, Inspector

Michele Cale, Inspector

Katie Baldwin, Inspector

Thomas Cowan, Board Counsel

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Agenda Review and Approval

### **MOTION**

**Motion to approve the agenda was made and unanimously carried (Motion by Fujisaki, second by Linares).**

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Approve Consent Agenda\*

\*Items listed under the 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 item will be removed from the consent agenda and placed on the regular business agenda.

1. NAPLEX Scores (May 1, 2012- August 31, 2012)
2. MPJE Scores (May 1, 2012 – August 31, 2012)
3. Executive Director Report
4. Project Manager Report

5. License/Registration Ratification (October 6, 2012-December 9, 2012)
6. Extension Requests
7. Approval of Board Meeting Minutes (October 9-10, 2012)

**MOTION**

**Motion to approve the consent agenda was made and unanimously carried (Motion by Fujisaki, second by Linares).**

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**EXECUTIVE SESSION - PUBLIC MAY NOT ATTEND, pursuant to ORS 676.175, ORS 192.660 (1) (2) (f) (k).**

A. Items for Consideration and Discussion:

1. Deliberation on Disciplinary Cases and Investigations
2. Personal Appearances
3. Warning Notices
4. Case Review

**MOTION**

**Motion to enter Executive Session at 8:35 AM was made and unanimously carried (Motion by Linares second by Reher).**

**MOTION**

**Motion to resume Open Session at 3:15 PM was made and unanimously carried (Motion by Chute, second by Reher).**

**MOTION**

**Motion to adjourn at 3:17 PM was made and unanimously carried (Motion by Chute, second by Fujisaki).**

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## **WEDNESDAY, DECEMBER 12, 2012**

### **8:30 AM OPEN SESSION, Ken Wells, R.Ph. Presiding**

Ken Wells, R.Ph. Board President, called the meeting to order at 8:30AM.

The following Board Members were present:

Ken Wells, President

Penny Reher

Brad Fujisaki

Christine Chute, Vice President

Roberto Linares

Dianna Pimlott Excused Absence

One Public Member Position is Vacant

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

Gary Schnabel, Executive Director

Chrisy Hennigan, Office Manager

Joe Ball, Chief Investigator

Fiona Karbowicz, Inspector

Meg Aulerich, Inspector

Kim Oster, Compliance Assistant

Gary Miner, Compliance Director

Courtney Wilson, Project Manager

Gregg Hyman, Inspector

Michele Cale, Inspector

Katie Baldwin, Inspector

Thomas Cowan, Board Counsel

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President Wells began the meeting by expressing the Board's condolences for the victims of the Clackamas Mall shooting that occurred on December 11, 2012.

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President Wells welcomed the pharmacist interns that were in attendance. He asked them to introduce themselves and thanked them for attending the meeting.

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

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## **ISSUES/ACTIVITIES**

### **Reports:**

Board Members Ken Wells, Christine Chute, Penny Reher, Brad Fujisaki and Roberto Linares had nothing to report.

Board Counsel Tom Cowan reiterated that the compliance staff is continuing to do a great job with their investigations.

Compliance Director Gary Miner stated that there are nine charitable pharmacies that are registered with the Board. In addition 95% of the pharmacies within the state have been inspected this year. Gary hopes that they will be able to reach their target of 100% by the end of

the year. To date there are 18 enrollees in the Health Professionals Service Program as well as one self-referral. Earlier in the month Gary and Executive Director Gary Schnabel participated in a compounding meeting at Oregon Health Sciences University (OHSU). Gary indicated that he's received a request for the Board to write a rule to require the pharmacist/pharmacy to check for prior immunizations by utilizing the alert system in an effort to eliminate immunization duplications. There will be more discussion around this topic at a future meeting.

Compliance Director Gary Miner shared that this would be Inspector Meg Aulerich's last Board Meeting. He thanked her for her years of service and presented her with flowers.

Project Manager Courtney Wilson read Administrative Director Karen MacLean's report. Her report indicates that the .75 licensing position was accepted by Cherie Caceres and she begins on December 17, 2012. Karen was pleased that the online renewal process for pharmacy interns went well. She indicated that the Licensing staff is currently in the process of the Non Prescription Drug Outlet Renewal Cycle. The option for them to renew online was made available this year. However, it has not been utilized as much as anticipated. In December a new check processing program was implemented which will providing savings on banking fees. After our first month's billing we will be able to get a better understanding of the expenditures saved. Board staff is still working on the roll out of the Latino outreach campaign. Recently the Board translated into Spanish a medication safety brochure as well as a list of drug disposal sites throughout the state.

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### **2013 Board Meeting Dates**

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|------------------------|-----------|--------------------|
| • February 12-14, 2013 | Portland  |                    |
| • March 12 -13, 2013   | Silverton | Strategic Planning |
| • April 16 - 17, 2013  | Portland  |                    |
| • June 11 - 12, 2013   | Portland  |                    |
| • August 13 - 14, 2013 | Portland  |                    |
| • October 15 -17, 2013 | Portland  |                    |
| • December 17-18, 2013 | Portland  |                    |

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### **2013 Rulemaking Hearing Dates**

- May 30, 2013
- November 21, 2013

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### **Board Member/Staff Presentations**

Board Members Ken Wells and Penny Reher indicated that they will be presenting at the Oregon State Pharmacist Association 2013 Lane County Mid-Winter CE Seminar, 2/23-24/2013, in Eugene, OR. They plan to discuss new rule changes as well as compounding issues.

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### **Committees/Meetings**

During the months of October and November Executive Director Gary Schnabel attended three National Association of Boards of Pharmacy meetings. Donna Shala was the key note speaker for the Tri-Regulators Meeting which included NABP, the Federation of State Medical Boards

(FSMB) and the National Council of State Boards of Nursing (NCSBN). At the NABP District 6-7-8 Meeting three resolutions were developed and will be going to next year's NABP Annual Meeting. Board Member Christine Chute also attended the District Meeting. She stated that the discussion surrounding prescription drug abuse was eye opening. In November Gary attended the NABP Executive Officers Forum in which there was a lot of discussion on compounding. Gary was a speaker at the meeting and spoke about the Board's collaborative therapy rules.

Board Member Penny Reher shared that she had recently attended an American Society of Health System Pharmacists (AHSP) Meeting. Topics for discussion included drug shortages as well as traditional and non-traditional compounding. There was also discussion about regulating physician practices that administer IV's at their office. They had some discussion around compounding and concurred that a definition needs to be created for compounding and manufacturing at the Federal level. Remote order entry was another topic of discussion. They discussed what rules need to be in place for remote order entry activities and what security requirements should be mandatory. The Emily Jerry Foundation spoke at the meeting. The Foundation was developed after young Emily Jerry passed away from a chemotherapy treatment that was inaccurate. The pharmacist responsible for the chemotherapy served six months in jail. The parents of Emily as well as the pharmacist now travel throughout the United States to share their experience with other healthcare providers to promote patient safety. Penny stated that their presentation was very moving.

Investigator Fiona Karbowicz attended the Drug Enforcement Agency (DEA) Chemical and Drug Diversion Conference in Cincinnati, Ohio. Topics discussed at the conference include prescription drug trends, prescription monitoring programs, pill mills and policy updates. Fiona shared some statistics that the DEA provided. They indicate that in 2010 there were 38,000 accidental deaths from prescription drug overdoses. 75% of those deaths were opiate related. Additionally, the United States encompasses 4.6% of the entire world's population. However, it was stated that 80% all opiates and 99% of the world's supply of hydrocodone are consumed by the United States. The Office of Diversion Control also provided the following information as it relates to the United States. They indicate that there are 465 importers/exporters, 540 manufacturers, 876 distributors, 67,000 pharmacies, 1.14 million practitioners, 1500 hospitals and 314 million potential patients.

Research Councils – none

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## **GENERAL ADMINISTRATION**

### **Rules & Policy Discussion**

Project Manager Courtney Wilson shared the Rulemaking Hearing Report with the Board. She indicated that the Board did not receive any public comment on the rules during the public comment period. In addition there was no testimony provided at the Rulemaking Hearing.

Compliance Director Gary Miner and Project Manager Courtney Wilson led a discussion on the following proposed rules and the Board determined which rules to permanently adopt.

- Division 041 Emergency Room Dispensing
- Division 041 Reorganization
- Division 065 Wholesaler Definitions
- Division 110 Supervising Physician Dispensing Outlet Fees

## **MOTION**

**Motion to amend Emergency Department Distribution rules in Chapter 855, Division 041, OAR 855-041-6410 was made and unanimously carried (Motion by Fujisaki, second by Reher).**

The Emergency Room Dispensing rules will be amended to update labeling and record requirements. They will also establish requirements for Automated Dispensing Machines (ADM) within the Emergency Department.

## **MOTION**

**Motion to renumber and amend rules in Chapter 855, Division 041, OAR 855-041-005, OAR 855-041-0015, OAR 855-041-0026, OAR 855-041-0035, OAR 855-041-0060, OAR 855-041-0065, OAR 855-041-0135, OAR 855-041-0145, OAR 855-041-0160, OAR 855-041-0162, OAR 855-041-0165, 855-041-0360 and OAR 855-041-0620 as revised was made and unanimously carried (Motion by Fujisaki, second by Reher).**

## **MOTION**

**Motion to repeal rules in Chapter 855, Division 041, OAR 855-041-0007 and 855-041-0030 was made and unanimously carried (Motion by Fujisaki, second by Linares).**

The Division 041 reorganization and renumbering will provide greater clarity, order and consistency with DEA and FDA regulations. Additionally, two rules will be repealed because they are outdated. Once the reorganization is complete the Division will be reviewed in its entirety to ensure that the rules accurately reflect current pharmacy practice standards. During this review new rules will also be developed to accommodate new business models and changing pharmacy practice settings. The Board made one minor technical change to the amended rules.

## **MOTION**

**Motion to amend Wholesaler rules in Chapter 855, Division 065, OAR 855-065-0005 was made and unanimously carried (Motion by Fujisaki, second by Linares).**

The Wholesaler Definition Rules will be permanently amended to include Oxygen USP and medical gases in the definition of Class II Wholesaler.

## **MOTION**

**Motion to amend Fee rules in Chapter 855, Division 110, OAR 855-110-0007 was made and unanimously carried (Motion by Fujisaki, second by Chute).**

The Fee Rules will be permanently amended to incorporate a registration and delinquent fee for Supervising Physician Dispensing Outlets.

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## **Policy Decisions**

### **Central Fill / Central Processing**

Compliance Director Gary Miner provided an overview on some of the topics that the Central Fill, Central Processing and Consulting Pharmacy Work-Group discussed during their meetings. The Board was in agreement that a separate set of rules should be developed for central fill, central processing and consulting pharmacies. They also reviewed some of the regulatory



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## Discussion Items

### Waiver/Exception Requests

Compliance Director Gary Miner presented four drug outlet waiver requests and one MPJE waiver request.

**D. McAllister requested a waiver from Chapter 855, Division 019, OAR 855-019-0170.** The Board discussed his request and determined that waiving the MPJE requirement would not further public health or safety.

### MOTION

**Motion to deny D. McAllister's request to waive Chapter 855, Division 019, OAR 855-019-00170 was made and unanimously carried. (Motion by Chute, second by Fujisaki).**

**Multnomah County Health Department requested a waiver from Chapter 855 Division 44, OAR 855-044-0020(5), OAR 855-044-0030(2)(a) and 6, OAR 855-044-0050(5)(b).** The Board discussed their requests and determined that many of the requirements that they were asking the Board to waive are statutory requirements. The Legislature would need to discuss and amend the statutes, specifically Oregon Revised Statute ORS 689.772. The Board did not take any action on the waiver request but was in support of the concept to allow a practitioner to donate partial unsealed manufacture's bottles which have remained in the possession of the pharmacy charitable pharmacies so long as they have been inspected and approved by the pharmacist. Compliance Director Gary Miner was asked to advise Multnomah County on the statutory changes the Legislature would need to amend. Multnomah County may pursue these changes with the Legislators.

**EMD Millipore and Exel Inc requested a waiver from Chapter 855, Division 065, OAR 855-065-0006(5).** Staff indicated that they confirmed with NABP that the facilities could obtain VAWD Accreditation without a resident state license or inspection.

### MOTION

**Motion to deny EMD Millipore's request to waive Chapter 855, Division 065, OAR 855-065-0006(5) was made and unanimously carried. (Motion by Fujisaki, second by Linares).**

### MOTION

**Motion to deny Exel's request to waive Chapter 855, Division 065, OAR 855-065-0006(5) was made and unanimously carried. (Motion by Fujisaki, second by Linares).**

**Murray's Condon Pharmacy requested a waiver from Chapter 855, Division 041, OAR 855-041-0026 and OAR 855-041-0035.** The Board recognized that there is a rural access issue for people living in these communities and that they would like patients to be able to pick up medications after hours. However, they didn't believe Murray's Condon Pharmacy proposal addressed how they will be able to satisfy all of the security requirements. The Board did not take any action on the waiver requests. They directed staff to continue to work with Murray's

Condon Pharmacy to find a solution to allow for an afterhours pickup in the case of an emergency while also maintaining security of the drug and meeting HIPPA requirements.

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### **Compounding Pharmacy Licensure**

Compliance Director Gary Miner provided the Board with some background information relating to compounding pharmacies and licensure. To date, compounding pharmacies that provide medications directly to the patient or an institutional practitioner to depot have been registered as a Retail or Institutional Drug Outlet. Compounding pharmacies that provide non-patient specific medications without an Oregon Shared Service Agreement have been licensed as a Manufacturer. Note that in order to qualify for a Manufacturer Registration the outlet must first obtain an FDA Registration. The Board had some preliminary discussions as to whether or not the distinction between a Manufacturer and Retail/Institutional Registration should be based off of whether or not the compounded medication is patient specific or non-patient specific. They also had some discussion about licensing compounding pharmacies that reside in Oregon as a Retail/Institutional Drug Outlet and licensing compounding pharmacies that ship into Oregon as a Manufacturer. The Board concurred that this is a very complicated subject that needs more discussion. It was agreed that the Board will continue to monitor this topic as it evolves at the Federal level. Executive Director Gary Schnabel will be attending an Intergovernmental Working Meeting to discuss issues regarding the role of the FDA and the states in the oversight of compounding pharmacies on December 19<sup>th</sup>. The Board would like to see if determinations are made at this meeting regarding oversight on pharmacy compounding. In addition staff will obtain feedback from compounders throughout the State and will report back to the Board with recommendations in February.

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### **Medication Errors**

The Board reviewed the “Pharmacist Report” and the “Pharmacy Incident Report” developed by the Compliance Department. These reports will be given to the Board with all medication error cases. The Board agreed that they like the information that the reports capture. They will begin reviewing them in February.

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## **APPEARANCE**

### **Providence Newberg Medical Center and Hazelden Springbrook**

Rolf Wuellner, Ralph Thonstad, George Aikin, Vern Williams MD, Laura Ferguson MD and Jim Nichols appeared before the Board to provide an update on their utilization of Computerized Physician Order Entry (CPOE) with pharmacist order verifications, barcode administration, and automated dispensing cabinet (ADC) distribution for residential patients at Hazelden Springbrook. Ralph Thonstad, Providence Newberg Pharmacist-in-Charge provided the Board with some statistical information. He indicates that they are conducting over 15,000 transactions a month and that they changed their delivery frequency to Hazelden from once a day to twice daily. In April they were 86% barcode compliant. This amount increased to 95% in October. The increase was in part due to the fact that some of Hazelden’s older medications did not have barcodes. Providence went through these medications and subsequently bar-coded them. They indicate that both organizations have worked very hard to outline problems and improve their statistics over the last six months. They believe they have positively impacted patient safety.

Ralph also provided the Board with an update on their two key drug room exception which was granted in February. Currently they have labeled two medcards which have been identified as “medcard one” and “medcard two”. A report is generated which reflects the date and time the med room was accessed and by which medcard. However, in order to determine who has possession of the medcard they have to utilize another system. They asked the Board to consider allowing them to utilize employee badges which uniquely identify each nurse in lieu of the two medcards. The Board reviewed their proposed policies and procedures which outlined how appropriate controls and security of the drug room will be established and maintained. This includes the review of a daily and weekly report of swipe activity and drug room access by the PIC. The Board approved their request.

## **MOTION**

**Motion to approve Providence and Hazelden’s request to utilize employee badges for access to the drug room was made and unanimously carried (Motion by Chute, second by Reher).**

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## **Financial/Budget Report**

Executive Director Gary Schnabel shared the Board’s financial reports for September and October. He reported that the Board is on target with its expenditures. He also reiterated that the agency budget request was accepted in full with minor revisions at the Department of Administrative Services level for the Governor’s Recommended Budget and that Ways and Means will be reviewing the Board’s budget at a later date.

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## **Legislative Update**

Executive Director Gary Schnabel indicated that the Pharmacy Coalition was asked to support Legislative Concept 321. This legislative concept would remove the fee maximum from statute. Gary also shared that the Legislative Session will begin on January 14, 2013. Some of the Legislative Concepts that staff plan to monitor include the following: LC 178, LC 180, LC 189, LC 816, LC 195, LC 1794, LC 982, LC 1518, LC 1449 and LC 1535.

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## **Topics for future discussion**

President Ken Wells reiterated that these topics would be discussed at a future meeting.

- Best Practices for Retail Settings
  - Prescriptive Authority for OTC’s
  - Pharmacy Benefit Managers
  - Tramadol
  - 3<sup>rd</sup> Class of Drugs – *watch and monitor* Hydrocodone Controlled Substance Scheduling
  - Canadian manufacturing of Oxycodone
  - Perpetual Inventory
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## Proposed Strategic Planning Topics

President Ken Wells briefly reviewed the proposed topics that the Board will discuss at its Strategic Planning Meeting.

- Just Culture Presentation
  - Medication Errors
  - Participation in HPSP
  - Impaired Professionals Policy Discussion
  - Practitioner Dispensing Other legislative developments or initiatives
  - Pharmacy Benefit Managers
  - Just Culture Presentation
  - Compounding
  - Expanding Pharmacist Practice
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**VIII. OPEN FORUM** At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Board Member Penny Reher asked compounders in attendance to share their thoughts on what they would like the Board to consider as they look at changing compounding regulations.

Pharmacist Sally Logan from Kaiser Permanente indicated that medication safety plays a large role in her profession. She has helped implement a sterile compounding pharmacy for drugs that are not patient specific. She indicates that the location is 797 compliant and that they have worked hard to develop standards and perform regular regulatory safety inspections. She asked the Board to not limit what pharmacies can do as they look at potential rule changes.

Pharmacist Don West former owner of Lloyd Center Pharmacy stated that he began focusing on compounding in 1985. He said that he has seen it grow and it has been a wonderful and very satisfying experience. His non-sterile pharmacist was both 797 and 795 compliant. He does not want to see compounding under the direction of the FDA. He indicated that he believes that the Board and its inspectors do a better job than the FDA. Don also commented that Oregon has the oldest Naturopathic College in the United States. He indicates that many naturopaths are not recognized as prescribers in other states. Therefore many out-of-state naturopaths use Oregon compounders because naturopaths are recognized as prescribers in Oregon.

Pharmacist Denise Burham from Creative Compounds indicated that their pharmacy is accredited by the Pharmacy Compounding Accreditation Board (PCAB). She indicates that PCAB is a national accreditation and that they are one of three pharmacies in Oregon that have this certification. The Board may want to consider requiring this accreditation for out-of-state compounding pharmacies.

Kate James owner of Broadway Apothecary also indicated that her pharmacy is PCAB Accredited. She indicated that she is not against more standards, guidelines and rules and thinks that this is a good time to look at how we are doing things and raise the bar. She believes that the real issue is ensuring standards are being followed. She encourages all states to look at what the minimum standards should be and follow them. In Oregon pharmacies are inspected annually. She has friends that own pharmacies in other states that have not been inspected in

17 years. Kate also wanted to point out that some out-of-state pharmacies interpret patient specific as getting the names of the patients back from the clinic at some point.

Sally Gustafson current owner of Lloyd Center Pharmacy and Pacific Compounds indicates that they are in the process of obtaining PCAB accreditation. She indicates that the accreditation process is very long and time intensive. She indicates that her pharmacies have been inspected by the Board as well as four hospitals over the last year. Sally stated that non sterile to sterile are high risk compounders and recommends that the Board look at requiring PCAB accreditation for those types of compounders.

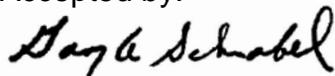
President Ken Well expressed his appreciation for everyone's words and thanked them for their comments.

### **MOTION**

**Motion to adjourn at 3:05 PM was made and unanimously carried (Motion by Reher, second by Fujisaki).**

### **Adjourn**

Accepted by:



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

**Oregon Board of Pharmacy**  
**800 NE Oregon Street**  
**Portland, OR 97232**  
**Kenneth Wells, R.Ph. Presiding**

Tuesday, December 11, 2012 @ 8:30 AM, Conference Room 1A  
Wednesday, December 12, 2012 @ 8:30 AM, Conference Room 1A  
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board will be held on 12/11/2012 to discuss Compliance cases, followed by motions on 12/12/2012. Working lunch scheduled.

Board Members present for all or part of compliance session:

Kenneth Wells, R.Ph., President	Penny Reher, R.Ph.
Christine Chute, Vice President, Public Member	Brad Fujisaki, R.Ph.
	Roberto Linares, R.Ph.

Board Members absent for all of the compliance session:

Dianna Pimlott, R.Ph.

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director	Kim Oster, Compliance Assistant
Gary Miner, R.Ph., Compliance Director	Courtney Wilson, Project Manager
Joe Ball, R.Ph., Chief Investigator	Thomas Cowan, Senior AAG
Meg Aulerich, R.Ph., Board Inspector	
Katie Baldwin, R.Ph., Board Inspector	
Michele Cale, R.Ph., Board Inspector	
Gregg Hyman, R.Ph., Board Inspector	
Fiona Karbowicz, R.Ph., Board Inspector	

Staff absent for all of the compliance session:

Karen MacLean, Administrative Director	Annette Gearhart, Compliance Secretary
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**ADMINISTRATIVE DISCUSSION:**

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**Case 2010-0144                    Motion to accept signed Stipulated Consent Order.**  
***Motion by: Christine Chute; seconded by: Roberto Linares. Motion unanimously carried.***

**Case 2011-0588 and 2012-0347                    Motion to accept signed Consent Orders.**  
***Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.***

**Case 2012-0107                    Motion to deny request for reconsideration of Default Order.**  
***Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.***

**Case 2012-0276                    Motion to withdraw Default Order with signed Consent Order.**  
***Motion by: Roberto Linares; seconded by: Penny Reher. Motion unanimously carried.***

**Case 2012-0540                    Motion to deny request for reinstatement.**

*Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion carried with Roberto Linares recused.*

Case 2010-0561            Motion to grant request to remove no preceptor restriction and deny request for early release from probation.

*Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.*

Case 2012-0355            Motion to accept signed Consent Order.

*Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion carried with Christine Chute opposed.*

Case 2012-0521            Motion to deny request for reinstatement.

*Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.*

Case 2011-0551            Motion to grant request to float between two pharmacies if not the only person in pharmacy.

*Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion carried with Ken Wells opposed.*

**CASE REVIEW:**

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Case 2012-0550            Motion to revoke technician license and impose \$1,000 civil penalty per violation.

*Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.*

Case 2012-0489            Motion to issue letter of concern to pharmacist and cc: outlet.

*Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.*

Case 2012-0502            Motion to impose \$10,000 civil penalty per violation against outlet.

*Motion by: Christine Chute; seconded by: Brad Fujisaki. Motion unanimously carried.*

Case 2012-0316            Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

*Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.*

Case 2012-0401            Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

*Motion by: Christine Chute; seconded by: Brad Fujisaki. Motion unanimously carried.*

Case 2012-0418            Motion to revoke technician license and impose \$1,000 civil penalty per violation.

*Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.*

Case 2012-0506            Motion to revoke technician license and impose \$1,000 civil penalty per violation.

*Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.*

Case 2012-0501            Motion to revoke technician license and impose a \$1,000 civil penalty per violation.

*Motion by: Roberto Linares; seconded by: Penny Reher. Motion unanimously carried.*

Case 2012-0509            Motion to revoke technician license and impose \$1,000 civil penalty per violation.

*Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2012-0513** Motion to revoke technician license and impose \$1,000 civil penalty per violation.  
*Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion unanimously carried.*

**Case 2012-0526** Motion to deny technician application and impose \$1,000 civil Penalty per violation.  
*Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.*

**Case 2012-0451** Motion to deny technician application.  
*Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.*

**Case 2012-0494** Motion to revoke technician license and impose \$1,000 civil penalty per violation.  
*Motion by: Roberto Linares; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2012-0445** Motion to revoke technician license and impose \$1,000 civil penalty per violation.  
*Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.*

**Case 2012-0524** Motion to deny Score Transfer application and impose \$1,000 civil penalty per violation.  
*Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2012-0537** Motion to impose \$10,000 Civil Penalty per violation against outlet; and in  
**Case 2012-0538** Motion to impose \$10,000 Civil Penalty per violation against outlet.

*Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2012-0392** Motion to impose \$1,000 Civil Penalty per violation against pharmacist; and in  
**Case 2012-0490** Motion to impose \$1,000 Civil Penalty per violation against pharmacist; and in  
**Case 2012-0402** Motion to impose \$1,000 Civil Penalty per violation against pharmacist; and in  
**Case 2012-0488** Motion to impose \$1,000 Civil penalty per violation against pharmacist; and in  
**Case 2012-0519** Motion to impose \$1,000 Civil Penalty per violation against pharmacist; and in  
**Case 2012-0491** Motion to impose \$1,000 Civil Penalty per violation against pharmacist.

*Motion by: Christine Chute; seconded by: Brad Fujisaki. Motion unanimously carried.*

**Case 2012-0443** Motion to impose \$10,000 civil penalty per violation against outlet; and issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist. CC: letter to PIC and outlet.  
*Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2012-0425** Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge and issue letter of concern to outlet.  
*Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion unanimously carried.*

**Case 2012-0433** Motion to impose a \$1,000 civil penalty per violation against Pharmacist-in-Charge and issue letter of concern to the outlet.  
*Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.*

**Case 2012-0432** Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge and issue letter of concern to the outlet.

**Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion unanimously carried.**

**Case 2012-0492 Motion to impose \$1,000 civil penalty against pharmacist; and issue Letter of Concern to outlet; Letter of Concern to technician recommending CE in medication error prevention/patient safety and CC: Pharmacist-in-Charge.**

**Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.**

**Case 2012-0408 Motion to issue Letter of Concern recommending additional 3 hours CE in medication error prevention/patient safety to Pharmacist and Letter of Concern to outlet.**

**Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion unanimously carried.**

**Case 2012-0456 Motion to impose \$10,000 civil penalty per violation against outlet.**

**Motion by: Penny Reher; seconded by: Christine Chute. Motion unanimously carried.**

**Case 2012-0245 Motion to issue Letter of Concern recommending training of staff on recognizing features of prescriptions that are commonly altered to Pharmacist-in-Charge and cc: outlet.**

**Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.**

#### **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 with Case 2012-0245 pulled for discussion.**

**Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.**

#### **LETTERS OF CONCERN CASES:**

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**Case: 2012-0511 Issue Letter of concern suggesting 3 hours additional CE to Pharmacist-in-Charge**

**Case: 2012-0429 Issue Letter of concern to Pharmacist-in-Charge, Letter of Concern suggesting 3 additional hours of CE in patient safety/medication error prevention to pharmacist and cc letters of concern to outlet**

**Case: 2012-0466 Issue Letter of concern to technician**

**Case: 2012-0486 Issue Letter of concern to Pharmacist-in-Charge and outlet**

**Case: 2012-0437 Issue Letter of concern to pharmacy and cc: Pharmacist-in-Charge**

**Case: 2012-0503 Issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist and cc letter to outlet**

**Case: 2012-0428 Issue Letter of Concern to technician outlining adherence to rules for licensure**

**Case: 2012-0508 Issue Letter of Concern to technician outlining adherence to rules for licensure.**

#### **DEFICIENCY NOTICES:**

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**Cases: 2012-0379, 2012-0383, 2012-0415, 2012-0416, 2012-0452, 2012-0453, 2012-0454, 2012-0467, 2012-0468, 2012-0469, 2012-0470, 2012-0471, 2012-0472, 2012-0473, 2012-0475, 2012-0476, 2012-0477, 2012-0478, 2012-0480, 2012-0481, 2012-0482, 2012-0483, 2012-0497, 2012-0498, 2012-0499, 2012-0500, 2012-0527, 2012-0528, 2012-0530, 2012-0533**

**UNABLE TO SUBSTANTIATE:**

Cases: 2012-0458, 2012-0461, 2012-0462, 2012-0484, 2012-0485, 2012-0493

**NO VIOLATION:**

Cases: 2012-0377, 2012-0406, 2012-0435, 2012-0444, 2012-0447, 2012-0516

**C.E. AUDIT CASES:**

Cases: 2012-0460, 2012-0487, 2012-0510

**UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:**

Case: 2012-0464

**TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH CONSENT ORDER:**

Cases: 2012-0465, 2012-0495, 2012-0507, 2012-0518