

BOARD MEETING MINUTES
Oregon State Board of Pharmacy
Portland State Office Building (PSOB)
800 NE Oregon Street
Portland, OR 97232

Tuesday, June 5, 2007 @ 8:30am, PSOB Conference Room 140
Wednesday June 6, 2007 @ 8:30am, PSOB Conference Room 140

Tuesday, June 5, 2007

OPEN SESSION, Marcus Watt R.Ph. Presiding

Roll Call

Call to order at 8:00 am.

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

Marc Watt, President
Ann Zweber, Vice President
Bernie Foster
Cathy Lew
Dianna Pimlott
Linda Howrey

Board Member Lee Howard was not present.

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

Gary Schnabel, Executive Director
Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Paige Clark, Pharmacist Consultant
Tony Burt, Project Manager
Joe Ball, Chief Investigator
Michele Cale, Pharmacy Inspector
Gregg Hyman, Pharmacy Inspector
Jennifer Zannon, Pharmacy Inspector
Katie Baldwin, Pharmacy Inspector
Annette Gearhart, Compliance Secretary
Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Compliance Director Gary Miner took this opportunity to introduce the agencies two new inspectors: Katie Baldwin, and Jennifer Zannon. Katie will be one of the part time inspectors, working out of her home in Albany, Oregon, and Jennifer is taking the full time position and will be working in the office.

Agenda Review and Approval

Board Member Cathy Lew requested that an update regarding Wal-Mart's request for Automated Dispensing Machines be added to the Discussion Items. It was added to the agenda as number 11 under Discussion Items on Wednesday June 6.

In addition, although Pharmacist Consultant Paige Clark discussed SB 34 on Tuesday afternoon, it was requested that the topic be reopened on Wednesday to discuss the most current version of SB 34, and its amendments.

MOTION

Motion to reopen discussion on SB 34 was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to approve agenda as revised was made and unanimously carried. (Motion by Lew, second by Howrey)

Consent Agenda Approval

The Pharmacists Consultant Report was removed from the proposed Consent Agenda and placed with the other reports from Board Members and staff under Issues / Activities.

MOTION

Motion to approve Consent Agenda as revised was made and unanimously approved. (Motion by Lew, second by Howrey)

MOTION

Motion to move into Executive Session at 8:35 am was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to exit out of Executive Session and enter into Open Session at 2:55 pm was made and unanimously approved. (Motion by Howrey, second by Lew)

Motions for Disciplinary Action – See Compliance Minutes

The Board completed the Compliance Agenda and moved on to the General Business Agenda for the remainder of the afternoon.

MOTION

Motion to enter into Executive Session at 5:00 was made and unanimously carried. (Motion by Howrey, second by Foster)

Executive Director Performance Evaluation pursuant to ORS 192.660

MOTION

Motion to exit out of executive session and enter into Open Session at 5:20 was made and unanimously approved. (Motion by Lew, second by Zweber)

MOTION

Motion to adjourn at 5:25 was made and unanimously carried. (Motion by Howrey, second by Lew)

Wednesday June 6, 2007

OPEN SESSION, Marcus Watt, R.Ph. Presiding

Roll Call – Call to Order 8:35 am

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

Marc Watt, President
Ann Zweber, Vice President
Cathy Lew
Dianna Pimlott
Linda Howrey

Board Members Lee Howard and Bernie Foster were not present.

The following staff were present for all or parts of the meeting:

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

Tom Cowan, Board Counsel

Compliance Director Gary Miner introduced Meg Aulerich to the Board. Meg is the third new inspector hired, and will also be working part time. Meg will be working from her home in Albany.

RULES DISCUSSION

Rulemaking Discussion and Motions

Project Manager Tony Burt led the Rulemaking Discussion with help from Compliance Director Gary Miner. The purpose of the rulemaking discussion was to move the rules discussed at the February and April Board Meetings on to Permanent Rulemaking. Tony spent time reviewing each rule, making note of changes the Board had wanted in the past, and any non-substantive last minute changes that the Board Members requested. Board President Marc Watt then entertained motions on each of the rules discussed.

MOTION

Motion to adopt OAR 855-001-0000 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-001-0040 as amended and renumbered from OAR 855-080-0060 was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt amended rule OAR 855-010-0001 as revised was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-010-0005 as amended was made and unanimously carried. (Motion by Zweber, second by Lew)

MOTION

Motion to repeal OAR 855-010-0010 was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-031-0005 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0010 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-031-0015 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0020 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0030 as amended was made and unanimously carried. (Motion by Zweber, second by Lew)

MOTION

Motion to adopt OAR 855-031-0033 as amended was made and unanimously carried. (Motion by Lew, second by Zweber)

MOTION

Motion to repeal OAR 855-031-0035 was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0040 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt amended rule OAR 855-031-0045 as revised was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0050 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-031-0050(2) as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to repeal OAR 855-041-0090 was made and unanimously carried. (Motion by Lew, second by Pimlott)

MOTION

Motion to adopt OAR 855-041-0120 as amended was made and unanimously carried. (Motion by Lew, second by Pimlott)

MOTION

Motion to adopt OAR 855-041-0500 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt temporary rule OAR 855-050-0070 permanently was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0015 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0021 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0022 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0023 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-080-0024 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-080-0026 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to repeal OAR 855-080-0030 was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-080-0031 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to renumber OAR 855-080-0060 to OAR 855-001-0040 was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0065 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-080-0070 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to adopt OAR 855-080-0080 as amended was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to adopt OAR 855-080-0085 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to repeal OAR 855-080-0090 as amended was made and unanimously carried. (Motion by Howrey, second by Lew)

Draft Rules Discussion

Project Manager Tony Burt discussed with the Board the draft rules for December. Tony also asked the Board for guidance on outstanding policy questions.

Division 010 Criminal Background Checks

Project Manager Tony Burt reviewed the proposed rule on criminal background checks and fingerprinting (Division 10). This rule is required to implement legislation passed in 2005. Tony shared that this proposed rule is based on rules adopted by other health licensing Boards and the Department of Administrative Services.

Division 019 Pharmacists

Division 19 includes a number of issues currently addressed in Division 41 as well as new material based on prior guidance from the Board and suggestions from the Advisory Group which has been meeting since January. Tony and Compliance Director Gary Miner took time to extensively review outstanding policy questions with the Board. Some topics discussed include Pharmacists in Charge (PIC), Counseling, Medication Therapy Management (MTM), the definition of Unprofessional Conduct, as well as requirements for receipt of prescriptions which include prescription formats such as oral, written, fax or electronic. Tony and Gary will take their notes from the Board and have a final draft rule at the August Board meeting for approval.

Division 045 Compounding

Tony Burt discussed with the Board Division 45 which is a very technical group of rules that addresses both sterile and non-sterile compounding. The intent has been to balance the need for public safety with recognition that an absolute adherence to USP 797 guidelines could have a devastating financial impact

on some facilities. A Rules Advisory Group has been working on this Division since late 2006 and the members believe that an appropriate balance has been achieved. Tony reviewed the latest version of the drafted rules and received guidance on outstanding questions. Tony also reviewed with the Board Members the draft position paper. The Board Members discussed the draft rule at length and were able to provide valuable input to Tony and Gary Miner as they move closer to a final draft version of Division 45.

DMSO Repeal

Project Manager Burt proposed repealing this Division completely as the Board no longer has authority to regulate this product; it was removed from the Board's regulatory authority during the 2003 legislative process. The Board Members discussed the repeal and agreed with Tony that to keep up to date it is necessary to repeal this Division.

Food Bank Request

Tony Burt reviewed with those present the proposed changes to the rules on Non-prescription Drug Outlets, Division 35, in order to accommodate the Oregon Food Bank's desire to distribute free OTC medications such as Advil and Excedrin, to the clients of its charitable services. There are 21 qualifying organizations that would need to register under this rule. If it proposes to adopt this rule, the Board will also have to decide if they want to charge a fee for licensure. There are advantages and disadvantages associated with both assessing a fee, and not charging a fee. The Board discussed these and will review the proposed draft of the rule at the August Board Meeting.

Division 090 Aerosol Sprays Repeal

Tony proposed repealing Division 090, regarding Aerosol Sprays. The Board discussed the repeal, and will review again at the August Board Meeting.

ISSUES/ACTIVITIES

Reports:

Board President / Members:

Board President Marc Watt – No Report

Board Vice President Ann Zweber reported that she attended the Washington Board of Pharmacy Board Meeting. Ann shared that Executive Director Gary Schnabel and Board Member Bernie Foster also attended part of the meeting. Ann was surprised at the similarities, and differences between our Board Meetings and theirs. Ann shared that she overheard people comment on how envious they are of the Oregon Board of Pharmacy's Pseudoephedrine rules. Vice President Zweber thought the meeting was really great, but thought in the end that even though the Oregon Board operates differently, that there are some things we do better and are able to get done more quickly than the Washington Board.

Board Member Cathy Lew reported that she attended the Oregon State Pharmacy Association's (OSPA) April meeting. She attended the meeting with Pharmacist Consultant Paige Clark. Cathy also spent some time in Salem attending House Hearings on SB 34. Cathy was able to make some contacts who could speak on behalf of the Board in support of the Bill. Board Member Lew shared that the Board should be very thankful for the help of Senators Kruse, and Morrisette as well as Jim Thompson, Executive Director for OSPA, and Kathy Hahn from the Pain Commission, for their help in moving this bill.

Board Member Linda Howrey reported on the latest Immunization Practices Advisory Team (IPAT) meeting. Linda shared that most of the meeting was regarding childhood vaccines, and wasn't very pertinent to what the Board is working on. Linda will attend another IPAT meeting before the August Board Meeting, and will have an update for the Board at that time. Board Member Linda Howrey shared

that there is a piece of legislation that has been signed by the Governor which takes childhood reporting and expands it into adulthood to age 23.

Board Member Diana Pimlott attended the National Patient Safety Foundation Congress held in Washington DC. The attendees of the meeting had a lot of interest on the poster regarding "Medication Reconciliation in a Rural Hospital Setting." The poster shared Key Elements in Medication Reconciliation, a diagram of the Process, and Inpatient Medication Reconciliation Results from July 2005 through November 2006. The poster was made into a flyer, and handed out during the meeting.

Board Counsel – No Report

Compliance Director Gary Miner reported to the Board that a lot of people have been contacting the office regarding the Pharmacist in Charge (PIC) training. They expressed interest in attending after reading about it in the NABP Newsletter. Gary shared that most of the individuals calling are interested in attending a class right away. The Compliance department is in the process of organizing the training classes. In addition, Gary and Karen are in the process of recruitments for the new Compliance Assistant position.

Pharmacist Consultant Paige Clark reported on the current status of SB 34. Rob Bovett has been working hard to get the bill before a committee in Ways and Means before this Legislative Session ends. Paige handed out a letter as an example of what Rob has been sending to people in the Legislative Ways and Means Committee. In addition, Paige shared that Linda Bearfoot will be lobbying to Ways and Means on behalf of the Board as well. Paige thanked Grant Moyle the Agency's new IT person, and Tom Cowan, Board Counsel for their help in getting the Bill passed through the House.

Paige reported that the Public Information Officer (PIO) meetings continue to be held once or twice a month. In addition to attending the PIO meetings, Paige shared that she attended the OSPA Spring CE event with Board Member Cathy Lew in April. Paige discussed several events that will be taking place this month and offered that if any staff or Board Members would like to attend, they are welcome.

Paige further updated the Board regarding the Emergency Preparedness meetings. The Committee is moving forward, and will start doing trainings in August.

Administrative Director Karen MacLean reported on the status of the recruitments for the new positions. Karen shared that the recruitment for the part time Compliance Assistant has been started, while the recruitment for the part time PRN assistant is being prepared. If SB 34 passes, Karen will start the recruitment for a Project Manager. Karen shared that the Licensing Representatives have requested that the third licensing position remain vacant for the time being and she and Gary approved, so Courtney Frank and Michael Hunt will handle all the licensing responsibilities for now. Staffing will be reviewed periodically.

Karen shared Office Manager Chrisy Hennigan's request that if anyone has any outstanding expense sheets, to get them to her by June 20th in order to get them processed before the end of the Biennium, June 30th.

Karen updated the Board on the IT transition from the Board of Nursing to our own provider. The transition has gone well so far. Grant was in finishing up some last minute details, and will be back at the end of the month to complete the transition.

PRN Director – Not present

2007 Board Dates:

- August 7 – 8, 2007 Portland
- October 3, 2007 Ashland (General Business)
- October 16, 2007 Salem (Compliance)
- December 4 – 5, 2007 Portland

Other Dates of Interest:

- October 3 - 6, 2007 Ashland NABP/AACP District VII/VIII Meeting

Board Meeting Dates 2008

- January 29 – 30, 2008 Corvallis
- April 15 – 16, 2008 Portland / Hillsboro
- June 10 – 11, 2008 Portland
- August 12 – 13, 2008 TBA
- October 14 – 15, 2008 TBA
- December 9 – 10, 2008 Portland
- January 20-21, 2009 Corvallis

Strategic Planning Meeting

- March 19 - 20, 2008 Welch's

Staff discussed with the Board Members the possibility of having part of the April Board Meeting in Hillsboro again next year. Board President Marc Watt really liked attending the law class, but wasn't sure if having the whole meeting there was necessary. Marc suggested still having the Compliance day in Portland, and then hold the first half of the General Business Agenda in Portland, and go to Pacific University to attend the Law Class in the afternoon. Board Member Cathy Lew feels that it would work better being at the school the whole day. Administrative Director Karen MacLean said she could check with the school and see which they would prefer.

Administrative Director Karen MacLean updated the Board on the coordination of an August or October Board Meeting in Eugene. Staff is finding that it is a lot more expensive than originally thought for facilities and catering at the preferred hotels in the area, and will continue looking at alternative sites for the Meeting.

COMMITTEES / MEETINGS

OSPA Spring CE April 22

Board Member Cathy Lew attended and reported on the OSPA Spring CE meeting. Cathy shared that it was well attended by about 100 people, and was a good mix of retail and hospital pharmacists. Cathy reported that she was able to drive down with an acupuncturist, and was able to talk to her about the Prescription Drug Monitoring Program (PDMP). The Panel was made up of a pain patient, Doctor and an acupuncturist, and Cathy reported that they did a great job setting up how much the PDMP would help patients and Doctors. Cathy added that Consultant Paige Clark did a great job presenting as well.

POP Roundtable June 12

Marc Watt reported on the POP Roundtable. Marc shared that he has received good responses from all the attendees that contacted him after the meeting. The attendees especially liked the informal format of the meeting, and really felt free to discuss the topics openly. The next meeting is on June 12 from 12:00 to 1:30. The Board Members and staff hope to continue to reach out to other hospitals and pharmacies around the state through these meetings.

NABP District Planning Meeting April 30

Project Manager Tony Burt shared that the next meeting will be held at the OSPA offices in Wilsonville. Executive Director Gary Schnabel is hoping to present a formal agenda for the District Meeting when the Board meets again in August. Tony reported that Chrisy posted the information sheet and registration forms on the Boards website, and Tony has already received some feedback from District members.

NABP Annual Meeting May 19 – 22

Executive Director Gary Schnabel reported on the NABP Annual Meeting. Gary shared that the Former Board Member Reception was well attended. People really seemed to enjoy themselves and catching up with each other. Gary has heard that other states are thinking of doing the same type of event when they host the Annual Meeting.

In addition, Gary shared that the NABP staff really enjoyed working with the Board of Pharmacy staff, and really appreciated their help at the registration desk and hospitality center. Gary thought the NABP staff brought in some really good speakers, and found that a lot of attendees appreciated the timeliness of topics.

Gary Schnabel further reported that he was elected Treasurer of the NABP Executive Committee, and Board Member Cathy Lew was elected to take Gary's District VII seat on the Executive Committee for the remainder of his term.

NACDS Meeting August 11, 2007, Boston, MA

Karen MacLean shared that in the past NACDS has offered the Board a travel grant, but unfortunately NACDS has elected not to offer a grant this year. The approximate cost to the Board in sending a representative would be \$2000 to \$2700 per person. The meeting is coming up in August; Karen then asked the Board if they would want to send someone to the meeting. Board Member Ann Zweber shared that she would like Board President Marc Watt to attend the meeting, Marc agreed to attend the meeting, but only if the benefits of him going out weigh the costs. Gary Schnabel responded that the cost is about the same for any other meeting Board Members might attend out of state. Marc will plan to attend.

NABP Conferences / Meetings

Executive Director Gary Schnabel discussed with the Board upcoming NABP conferences and meetings. Gary shared that there is an upcoming Strategic Planning Retreat for the Executive Committee which will be held in New York. Both Gary and Board Member Cathy Lew will be attending. In addition, Gary and Cathy will be attending the Legislative Conference in September in Washington DC; this meeting will offer Executive Committee members the opportunity to discuss with their Congressional representatives various talking points discussed during the meeting. All travel expenses for Executive Committee Members are covered by NABP.

RESEARCH COUNCILS

Electronic Transmission/Signatures

Project Manager Tony Burt reported that the Research Council has completed its task, and a final report will be ready by the August Board Meeting. At that time, the Board will formally end the research council. Tony shared that after the Board reviews the final report, if they feel like something is missing, a follow up committee could be formed to look at this subject from another point of view.

Medication Therapy Management Service

Compliance Director Gary Miner reported that the Board is at the point where they are ready to move forward on this topic. Gary shared that many individuals in the industry want to be involved such as Tom Holt, Kristy Butler and Jennifer Davis. The Board discussed and directed the staff to formally form a

Research Council on Medication Therapy Management Services with Board Member Linda Howrey as the Board Representative.

ANNUAL BUSINESS MEETING

Election of New Officers

Board Members Linda Howrey and Cathy Lew nominated Board Member Ann Zweber for President.

MOTION

Motion to elect Ann Zweber President of the Board was made and unanimously carried. (Motion by Howrey, second by Lew)

Board Members Cathy Lew and Dianna Pimlott were nominated for the position of Vice President.

MOTION

Motion to elect Cathy Lew Vice President of the Board was made and unanimously carried. (Motion by Howrey, second by Pimlott)

Approval of ACPE Accredited Schools

The Board reviewed the list of ACPE accredited schools.

MOTION

Motion to approve the list of ACPE Accredited schools was made and unanimously carried. (Motion by Howrey, second by Lew)

Approval of ACPE Continuing Education Process

The Board reviewed the list of ACPE Continuing Education Processes.

MOTION

Motion to approve the list of ACPE Continuing Education Processes was made and unanimously carried. (Motion by Lew, second by Howrey)

Update on Board Re-Appointments

Administrative Director Karen MacLean reported that Board Members Lee Howard and Linda Howrey were both re-appointed to the Board for a second term by the Governor.

GENERAL ADMINISTRATION

Staff Policy Questions

Compliance Director Gary Miner presented staff policy questions to the Board. Gary's first question was if the Board wanted to be notified of action taken by other State Board's of Pharmacy against out of state outlets, for example, pharmacies or wholesalers/distributors. Gary then asked if the Board's answer was yes, if the staff should ask what action has been taken against their license on the renewal form. The Board discussed these two questions at length, and determined that the renewal already asks if the outlet has been disciplined. In addition it was decided that the staff could handle these, and that the Oregon Board should match the discipline of the other states Boards'.

Gary Miner then asked if the Board considered the regulation of devices such as glucose meters, and anticoagulation meters as part of the Class C wholesale license. The Board discussed and determined that these devices did fit into a Class C Wholesale license, and to update the license accordingly.

Compliance Director Miner asked the Board members if they should be concerned if a pharmacist does not disclose to a patient that they are benefiting financially by converting the patient to another drug.

Board Members discussed this issue and determined that as long as no fraud is being committed by the Pharmacist that this topic is outside the authority of the Board.

Gary shared that the Board currently requires that CE records be kept for three years, but questioned how the staff should handle the CE audits for pain management which is a one time requirement. Board Members discussed the benefits of keeping CE records, and directed the staff to update the CE Division to reflect the Board's three year record retention requirement. No comments were made by the Board Members regarding the Pain Management Audits, other than they should be included in the routine CE audits.

Gary asked the Board's opinion on whether the gathering of the medications to be used by the technician to fill an order is a technician function only, or if a clerk can do it. The Board decided that this is a technician function only.

Oregon Board of Pharmacy Website Update

Compliance Director Gary Miner reported that a list of disciplinary actions has been added to the Boards website. Gary shared that he wanted to include various types of violations including medication errors, and disciplinary action taken against Pharmacy Technicians. Office Manager Chrisy Hennigan has been helpful in posting these on the agencies website.

Safe Syringe Access & Disposal in Oregon

Board Member Cathy Lew updated the Board on this topic. Cathy reported that she got brought in to this topic through a conference she attended in the Eugene Area. Ann Shindo later contacted Cathy through a letter expressing her interest to start a Safe Syringe and disposal program in Oregon. Cathy responded to Ann's letter, but never heard back. Executive Director Gary Schnabel reported that he had called Ann and she emailed back this morning. Ann wrote that the purpose of her letter was to start a dialog with the Board to be clear on the specifics of this program. The Board decided to table this issue until the August Board Meeting now that they know the purpose of Ann's letter.

Pharmacists Month Advertisement

Board Member Linda Howrey suggested having the Board participate again in Pharmacists Month by contributing an article to the Oregonians Pharmacist Month insert. Linda shared that last years article was a big success. Linda reported that it will cost a little more to participate this year than last. Board President Marc Watt suggested that this year's focus should be the Product Information Label (PIL) that the Board requires to be on every prescription. The Board discussed and agreed to participate again, and to follow Marc's idea.

MOTION

Motion to participate in the Pharmacist Month insert with the Oregonian was made and unanimously carried. (Motion by Lew, second by Howrey)

Approval of OSU 4th Year Clerkship Sites

The Board reviewed the list of Oregon States 4th year clerkship sites. The board had a few questions regarding the licensing status for Craig Williams Pharm.D who is in the process of reciprocating to Oregon. In addition, the Board would like to contact Deane Deibele RPh. regarding the name of the non-pharmacist licensed pharmacy technician she refers to in her non-pharmacist preceptor request submitted to the Board. Board staff will contact these individuals and update the Board at the August Board Meeting.

MOTION

Motion to approve listed 2007 – 2008 OSU clerkship sites was made and unanimously approved. (Motion by Howrey, second by Lew)

MOTION

Motion to approve OSU request for the seven individuals to act as preceptor with an intern/preceptor ratio of 2:1 was approved unanimously. (Motion by Lew, second by Howrey)

MOTION

Motion to approve the Non-Pharmacist preceptors with the exception of Deane Deibele's request, was made and unanimously approved. (Motion by Howrey, second by Zweber)

Bar Code/Final Check

Executive Director Gary Schnabel reported that an individual from Evergreen Pharmacy approached him at the NABP Annual Meeting. He showed Gary a copy of the Board Meeting Minutes from April 2002. This report reflected a request by Evergreen Pharmacy Inc. wanting to implement pharmacy technician bar code checks on prescriptions in their pharmacy. A clarification on what the waiver granted by the Board means exactly was requested. There was some disagreement on what was meant by the request and waiver. Compliance Director Gary Miner shared that upon inspection of the Evergreen Pharmacy he found that the Pharmacist is doing the final check, and that the bar code system they requested isn't even in use. Board President Marc Watt asked Board Staff to check in the Administrative Rules to see if their request and waiver are still valid. The Board discussed and decided to come back to this issue in August, and possibly have a representative from Evergreen Pharmacy Inc. present a new request to the Board at that time.

Action Items

Executive Director Schnabel brought the Board's attention to an Action Item List. The purpose of this list is to keep track of items that come out of Board Meetings that need to be followed up on by staff. The staff can then mark what is done or in progress, and just keep adding to it as needed. Board President Marc Watt shared that it makes the Board look like it has been working really hard. The Board thought it was a great idea to help staff, and to continue in the future and present an updated list at the August Board Meeting.

Patient Safety

Executive Director Gary Schnabel reported on an email he received from Jim Dameron from the Patient Safety Commission. The purpose of Jim's email was to follow up with Gary regarding working together to protect the public from harm. Board President Marc Watt shared that the Board should be involved in, and supports any program that the Patient Safety Commission is involved in should it be an advisory group or other program they might have developed.

Marc further suggested having somewhere for practitioners, and patients to go for more information. Marc suggested putting patient safety information on the Board's website. Included could be resources for medication errors, drug disposal, and other topics the Board and Board staff might deem appropriate.

Will Call Bin

At Board Member Cathy Lew's request, Compliance Director Gary Miner gave an update on where the Board stands statutorily regarding Wal-Mart's request to install Automated Dispensing Machines in their pharmacies. Gary reported that due to ORS 689.765, no drugs may be dispensed to public by use of an automated vending machine. So, unless the prescription drops inside the pharmacy where a pharmacist could pick it up to counsel the patient, the kiosks wouldn't be allowed statutorily. Gary will be in contact with Wal-Mart regarding this topic.

Budget Report

Administrative Director Karen MacLean presented an accounting and budget update to the Board. Karen shared that at this point in the biennium, with two months left; the agency is at 80% which is under where the agency was expected to be. Karen and Chrisy are keeping watch over expenses, to keep the agency under budget for the biennium.

LEGISLATION

Prescription Drug Monitoring Program (2007 SB 34)

Pharmacist Consultant Paige Clark handed out the latest copy of Senate Bill 34 with amendments. Executive Director Gary Schnabel went through the bill with the Board, line by line, so the Board had a clear understanding on what had changed in the legislative process. SB 34 was discussed at length with the staff commenting what each addition would mean for them, as well as the agency.

General Update

Pharmacist Consultant Clark discussed the current status of various bills, and where they are in the legislative process. Paige shared that Senate Bill 34 has been passed through the House, and is on to Way's and Means, where many people are working to get it before a committee before the legislature ends. Paige shared that House Bill 715 regarding repackaging of prescriptions, did not pass to the House on the understanding that the Board would meet with the developers of the Bill to consider a possible regulations solution. In addition, Paige shared that Senate Bill 200 passed. It just needs to be signed by the Governor. Paige Clark further discussed other outstanding Bills the agency has been tracking.

Open Session

Administrative Director Karen MacLean and Board Member Ann Zweber thanked Board President Marc Watt for the help he has provided during his year as President of the Board.

MOTION

Motion to adjourn was made and unanimously carried. (Motion by Watt, second by Pimilott)

Minutes Approved By:



BOARD COMPLIANCE AGENDA

Oregon State Board of Pharmacy

800 NE Oregon Street #150

Portland, OR 97232

June 5, 2007 @ 8:30 a.m.

Marcus Watt, RPh. Presiding

An Executive Session of the Board to discuss Compliance was held on June 5, 2007 at the Board of Pharmacy in Conference Room 140. Board Members present: Bernie Foster, Linda Howrey, R.Ph., Cathryn Lew, R.Ph., Dianna Pimlott, R.Ph., Marc Watt, R.Ph. and Ann Zweber, R.Ph.. Board Members absent: Lee Howard. Staff present: Executive Director Gary Schnabel, Administrative Director Karen MacLean, Project Manager Tony Burt, Consultant Pharmacist Paige Clark, Compliance Director Gary Miner, Board Investigators Joe Ball, Katie Baldwin, Michele Cale, Gregg Hyman and Jennifer Zanon, Administrative Secretary Jennifer Hess and Compliance Secretary Annette Gearhart. Board counsel present: Thomas Cowan, Sr. AAG. PRN Director Ed Schneider present until 11:15 am.

Working lunch served.

CASE REVIEW:

Case 2006-0393

Motion to suspend pharmacist license and impose \$1,000 civil penalty against Pharmacist-In-Charge, Letter of Notification to Pharmacy, letter of no violation to Pharmacist was unanimously accepted.

Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0034

Motion to suspend technician license was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0079

Motion to revoke pharmacist license and impose \$6,000 civil penalty was unanimously accepted.

Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0150

Motion to revoke pharmacy technician license and impose \$1,000 civil penalty; issue Letter of Concern regarding timely reporting of losses to the Board to Pharmacist-in-Charge and pharmacy was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0165

Motion to revoke pharmacy technician license and impose \$1,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0166

Motion to revoke pharmacist license was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0128

Motion to revoke pharmacist license was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0036

Motion to impose \$1,000 civil penalty and revoke pharmacy technician's license was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0088

Motion to revoke pharmacy technician license and impose \$1,000 civil penalty was unanimously accepted with Marcus Watt abstaining due to conflict of interest. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0144

Motion to revoke pharmacy technician license and impose \$1,000 civil penalty was unanimously accepted with Linda Howrey and Ann Zweber abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0092

Motion to deny pharmacist license and impose \$3,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0164

Motion to impose \$1,000 civil penalty and deny technician application was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0159

Motion to deny technician application and impose \$1,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0052

Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation; and in

Case 2007-0105

Motion to impose \$1,000 Civil Penalty against the Pharmacist-in-Charge; and in

Case 2007-0108

Motion to impose \$1,000 Civil Penalty against the pharmacy was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2007-0070

Motion to suspend pharmacy technician license and impose \$1,000 Civil Penalty was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0037 and 2007-0180

In lieu of disciplinary action by the Board, Pharmacist-in-Charge and Pharmacy will submit QA plan acceptable to the Board addressing rural prescription access in Oregon was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0143

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0158

Motion to impose \$1,000 and suspend technician license; and issue Letter of Concern to PIC. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0021

Motion to impose a \$2,000 Civil Penalty against outlet was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0077

Motion to impose \$1,000 civil penalty against outlet and issue Letter of Concern to technician, pharmacist and Pharmacist-In-Charge was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0106

Motion to issue Letter of Concern to drug outlet to review their stock for outdates was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0027

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to Pharmacy was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

ADMINISTRATIVE DISCUSSION:

Case 2007-0181

Motion to grant appearance at October 2007 Board meeting was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

Case 2006-0118

Motion to rescind default order issued 12/26/2006 and accept signed July 2006 consent order proposing probation was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Bernie Foster.

Case 2004-0131

Motion to accept the request to waive the third year of probation was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Cases 02-0241 and 03-0167

Motion to deny the request for reconsideration of probation due to inconsistencies in a recent inspection was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.

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 was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

LETTERS OF CONCERN CASES:

Case 2007-0048

Motion to issue Letter of Concern to pharmacist.

Case 2007-0086

Motion to issue Letter of Concern to technician and CC: PIC and pharmacy.

Case 2007-0123

Motion to issue Letter of Concern to Pharmacist-In-Charge

WARNING NOTICES:

Cases: 2007-0089, 2007-0091, 2007-0096, 2007-0098, 2007-0099, 2007-0113, 2007-0114, 2007-0115, 2007-0134, 2007-0135, 2007-0151, 2007-0154 and 2007-0163.

NO VIOLATION:

Cases: 2007-0075, 2007-0116, 2007-0131 and 2007-0133.

C.E. AUDIT CASES:

Case: 2006-0453 Consent: Suspended 4/30/2007

Case: 2006-0452 Stipulated Order signed 5/23/2007

UNREGISTERED OUTLET CASES:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 2/7/2007 and amended on 4/17/2007, notices to impose \$1,000 civil penalty notices have been issued to:

Case: 2007-0064, 2006-0611 and 2007-0035.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 1, 2004 and amended on 4/17/2007, the following \$1,000 civil penalty and denial of technician licenses notices have been issued: **Case: 2007-0156, 2007-0162 and 2007-0168.**

TECHNICIAN LICENSES GRANTED WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on October 11, 2005 and confirmed on 2/7/2007, the following technician licenses have been granted with probation:

Case: 2006-0448.

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 8/8/2006 and confirmed on 2/7/2007, the following applicants and licensees have been issued CE in lieu of discipline letters:

Cases: 2007-0083, 2007-0093, 2007-0161 and 2007-0167

DEFAULT ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 12, 2004 and confirmed on 2/7/2007, the following default orders have been issued:

Cases: 2006-0314, 2006-0465, 2006-0628, 2006-0639 and 2007-0008.

UPDATES / For Your Information:

Update of cases under investigation and hearing requests circulated at Board Meeting.