

BOARD MEETING MINUTES

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
June 11-12, 2013

TUESDAY, JUNE 11, 2013

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
Christine Chute, Vice President	Roberto Linares
Heather Anderson	

Dianna Pimlott – Excused Absence
Brad Fujisaki – Excused Absence

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

Gary Schnabel, Executive Director	Karen MacLean, Administrative Director
Gary Miner, Compliance Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator
Gregg Hyman, Inspector	Michele Cale, Inspector
Fiona Karbowicz, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Lori Lindley, Assistant AAG

Agenda Review and Approval

MOTION

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

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
2. MPJE Scores
3. Executive Director Report
4. Project Manager Report

5. License/Registration Ratification (April 13, 2013-June 7, 2013)
6. Extension Requests (none)
7. Approval of Board Meeting Minutes (April 16-17, 2013)

MOTION

Motion to approve the consent agenda as revised was made and unanimously carried (Motion by Reher, second by Anderson).

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

- B. Executive Director Performance Evaluation pursuant to ORS 192.660(2) (i).

MOTION

Motion to enter Executive Session at 9:00 AM was made and unanimously carried (Motion by Reher second by Linares).

MOTION

Motion to resume Open Session at 2:16 PM was made and unanimously carried (Motion by Chute second by Anderson).

MOTION

Motion to enter Executive Session pursuant to ORS 192.660(2)(i) at 2:28 PM was made and unanimously carried (Motion by Reher second by Anderson).

MOTION

Motion to resume Open Session at 3:23 PM was made and unanimously carried (Motion by Chute second by Linares).

OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the Board may convene Open Session to consider disciplinary actions motions and may elect to continue Open Session to begin the scheduled agenda for June 12, 2013.

MOTION

Motion to adjourn at 3:24 PM was made and unanimously carried (Motion by Chute, second by Anderson).

WEDNESDAY, JUNE 12, 2013

Ken Wells, R.Ph. Board President, called the meeting to order at 9:00AM.

The following Board Members were present:

Ken Wells, President

Christine Chute, Vice President

Brad Fujisaki

Penny Reher

Roberto Linares

Heather Anderson

Dianna Pimlott – Excused Absence

Brad Fujisaki – Excused Absence

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

Gary Schnabel, Executive Director

Gary Miner, Compliance Director

Courtney Wilson, Project Manager

Gregg Hyman, Inspector

Fiona Karbowicz, Inspector

Katie Baldwin, Inspector

Kim Oster, Compliance Assistant

Karen MacLean, Administrative Director

Chrisy Hennigan, Office Manager

Joe Ball, Chief Investigator

Michele Cale, Inspector

Laura Elvers, Inspector

Annette Gearhart, Compliance Secretary

Carol Parks, Assistant Attorney General

President Wells welcomed the pharmacy interns and asked them to introduce themselves.

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

ISSUES/ACTIVITIES

President Ken Wells reported that he had attended the recent Professional Practice Roundtable Meeting and Pharmacy Coalition Meeting on May 14th. President Wells also attended the Pharmacy Coalition Meeting on June 11th.

Vice President Christine Chute attended a recent Governor's Advisory Committee on DUII Meeting.

Board Member Roberto Linares participated at a Continuing Education (CE) event in Benton County along with Inspectors Gregg Hyman and Fiona Karbowicz. Board Member Penny Reher was also in attendance.

Board Member Penny Reher reported that she and Executive Director Gary Schnabel visited Representative Sara Gelsler to discuss drug shortages. Representative Gelsler stated that she would be happy to assist the Board if the Board needs Legislation drafted relating to drug shortages.

Board Member Heather Anderson had nothing to report.

Compliance Director Gary Miner reported that there are 17 individuals enrolled in the Health Professional Services Program (HPSP). One individual is a self referral. Gary also shared that 288 or 33% of pharmacy inspections throughout the state have been completed this

year. Gary asked the Board a few field questions. He first asked the Board if they would like to conduct a CE audit and LEDS (criminal background check) on all Certified Pharmacy Technicians during the upcoming renewal cycle or conduct a sampling of 10% as has been done in the past. During the last renewal cycle a CE audit of 10% was completed as well as LEDS check was conducted on all Certified Pharmacy Technicians. Gary indicated that this was a tremendous workload for both the licensing and compliance staff and Licensing will be completing LEDS checks all pharmacists as well as the standard 10% CE audit. Two Board Members indicated that they would like to see a move towards LEDS upon renewal annually, but that they understand that it is a large undertaking. Administrative Director Karen MacLean indicated that staff has been working with our IT Consultant to automate the LEDS process. The Board indicated that conducting a 10% sampling on Certified Pharmacy Technicians this year would be acceptable.

Compliance Director Miner asked the Board if they would like there to be a ratio of ten interns to one pharmacist or ten interns to two pharmacists at “Brown Bag” functions. Board staff recently created a form to be utilized to document the ratio of a ten to one ratio. This could be utilized to document outreach activities. The Board agreed that a pharmacy’s preceptor could supervise up to 10 interns for a Brown Bag event if the preceptor used the sample form or a similar form to document the one to one interaction between the intern and the preceptor. The form would include a medication list and any recommendations the intern would suggest. The preceptor and intern would discuss the recommendations and then review the information with the patient.

Compliance Director Miner also indicated that he had received a request for the Board to consider writing rules for mobile/temporary pharmacies. Gary proposed that this be added to the future rule writing list and indicates that the Virginia Board of Pharmacy has good model rules for rural areas. Board Member Heather Anderson indicated that the U.S. Army may also have some good examples. The Board supported adding this to a future meeting for a policy discussion.

Compliance Director Miner shared that the Department of Human Services (DHS) is changing its immunization protocol to require pharmacists to check the ALERT system prior to immunizing. The protocol also includes an exemption for the flu shots. DHS is suggesting a September implementation date. However, staff is recommending a January 1, 2014 implementation date in order to provide pharmacists with enough time to satisfy the new protocol requirements. The Board supports a January 1, 2014 implementation date, but encourages pharmacists to satisfy protocol requirements sooner if possible. Compliance Director Miner stated that he would relay the information to DHS.

Administrative Director Karen MacLean reported that the State is moving towards electronic pay stubs. This will include payments for Board Members per diem. More information will be provided when it becomes available. Karen reported that the pharmacist renewal cycle is coming to a close and that to date, 94% of pharmacists have renewed. There are currently 300 pharmacists left to renew. Karen shared that the licensing staff has all renewals received to date, processed and mailed; they have done a great job.

Administrative Director Karen MacLean introduced new Licensing Representative Cam Tran.

Board Members asked staff if they received any written comments on the proposed rules that are going to the June 27th Rulemaking Hearing. Staff shared that to date no written comments have been received although Compliance Director Gary Miner has received a few phone calls from people who have had questions on the proposed rules.

Board Meeting Dates

- August 13 - 14, 2013 Portland
 - October 15 -17, 2013 Portland
 - December 17-18, 2013 Portland
 - February 4 - 6, 2014 Portland
 - March 11 -12, 2014 Silverton - Strategic Planning
 - April 8 - 9, 2014 Portland
 - June 10 - 11, 2014 Portland
 - August 12 - 13, 2014 Portland
 - October 7 - 9, 2014 Portland
 - December 2-3, 2014 Portland
-

Rulemaking Hearing Dates

- June 27, 2013
 - November 21, 2013
 - May 22, 2014
 - November 25, 2014
-

Board Member/Staff Presentations

Executive Director Gary Schnabel reported that he attended the May 14th Pharmacy Coalition Meeting. At the meeting they had a discussion regarding the Collaborative Therapy Practices Survey that the Board will be sending out via its list-serve on behalf of the Coalition. The Coalition will share their survey results with the Board. Gary also attended the June 11th Pharmacy Coalition Meeting along with Compliance Director Gary Miner, Inspector Fiona Karbowicz as well as some of the Board Members. Gary stated that the Coalition provided a good update on current legislation.

Executive Director Schnabel attended the Professional Practice Roundtable (PPR) Meeting on May 14th. He indicated that they also had a good update on legislation. Other topics that were discussed include; compounding, practitioner dispensing, PDAC Conference, drug outlet rules, as well as the Coalition survey project. Gary indicates that Dan Kennedy is creating a presentation on the Community Pharmacy Accreditation for a future PPR meeting.

Board Member Brad Fujisaki served on a compounding panel at the 2013 OSHP Annual Seminar, April 19-21, 2013, in Gleneden Beach, Oregon.

The 2013 OSPA Annual Conference will be held October 18-20, 2013, in Portland, Oregon. Board Members Ken Wells and Penny Reher and Inspector Gregg Hyman will be presenting the Board's presentation. Staff will also hold a Pharmacist-in-Charge class on Friday, October 18th.

Committees/Meetings

Executive Director Gary Schnabel attended the College of Pharmacists of British Columbia's April 19th Board Meeting. At the meeting Gary provided an update to the College on the Oregon Board of Pharmacy's Workforce Conditions Survey. The College will be putting a similar survey together and would like to use the Board's questions, which the Board already approved. Gary also advised that the Province of Alberta and the State of Washington are also considering creating similar surveys.

On April 23rd Executive Director Gary Schnabel attended the Food and Drug Administration's (FDA) Antibiotic use in Animal Feed Meeting in Olympia, WA. Gary indicated that veterinarians and farmers were primarily in attendance and that he was the only human medicine attendee. However, at the meeting Gary learned that the FDA has made a decision to reduce antibiotics in animal feeding. Now the FDA is trying to determine how to do this and how it will impact farmers and veterinarians who were the target audience for this conference.

Executive Director Gary Schnabel, Board President Ken Wells, and Board Member Penny Reher attended the NABP 109th Annual Meeting, May 18th-21st in St. Louis, Missouri. Gary attended as a past NABP President and member of the Ex Presidents in Collaboration (EPIC) Committee. The Oregon Board was also a recipient of the Fred T. Mahaffey award for its work on the 2011 Workforce Survey and Division 041 Workplace Conduct Rules. This is the Board's second Fred T. Mahaffey award. Ken accepted the award on the Board's behalf. He stated that it was an honor to accept the award on behalf of the Board. Gary and Penny stated that Ken gave a great acceptance speech and represented the Board well. Gary indicated that it was a great meeting and that it was very informative.

Ken and Penny split the topics on the annual meeting agenda in order to attend more meetings. Penny attended a compounding meeting at which compounding issues around the country were discussed. She stated that a common theme throughout the meeting was "we don't know what we don't know". This refers to the stability and sterility of the final product that has been produced and is available for use. During the compounding meeting, it was also mentioned that the Iowa Board of Pharmacy and NABP have partnered to inspect compounding facilities. NABP is making this available to all states. More information about this will be provided at a later date. Penny attended a meeting focused on LegitScript, a company located in Portland, Oregon that monitors the Internet to locate illegitimate pharmacies and works to shut them down. John Horton, President and founder of the company served as a policy advisor in the White House Drug Policy Office from 2002 until 2007. John previously worked as a prosecutor in Multnomah County and as legal counsel to the Oregon House and Senate Judiciary Committees. John discussed LegitScript and some of their services including monitoring and enforcement of internet pharmacies. Some of their successes include working with Google to block advertising of illegitimate pharmacies, as well as Visa to block payment transactions from such identified companies. Penny stated that John provided a very informative presentation and requested that staff reach out to John to see if he would be available to provide the Board with a similar presentation. Staff will follow up with John to schedule a presentation for a future Board Meeting. Penny also attended a session on biosimiliars which she said was very technical and specifically about molecules.

Penny served as the Board's Voting Delegate during the Business meetings where the Annual Resolutions are considered. Penny indicated that the delegates adopted eight resolutions. These resolutions include:

- Pharmacy Compounding Sterile Products
- Concerning PBM Model for States
- Definition of Pharmacy Compounding
- Compounding and Reconstitution of Drugs for Infusion in medical offices
- Performance Metrics and Quotas in the practice of Pharmacy
- "Five Percent" Prescription Drug Transfer Rules
- Alternate Delivery of Mandatory Patient Package Information (PPI) in the Interest of Environmental Concerns and Protection of Patient Privacy
- Honoring Members of the Association who have Passed Away

Board President Ken Wells attended the Poster Session of the meeting. Topics included:

- Oversight of Pharmacy Detailers
- Assessing Pharmacist Knowledge of Diversion Laws
- Public Health Hazards
- Drug Shortages
- Buying Medications Online
- Disposal of Drugs

Ken stated that the poster sessions were very well done and well attended. Ken also commented on the key note speaker Jeff Henderson, also known as "Chef Jeff" who was formerly a drug runner, later convicted and spent time in prison and is now an author and chef. Ken said that he provided an inspiring presentation that showed people really can change.

Ken attended a Veterinary Pharmacy meeting at which two of the three speakers were from Oregon. The speakers from Oregon include Bryan Bowers and Terry Crowder. They discussed veterinary pharmacy issues that are affecting all Boards of Pharmacy.

Virtual Pharmacy Distribution which was primarily about wholesale practice was an additional meeting that Ken attended. They discussed issues such as medications being purchased for a variety of practices settings such as surgical centers and are not monitored by a pharmacist.

The majority of expenses for all three participants that the NABP Annual Meeting were covered by NABP.

Board Inspectors Joe Ball and Fiona Karbowicz will be attending the University of Utah School on Alcoholism & Other Drug Dependencies Conference June 16-21, 2013. A NABP Foundation grant covered up to \$1500 of expenses for one inspector.

Executive Director Gary Schnabel has been asked to be a speaker at the Drug Enforcement Administration (DEA) Pharmacy Diversion Awareness Conference which will be held in Portland July 13th -14th. Gary will be speaking about Oregon's Prescription Drug Monitoring

Program (PDMP). Gary will also be speaking about collaboration with NABP and DEA on behalf of NABP. The theme will be pharmacists due diligence and corresponding responsibility. President Ken Wells encourages anyone who can attend to attend this conference. He stated that we are fortunate to be having this event in Oregon and that the topics are good and current.

Board Members Penny Reher and Roberto Linares as well as Executive Director Gary Schnabel will be attending the NABP/American Association of Colleges of Pharmacy (AACP) District 6,7,8 Meeting, September 8th – 11th in Boulder, Colorado. Oregon State University will share in the cost of expenses for Roberto.

Research Councils – none

GENERAL ADMINISTRATION

Appearance

Rob Bovett, Legal Counsel for the Oregon Narcotics Enforcement Association (ONEA) appeared before the Board to request that the Board up-schedule Hydrocodone to a Schedule II Controlled Substance and schedule Tramadol as a Schedule IV Controlled Substance. Rob stated that New York has recently rescheduled Hydrocodone compounds to Schedule II and that we can learn from them. He shared that New York provided its prescribers and pharmacists with plenty of advance notice. That was very important and something we should do if the Board decides to up-schedule Hydrocodone and Tramadol. Board Member Penny Reher stated that they had asked pharmacists their thoughts at the February Lane County Seminar as to whether or not Hydrocodone should be up-scheduled or there should be a perpetual inventory. The overwhelming response from pharmacists was to require a perpetual inventory. Rob indicated that perpetual inventory will not help with the endless prescriptions for Hydrocodone. Another Board Member feared that prescribers may end up prescribing larger quantities of hydrocodone at one time. Rob stated that he hadn't heard about this pattern from his counter parts.

The Board concurred that staff should begin researching the consequences of rescheduling hydrocodone and tramadol. There is a variety of information available from the New York Board of Pharmacy as well as the FDA. The Board would like staff to provide a report with recommendations at the October Board Meeting. The Board wants to keep in mind if rules to reschedule these drugs are sent to rulemaking there will be a tremendous fiscal impact. The Board will need to examine the fiscal impact such rules will have on prescribers and pharmacies, as well as patients who will be required to have increased doctor's appointments to satisfy refill requirements.

Waiver/Exception Requests

Administrative Director Karen MacLean reviewed D. McKay's requested accommodations for testing. NABP was consulted on the third request and advised that it was an unusual accommodation that could not be approved and monitored at the testing facility.

MOTION

Motion to approve D. McKay requests for a quiet room and time and a half was made, and deny request #3 was made and carried (Motion by Anderson, second by Reher). Wells, Reher, Linares, Anderson in favor of, Chute opposed.

Compliance Director Gary Miner presented and reviewed each of Outside In's five requested waivers relating to operations as a charitable pharmacy. 2013 House Bill 2740 provides the Board authority to waive requirements for distribution of prescription drugs under the Charitable Prescription Drug Program if the Board determines that a waiver is in the interest of public health and safety. House Bill 2740 is effective January 1, 2014. Therefore two of the five requests will not be effective until January 1, 2014.

Waiver Request #1: Request to waive OAR 855-044-0030(2)(a).

MOTION

Motion to approve Outside In's request to waive OAR 855-044-0030(2)(a) effective January 1, 2014 for five years was made and unanimously carried. (Motion by Chute, second by Anderson).

Waiver Request #2: Request to waive OAR 855-044-0050(1)(d).

MOTION

Motion to approve Outside In's request to waive OAR 855-044-0050(1)(d) effective January 1, 2014 for five years was made and unanimously carried. (Motion by Chute, second by Anderson).

Waiver Request #3: Request to waive OAR 855-044-0050(1)(j).

MOTION

Motion to approve Outside In's request to waive OAR 855-044-0050(1)(j) for five years was made and unanimously carried. (Motion by Chute, second by Anderson).

Waiver Request #4: Request to waive OAR 855-044-0050(5).

MOTION

Motion to approve Outside In's request to waive OAR 855-044-0050(5) for five years was made and unanimously carried. (Motion by Chute, second by Anderson).

Waiver Request #5:

MOTION

Motion to approve Outside In's request to waive OAR 855-044-0030(6) for five years was made and unanimously carried. (Motion by Chute, second by Anderson).

Charitable Pharmacy Annual Report

Compliance Director Gary Miner presented a compilation of information gathered from the Charitable Pharmacy 2012 Annual Reports conducted by registered charitable pharmacies during the renewal cycle.

The following information was shared:

- Charitable pharmacies filled between 19 and 1925 prescriptions in 2012.
- Charitable pharmacies served between 19 and 46 patients in 2012.
- Primary donor sources in 2012 were pharmaceutical companies, manufacturers, drug reps, practitioners and other private sources.
- The top clinical conditions consisted of: mental illness, cardiovascular disease, diabetes and chronic obstructive pulmonary disease.
 - Reconvene work-group to review the following:

The charitable pharmacies asked the Board to consider the following:

- Allow pharmacies to receive drugs from pharmacy companies that use mail order.
- Allow for the donation of refrigerated items.
- Allow for the donation of un-opened insulin.
- Extend expiration dates to the actual expiration date of the medication that is dispensed.

Gary asked the Board if the original work-group that helped create the charitable pharmacy rules could be reconvened to look at some of these suggestions. The Board agreed that the work-group should be reconvened and thanked staff for their work on the annual report and informational summary. The Board also requested that the work-group look at MAP programs.

Compounding Work-Group Update

Executive Director Gary Schnabel stated that the Compounding Work-Group had their first meeting on May 9th at Salem Hospital. They discussed draft Federal legislation as well as the Board's rules in Division 045 and the potential to update them and make them more in conjunction with USP 797. The work-group also identified potential safety features for high risk compounders. The Board would like the work-group to meet again and look at Division 045 rules and focus on batch testing, batch sizes, sterility testing and putting other controls in place. Gary reminded everyone that we still do not know what the FDA is going to do and how that may impact what we are doing. Staff will organize a second meeting with the work-group.

Survey Manuscript Project Update

Executive Director Gary Schnabel stated that a few individuals have volunteered to work on the manuscript and that they are going to have a conference call to develop a plan. Gary shared that it has been suggested that we do a follow up survey at the same time we did our first survey which was last July. The Board directed staff to conduct a second survey in July and ask the same questions; that will make it easier to compare the results statistically.

Annual Board Business Meeting

President Wells opened the Board's Annual Business Meeting by requesting nominations for the election of new officers:

Nominations: President Penny Reher by Linares, Vice President Dianna Pimlott by Anderson

MOTION

Motion to appoint as Penny Reher as Board President and Dianna Pimlott as Vice President for 2013-14 was made and unanimously carried (Motion by Anderson, second by Chute).

Approval of ACPE Accredited Schools & Colleges of Pharmacy and approval of the ACPE Continuing Education process.

MOTION

Motion to approve the list of ACPE accredited schools & colleges of pharmacy along with the current ACPE Continuing Education Process was made and unanimously carried (Motion by Chute, second by Linares).

Administrative Director Karen MacLean stated that Ken Well's reappointment to the Board has been confirmed.

Review other Committee/Council Appointments

The Board reviewed the current list of committee and council appointments. Joseph Lassiter and Natalie Gusafson's term on the Naturopathic Formulary Council (NFC) expires June 30, 2013. Natalie Gustafson has confirmed her interest in continuing to serve on the NFC and Anne Walsh, Executive Director from the Board of Naturopathic Medicine confirmed that she would like to see Natalie remain on the Council. Two other pharmacists also express an interest in serving on the NFC. The Board decided to reappoint Natalie Gustafson and appoint Justin Bednar to the NFC.

MOTION

Motion to reappoint Natalie Gustafson and appoint Justin Bednar to the Council on Naturopathic Physicians Formulary for two years was made and unanimously carried (Motion by Chute, second by Anderson).

Approve Current Version of Federal List of Controlled Substances

MOTION

Motion to approve the current version of Federal List of Controlled Substances was made and unanimously carried (Motion by Reher, second by Linares).

Attorney General's Model Rules of Procedure
No Action this year

Delegation of Board Authority update

The Board reviewed the current grid of tasks delegated to staff and clarification regarding the Board's prior approval to allow the Compliance Director in consultation with the Executive Director to temporarily modify probation criteria as long as the individual has completed at least two years of the existing probation. Any temporary modifications will be reviewed by the Board at the next meeting for permanent revision.

MOTION

Motion to approve the Delegation of Board Authority to Staff was made and unanimously carried (Motion by Anderson, second by Chute).

Review Board Per Diem Policy

The Board reviewed the current per diem policy. Administrative Director Karen MacLean reminded the Board of the 2009 statute change that allows the Board to set the per diem rate by rule. She also shared some of the other per diem rates of other Boards. The Board elected to keep the \$30 per diem rate the same.

MOTION

Motion to reaffirm Board's per diem policy was made and unanimously carried (Motion by Chute, second by Anderson).

Resume General Administration...

Rules & Policy Discussion

Administrative Director Karen MacLean presented proposed temporary fee reductions as approved by the Legislature. The Board reviewed the proposed fee schedule and adopted them by temporary rule and also sent these fee reductions and the pharmacist licensure fee reduction to permanent rulemaking. Although there will not be a hearing on these rules, unless requested, the public can still provide comment on the rules.

MOTION

Motion to adopt OAR 855-110-0005, 0007 and 0010 as revised as a temporary rule for a temporary revenue surplus fee reduction pursuant to ORS 291.055(3) and legislative authorization, to be effective July 1, 2013 was made and unanimously carried (Motion by Chute, second by Anderson).

MOTION

Motion to send Fee rules as revised in OAR 855-110-0005, 0007 and 0010 to rulemaking was made and unanimously carried (Motion by Chute, second by Anderson).

Policy Decisions – None

Future Rulemaking & Policy Discussion

Compliance Director Gary Miner provided an overview on future rulemaking. He stated that the Long Term Care rules are being edited and that we will add Mobile Pharmacy rules to the list for policy discussion at a future meeting.

- Long Term Care

Drafting in progress

- Div 41 Reorganization *Rulemaking 12/13*
(Includes: Drug Rooms and Retail Drug Outlets, etc.)
 - Non-Prescription Drug Outlets *Rulemaking 12/13*
 - Technicians *Rulemaking 6/14*
(Includes: duties, min. age, licensure & certification requirements and CE)
-

Financial/Budget Report

Administrative Director Karen MacLean stated that she and Office Manager Chrisy Hennigan have been meeting with the scanning company for the paperless office project. Now that the Budget has been approved, they will begin moving this project forward. Karen shared that the Board is still on target with its expenditure expectations for this biennium.

2013 Legislative Update

Executive Director Gary Schnabel provided the Board with a brief update on enrolled bills that may impact the agency. He will provide the Board with a finalized list and any action necessary at the August Board Meeting.

Topics for Future Discussion

- Best Practices for Retail Settings
 - Responsibilities of the PIC
 - Practitioner Dispensing
-

Strategic Planning 2014

Administrative Director Karen Maclean reported that the Oregon Gardens in Silverton, Oregon has been secured for next year's Strategic Planning Meeting. Staff is still working on securing a facilitator.

OPEN FORUM

President Ken Wells invited members of the public to address the Board and discuss any issues of interest.

Angela McMaster from Adventist Medical Group stated that about eight weeks ago pharmacies started refusing to fill prescriptions without additional information. They asked for information such as the ICD-10 code, the diagnosis, code description, the length of expected treatment, last physical date; other treatments tried and inquired as to whether or not there is a pain contract. She indicated that Walgreens, Costco and Fred Meyers have been the most aggressive. Angela stated that now questions and inquires are more aggressive and broader. She asked the Board what the HIPPA extent was and what the pharmacy's minimum need to know is. At this point, Adventist Medical Group is asking their patients to sign HIPPA release forms for the information that the pharmacist are asking. If the patients do not want to sign

they direct the patient to ask the pharmacy for their prescription back and to go to a different pharmacy.

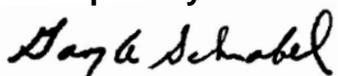
Executive Director Gary Schnabel thanked Angela for coming. He stated what the Board may think is reasonable can be different from what the DEA thinks is reasonable. Gary has a call into the DEA about this matter and is supposed to speak to them next week. The Board commented that they are concerned about this issue as it is affecting patient care.

Adjourn

MOTION

Motion to adjourn at 2:20 PM was made and unanimously carried (Motion by Chute, second by Anderson).

Accepted by:



**Gary A. Schnabel R.Ph., RN
Executive Director**

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

Tuesday, June 11, 2013 @ 8:30 AM, Conference Room 1A
Wednesday, June 12, 2013 @ 9:00 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on June 11, 2013 to discuss Compliance cases, followed by motions on June 12, 2013. Working lunch held.

Board Members present for all or part of compliance session:

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

Board Members absent for all of the compliance session:

Dianna Pimlott, R.Ph.	Brad Fujisaki, R.Ph.
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Staff present for all or part of compliance session:

Gary Miner, R.Ph., Compliance Director	Gary Schnabel, R.Ph., R.N., Executive Director
Joe Ball, R.Ph., Chief Investigator	Karen MacLean, Administrative Director
Katie Baldwin, R.Ph., Board Inspector	Courtney Wilson, Project Manager
Michele Cale, R.Ph., Board Inspector	Annette Gearhart, Compliance Secretary
Gregg Hyman, R.Ph., Board Inspector	Kim Oster, Compliance Assistant
Fiona Karbowicz, R.Ph., Board Inspector	Lori Lindley, Board Counsel on Tuesday
Laura Elvers, R.Ph., Board Inspector	Carol Parks, Board Counsel on Wednesday

Staff absent for all of the compliance session:

Thomas Cowan, Senior AAG

Case 2012-0602 Motion to accept proposed Consent Order.

Motion by: Penny Reher; Seconded by: Christine Chute. Motion unanimously carried.

Case 2010-0407 Motion to grant probationer's request to work between two or more pharmacies within the same company.

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0288 Motion to accept Final Order.

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0526 Motion to deny request.

Motion by: Christine Chute; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0134 Motion to deny request for reinstatement of pharmacist license.

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0181 **Motion to grant Certified Pharmacy Technician license with conditions: 3 year probation, \$1,000 civil penalty with \$850 stayed pending no further violations and 6 hours of CE in pharmacy law or ethics.**

Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2009-0127 **Motion to grant probationer's request for preceptor status.**

Motion by: Penny Reher; Seconded by: Roberto Linares. Motion carried with Kenneth Wells and Heather Anderson opposed.

Case 2011-0524 **Motion to reduce urinalysis testing schedule to 12 per year and deny request to release from probation.**

Motion by: Heather Anderson; Seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0050 **Motion to reduce probationer's counseling sanction to twice per year, may request reduction in urinalysis schedule after one year clean UAs from board decision.**

Motion by: Christine Chute; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2011-0332 **Motion to grant request to float between two pharmacies within the same company.**

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0555 **Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge;**
2013-0136 **impose \$10,000 civil penalty per violation against drug outlet; and**
2013-0137 **issue Letter of Concern to pharmacist.**

Motion by: Christine Chute; Seconded by: Heather Anderson. Motion carried with Kenneth Wells recusing.

Case 2012-0457 **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0158 **Motion to issue Letter of Concern.**

Motion by: Heather Anderson; Seconded by: Christine Chute. Motion unanimously carried.

Case 2013-0101 **Motion to impose \$10,000 civil penalty per violation against outlet; and**

Case 2013-0185 **Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.**

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0374 **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation;**

Case 2012-0536 **Motion to impose \$10,000 civil penalty per violation to outlet; issue letter of No Violation to pharmacist.**

Motion by: Christine Chute; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0114 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0111 **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**

Motion by: Heather Anderson; Seconded by: Christine Chute. Motion unanimously carried.

- Case 2013-0182** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0160** **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Christine Chute. Motion unanimously carried.
- Case 2013-0004** **Motion to issue Letter of Concern.**
Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0155** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.
- Case 2013-0113** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0100** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Penny Reher. Motion unanimously carried.
- Case 2013-0110** **Motion to revoke technician and impose \$1,000 civil penalty per violation.**
Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0109** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Christine Chute; Seconded by: Roberto Linares. Motion unanimously carried.
- Case 2013-0099** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.
- Case 2013-0161** **Motion to deny technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2012-0525** **Motion to deny technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.
- Case 2013-0135** **Motion to impose \$10,000 civil penalty per violation against outlet.**
Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0084** **Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; issue letter of concern to technician recommending 3 hours of CE in medication error prevention and letter of concern to outlet.**
Motion by: Penny Reher; Seconded by: Christine Chute. Motion unanimously carried.
- Case 2013-0029** **Motion to issue Letter of Concern recommending three hours of CE in medication error prevention against Pharmacist-in-Charge.**
Motion by: Heather Anderson; Seconded by: Penny Reher. Motion carried with Christine Chute opposed.

Case 2013-0159 Motion to issue letters of concern recommending CE in veterinary medication dispensing to pharmacist and technician; CC: letter to outlet and Pharmacist-in-Charge.

Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.

Motion to accept the items on the consent agenda as published with case 2013-0159 pulled for discussion.

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

LETTERS OF CONCERN:

Case: 2013-0123 Letter of Concern to Pharmacist-in-Charge regarding the training of all current and future staff on how to handle medication spills; CC: Letter of Concern to outlet.

Case: 2013-0085 Letter of concern to pharmacist recommending three hours of CE in patient safety and medication error prevention.

Case: 2013-0038 Letter of concern to pharmacist and technician; CC: outlet

Case: 2013-0087 letter of concern to pharmacist and technician.

Case: 2013-0051 letter of concern to technician.

Case: 2013-0023 letter of concern to outlet and Pharmacist-in-Charge.

Case: 2013-0070 Letter of Concern to pharmacy and recommend pharmacist and technician involved complete 3 hours of CE in error prevention; CC: letter to Pharmacist-in-Charge.

Case: 2013-0117 letter of concern to outlet and Pharmacist-in-Charge.

DEFICIENCY NOTICES:

Cases: 2013-0089, 2013-0119, 2013-0124, 2013-0126, 2013-0127, 2013-0128, 2013-0129, 2013-0132, 2013-0133, 2013-0142, 2013-0149, and 2013-0177.

UNABLE TO SUBSTANTIATE:

Case: 2013-0157

NO VIOLATION:

Cases: 2013-0010, 2013-0079, 2013-0080, 2013-0086, 2013-0088, 2013-0091, 2013-0093, and 2013-0167.

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.]

Cases: 2013-0026, 2013-0138, and 2013-0179.

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: 2013-0068

UNSWORN FALSIFICATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees may be issued Notice: Deny with \$1,000; proposed Consent: \$1,000 with \$850 stayed pending no further violations for 3 years and 3 hours of CE in law/ethics.

Cases: 2013-0121, 2013-0143, 2013-0145, 2013-0153, and 2013-0171.

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: 2013-0120

CASES CLOSED UNDER INVESTIGATION:

Cases that have been opened and then “Closed Under Investigation” to preserve incoming complaint information should future action be necessary.

Cases: 2013-0073 and 2013-0078.

SURRENDERED LICENSES:

Cases: 2013-0106, 2012-0445, and 2010-0311.