

Oregon State Board of Pharmacy  
800 NE Oregon Street, Suite 150  
Portland, OR 97232

**BOARD MEETING MINUTES**

**TUESDAY, FEBRUARY 23, 2010**

Linda Howrey, Board President, called the meeting to order at 9:55 AM.

Roll Call

The following Board Members were present for all or part of the meeting:

Linda Howrey, President	Ann Zweber
Dianna Pimlott, Vice President	Lee Howard
Ken Wells	Larry Cartier
Bernie Foster	

The following staff was present for all or part of the meeting:

Gary Schnabel, Executive Director	Michele Cale, Pharmacy Inspector
Karen MacLean, Administrative Director	Jennifer, Zanon, Pharmacy Inspector
Gary Miner, Compliance Director	Meg Aulerich, Pharmacy Inspector
Joe Ball, Chief Investigator	Katie Baldwin, Pharmacy Inspector
Annette Gearhart, Compliance Secretary	Gregg Hyman, Pharmacy Inspector
Ed Schneider, PRN Director	Tony Burt, Project Manager
Paige Clark, Pharmacist Consultant	Loretta Glenn, Management Secretary

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 Foster, second by Wells).**

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**GENERAL ADMINISTRATION**

Discussion Items

Outlet Requests

Compliance Director Gary Miner presented a request from Pipeline Healthcare Solutions. Pipeline requested a waiver from Board rules which relate to the storage, security and distribution of drugs. Pipeline 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 that all pharmacists and technicians who provide services to Oregon residents such as consulting and order entry processing will need to be Oregon licensees. The Board has granted waivers for drugless pharmacies in the past for pharmacies under similar circumstances.

The Board also asked staff to check with NABP to see if they have Model Rules on this type of situation.

#### **MOTION**

**Motion to approve Pipeline Healthcare Solutions request for a waiver was made and unanimously carried (Motion by Foster, second by Cartier).**

Compliance Director Gary Miner presented follow up information regarding a request from Inmar that the Board considered in December. At that time, the Board asked staff to continue researching whether or not NABP would include reverse wholesalers in the VAWD program. Inmar is requesting a waiver from the requirement to obtain a VAWD certification.

NABP confirmed that they would do an inspection and certification for a reverse wholesaler.

The Board concluded that as long as a reverse wholesaler is operating solely as such, Inmar and other outlets like them would not be required to obtain VAWD certification.

#### **MOTION**

**Motion for those outlets that solely operate as a reverse wholesaler, the Board waives the requirement for VAWD certification. Motion was made and unanimously carried (Motion by Zweber, second by Wells).**

Compliance Director Gary Miner presented requests from the Medicine Shoppe in Hillsboro and Harvard Avenue Drug. Both requested the Board continue a current waiver previously approved by the Board to be extended requiring a sink to be in the pharmacy as minimum equipment OAR 855-041-0040(5). The pharmacies have a sink located in a bathroom which is located in the pharmacy. Historically, the Board has extended the waivers for pharmacies which have received a waiver from the sink requirement under limited circumstances.

#### **MOTION**

**Motion to approve Medicine Shoppe of Hillsboro and Harvard Ave. Drugs request for a waiver was made (for five years) and unanimously carried (Motion by Cartier, second by Wells).**

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#### Legislative Concepts Update

Executive Director Gary Schnabel reviewed a list of possible legislative concepts. The primary concept staff recommends is to increase the maximum listed in statute for drug outlet fees for those outlets that are not pharmacies, in particular, wholesalers, manufacturers and drug distribution outlets. The Board asked staff to obtain national trends for fees associated with this category. The Board also expressed an interest in pursuing a concept to add cease and desist language to the Pharmacy Practice Act. Staff will follow up at the next meeting.

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#### Rescheduling Controlled Substance discussion

Executive Director Gary Schnabel facilitated a discussion about this topic, beginning with the research materials regarding marijuana scheduling that Pharmacist Consultant Paige Clark compiled. As required by 2009 SB 728, the Board is required to reschedule marijuana as a controlled substance II, III, IV or V. In addition the Board is required to reschedule methamphetamine as a schedule I unless it's prescribed for a medical purpose.

There was a lengthy discussion about the pharmacology of marijuana and the abuse potential. Board Members directed staff to draft the proposed rules scheduling marijuana as a Controlled Substance II and will consider testimony at the rulemaking hearing in May.

Gary re-emphasized that this requirement to schedule marijuana doesn't make marijuana a prescription drug in Oregon.

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#### 2010 Special Legislative Session update

Executive Director Gary Schnabel discussed issues relating to the Board from the current session. 2010 SB 1014B includes adding a pharmacy technician to the Board. During the 2009 Session, there was a bill that also added a pharmacy technician to the Board; however Legislative Council determined there was an error in the bill reconciliation process and it wasn't added after all. The 2010 bill will fix that problem if it is signed into law. The Governor has appointed a candidate that will need to be confirmed by the Senate hopefully in May.

The other highlight of this Session is a bill that authorizes psychologists to prescribe. The associations have been watching this bill.

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#### Charitable Pharmacy draft proposed rules discussion

Compliance Director Gary Miner and Pharmacist Consultant Paige Clark provided an update on the progress of drafting these rules for the Board to review. A draft will be ready for the Board to consider at the April meeting.

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#### Strategic Planning final update

Project Manager Tony Burtt discussed final details for the upcoming strategic planning meeting.

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#### OHSU proposal update

President Linda Howrey briefly discussed that all members have now had a chance to tour the facility. Staff was directed to identify rules that would need to be added or revised to accommodate this request.

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#### **BOARD MEETING/RULEMAKING HEARING DATES - no discussion**

### 2010 Board Meetings

- March 9 - 10, 2010 Portland Strategic Planning
- April 6 - 7, 2010 Portland
- June 15 - 16, 2010 Portland
- August 3 - 4, 2010 Portland
- October 12 - 13, 2010 Portland
- December 14 -15, 2010 Portland

### 2010 Rulemaking Hearing Dates

- March 25, 2010 Portland
- May 18, 2010 Portland
- November 16, 2010 Portland

### 2011 Board Meeting Dates

- January 25 - 26, 2011 Portland
- March 8 - 9, 2011 Portland Strategic Planning
- April 5 - 6, 2011 Portland
- June 7 - 8, 2011 Portland
- August 9 -10, 2011 Portland
- October 11 -12, 2011 Portland
- December 13 - 14, 2011 Portland

**OPEN FORUM** - President Howrey opened the floor, Jackson Leong, R.Ph., asked questions about conflicts relating to expired drugs for the charitable pharmacy rules and was assured that expired drugs will not be allowed to be redistributed.

Michael Sautman from Bedrocan International, Inc. provided the Board with information about his company and their role in the Netherlands as a global leader in the production of medicinal cannabis for therapeutic use and research, around the world. He said he would be glad to be of assistance to the Board as they make their decisions about the rescheduling of marijuana. The Board thanked him.

### Adjourn

### MOTION

**Motion to adjourn at 11:15 AM was made and unanimously carried (Motion by Cartier, second by Foster).**

Minutes accepted by:



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