

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
October 15-17, 2013**

The mission of the Oregon State Board of Pharmacy is to promote, preserve and protect the public health, safety and welfare by ensuring high standards in the practice of pharmacy and by regulating the quality, manufacture, sale and distribution of drugs.

TUESDAY, OCTOBER 15, 2013

Penny Reher, R.Ph. Board President, called the meeting to order at 8:35AM.

The following Board Members were present:

Penny Reher, President	Dianna Pimlott, Vice President
Christine Chute	Ken Wells
Roberto Linares	Heather Anderson

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	Katie Baldwin, Inspector
Laura Elvers, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Sr. AAG Board Counsel

Agenda Review and Approval

MOTION

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

Licensing Out of State PICs - Update

Dennis McAllister appeared before the Board to provide an update on the action that the Arizona Board of Pharmacy recently took. He indicates that at the Arizona Board of Pharmacy's September 18th Board Meeting, the Board made the decision to start the process to change the rule requiring a non-resident pharmacy to have an Arizona licensed pharmacist-in-charge. Dennis shared that the rule change process for the Arizona Board of Pharmacy is typically 18 months. Dennis stated that he personally has 10 pharmacist licenses in 10 different states. He believes the intent of the Boards who have this requirement currently, is to protect the public and provide education of Board rules. However, he does not believe there is much difference in state laws and that they are pretty standard in all states. Dennis provided an example of a Pharmacist-in-Charge that was disciplined in the state of Kentucky for not satisfying their continuing education

requirement. The pharmacist was disciplined in Kentucky and in turn was disciplined in all 19 states that he/she held a license.

Board Members asked if the corporate entity should be responsible for a pharmacist's error even when the corporation has great policies and procedures. They also indicated that if an Oregon licensed pharmacist who is the PIC for an out-of-state Oregon licensed pharmacy is disciplined by the Board, the Board may not be satisfied with how the resident state Board of Pharmacy may discipline the individual.

Board Counsel Tom Cowan stated that this is a very interesting conversation and it is more complex than how it is being presented. Not requiring a non-resident pharmacy to have an Oregon licensed Pharmacist-in-Charge is a great deviation from our current rules and would require significant discussion.

Board Members indicated that additional research is necessary to see how other states discipline PICs and how that impacts their other licenses. Note: 40 states do not have an out of state PIC requirement. Given the upcoming change of Executive Director, staff does not have time to research this at present.

Appearance

Twyla Lawson, DAS, Chief Human Resources Office, SR. HR Consultant appeared before the Board to discuss the Executive Director recruitment process. Twyla shared that a panel has been assembled to participate in the screening of candidates for the Governor's consideration. Members of the panel include: Gary Delander, Cathy Lew, Heather Anderson, Ken Wells and Penny Reher. The Board reviewed the draft Executive Director recruitment, the recruitment survey & results that were emailed to pharmacist licensees, as well as the draft timeline for the appointment process. The Board reviewed and adopted hiring standards, criteria and policy directives pursuant to ORS 192.660. It was determined that an additional Board Meeting will need to be scheduled prior to the February 4-6th meeting, as it is anticipated that a new director will start by February 1, 2014.

The Board asked Twyla about the process for appointing an Interim Executive Director as Gary Schnabel's last day will be November 30, 2013. Twyla shared that the Board Chair can appoint an Interim Executive Director at this meeting. The Board determined that they would appoint an Interim Executive Director later in the meeting.

The public was invited to comment at the end of the discussion. There were no public comments.

MOTION

Motion to take public comments on the Executive Director recruitment documents and the process presented including all edits discussed was made and unanimously carried. (Motion by Chute, second by Linares).

MOTION

Motion to adopt the hiring standards, criteria and policy directives related to the Executive Director recruitment including the recruitment plan and the job posting as edited, was made and unanimously carried. (Motion by Anderson, second by Wells).

GENERAL ADMINISTRATION

Rules & Policy Discussion

The Board reviewed the following proposed rules and determined which rules to send to the November 21, 2013 Rulemaking Hearing.

- Division 007 – Public Health Emergencies
- Division 011 – Health Professional’s Service Program
- Division 019 – Duty to Report
- Division 019 – Licensing of Pharmacists
- Division 041 – Definitions/Biosimilars
- Division 041 – Reporting Drug Loss
- Division 041 – Naloxone/Epinephrine
- Division 041 – Remote Dispensing Facility
- Division 110 – Fees

Division 007 Public Health Emergency rules

The Public Health Emergency rules are required by Senate Bill 167 and state that a pharmacist may administer vaccines to persons who are three years of age or older. The Board made a minor revision to the proposed rules to clarify that they go into effect when a public health emergency has been declared.

MOTION

Motion to send Public Health Emergency rules in OAR 855-007-0080 as revised to rulemaking was made and unanimously carried (Motion by Chute, second by Linares).

Division 011 Health Professional’s Service Program

The Health Professional’s Service Program rule amendment is required by 2013 House Bill 2124. The amendment references an updated statute identified in the Bill.

MOTION

Motion to send Health Professional’s Service Program rules in OAR 855-011-0020 to rulemaking was made and unanimously carried (Motion by Anderson, second by Chute).

Division 019 Licensing of Pharmacists

The Licensing of Pharmacists, Administration of Vaccines by Pharmacists rules clarify that a pharmacist may administer a vaccine to a person who is at least three years of age when a public health emergency has been declared.

MOTION

Motion to send Licensing of Pharmacists rules in OAR Chapter 855-019-0270 and 0280 as revised to rulemaking was made and unanimously carried (Motion by Chute, second by Anderson).

Division 019 Duty to Report and Division 041 Reporting Drug Loss

The Duty to Report and Report Drug Loss rules amend reporting requirements to require a pharmacist and pharmacy to notify the Board within one business day in the event of a significant drug loss or violation related to drug theft.

MOTION

Motion to send Duty to Report rules in OAR Chapter 855-019-0205 and Reporting Drug Loss in OAR 855-041-1030 as revised to rulemaking was made and unanimously carried (Motion by Wells, second by Anderson).

Division 041 Biosimilars

The Biosimilar rules are required by 2013 Senate Bill 460. These rules establish definitions for biological product, biosimilar product, interchangeable and reference biological product. In addition they indicate when a pharmacy or pharmacist filling a prescription order for a biological product can substitute a biosimilar product for a prescribed biological product. The Board decided not to add the definitions to Division 006.

MOTION

Motion to send Biosimilar rules in OAR 855-041-1001 and OAR 855-041-1105 to rulemaking was made and unanimously carried (Motion by Chute, second by Wells).

Division 041 Naloxone/Epinephrine

The Naloxone rules are required by 2013 Senate Bill 384. Both the Naloxone and Epinephrine rules define the procedures for distributing naloxone and epinephrine to certain authorized individuals for the use in emergency health circumstances.

MOTION

Motion to send Naloxone/Epinephrine rules in OAR 855-041-2300 through 2330 as revised to rulemaking was made and unanimously carried (Motion by Wells, second by Anderson).

Division 041 Remote Dispensing Facility

These rules change the title/name of remote dispensing facility to remote distribution facility for clarification purposes.

MOTION

Motion to send Remote Dispensing Facility rules to change the name to Remote Distribution Facility in OAR Chapter 855-041-4200 to rulemaking was made and unanimously carried (Motion by Chute, second by Linares).

Division 110 Fees

The fee amendments reduce the fees for Supervising Physician Dispensing Outlets and Score Transfers and change the name of remote dispensing facility to remote distribution facility.

MOTION

Motion to send Fee rules in OAR 855-110-0005 and 0007 as revised to rulemaking rule for a temporary revenue surplus fee reduction pursuant to ORS 291.055(3) was made and unanimously carried (Motion by Anderson, second by Wells).

Consider Adoption of Rules – None

Policy Decisions

Temporary or Mobile Pharmacies

Board Member Dianna Pimlott indicated that PeaceHealth in Florence would like to have a mobile clinic that may or may not have a limited formulary; however, it would not have any controlled substances. The mobile pharmacy would be designed to go to underserved rural area such as areas in between Yachats and Newport as well as Mapleton and Swisshome. The mobile clinic, likely a van, would be locked up or the meds would be removed and locked up when unattended. It has yet to be determined whether or not a pharmacist or practitioner would be responsible for medication dispensing. The Board would like staff to review the Virginia Board of Pharmacy's rules for mobile pharmacies. Compliance Director Gary Miner stated that staff will review the Virginia Board of Pharmacy's rules and begin the drafting process for consideration at the April Board Meeting.

Hydrocodone and Tramadol Update

Executive Director Gary Schnabel and Compliance Director Gary Miner stated that staff have identified which states have scheduled tramadol as a controlled substance and have rescheduled hydrocodone. Staff is also monitoring the FDA's determination to consider recommending to the U.S. Department of Health and Human Services (HHS) the reclassification of hydrocodone products into Schedule II of the Controlled Substance Act. Additionally, the Drug Enforcement Administration (DEA) is considering placing tramadol into Schedule IV of the Controlled Substance Act.

The Board agreed that there will be a significant fiscal impact on retail pharmacies if hydrocodone is reclassified into Schedule II of the Controlled Substance Act as there will be additional inventory and recordkeeping requirements. In addition practitioners will be impacted. The Board would like staff to continue to follow the actions that the federal government may take on hydrocodone and tramadol and review what restrictions other states have on hydrocodone.

Discussion Items

Waiver/Exception Requests

Compliance Director Gary Miner presented the following waiver requests for the Board's consideration:

National Distribution & Contracting Inc. (NDC) requested a waiver from VAWD, another nationally recognized accreditation program or contract inspection service, the Tennessee Board of Pharmacy or an FDA Inspection Report. NDC indicates that they have contacted the Tennessee Board of Pharmacy as well as the FDA and requested to be put on their list to be inspected. NDC reported that both the Tennessee Board of Pharmacy and the FDA are inundated with inspections due to the national issues with the compounding industry. Therefore they are requesting to waive VAWD, another nationally recognized accreditation program or contract inspection service, the Tennessee Board of Pharmacy or an FDA Inspection Report for a period of one year.

MOTION

Motion to approve NDCs request to waive VAWD program and inspection report requirement for one year was made and unanimously carried. (Motion by Chute, second by Linares).

Samaritan Pharmacy Services requested the renewal of a security waiver from OAR 855-041-1020. Samaritan Pharmacy Services was granted a waiver in 2008 to use a system where the department of Plant Engineering generates a key for the pharmacy to be used only by a pharmacist. In addition, the Pharmacist-in-Charge issues a personal security access code to each pharmacist. Only the PIC can change or access the master access code file and management monitors the entry reports on a monthly basis. Currently they still have the same procedures in place as they previously presented. Staff recommended renewing their waiver for an additional five years.

MOTION

Motion to approve Samaritan Pharmacy Services request to renew security waiver for five years was made and carried. (Motion by Wells, second by Anderson). Reher abstained.

Oregon Health & Science University (OHSU) requested approval for the utilization of the Technician Checking Validation Program (TCVP) at their inpatient pharmacy. Lam Nguyen, Pharmacy Operations Manager and Arlene Gavalis, Pharmacy Compliance Analyst provided an overview of their training materials used to train technicians, their technician procedures, as well as their policies and procedures and a description of how TCVP will improve patient safety. Staff reviewed their policies and procedures and found their program to be very similar to other TCVP programs approved by the Board. Staff recommends approving their program and requiring an update one year from TCVP implementation.

MOTION

Motion to approve OHSUs TCVP proposal for five years and require an update one year from TCVP implementation was made and unanimously carried. (Motion by Chute, second by Anderson).

Practitioner Dispensing Discussion and Update

Executive Director Gary Schnabel stated that there have been two practitioner dispensing meetings. The second meeting was well attended. Gary indicates that there was a lot of discussion about thresholds being allowed under the law and that many of those attending the meeting thought that thresholds apply. Gary believes that Board staff as well as the other Health Boards should be focusing on the development of rules for practitioner dispensing. Gary has had contact with the Governor's Office and recommended that we make sure to develop a plan for "smart implementation." The Governor's Office recognized that this is not a matter of "if" practitioner dispensing will be regulated by the Board of Pharmacy it is a matter of "when." Gary shared that he plans meet with the Health Licensing Boards to explain the law and work on strategic communication amongst the Boards. The Board supported the idea of trying to get the Health Boards to collaborate and work together.

Gary asked the Board if veterinary outlets should be handled differently since dispensing is part of their normal practice. The Board did not want veterinary outlets to be handled differently.

Also discussed was the impact that licensing these outlets will have on the agency and staff. There will be a significant impact to the Licensing and Compliance departments. These outlets will need to complete the registration requirements with the Board and will need to be added to the inspection schedule. Board Counsel Tom Cowan suggested that staff create a self inspection form with pictures for practitioner dispensing outlets to complete annually as an educational tool. Board Members also suggested that staff create a public relations packet for the Health Licensing Boards. In the interim Gary will continue to work on scheduling a third meeting with the Health Licensing Boards to focus on collaboration.

Health Professional Service Program (HPSP) Discussion

HPSP had a variety of questions that they asked each of the Boards participating to answer. Their questions, staff's recommendations and the Board's response to each of the questions are listed below.

Question #1. Does your Board grant the program the authority to approve a licensee's use of mind altering or intoxicating substances or potentially addictive medications?

Staff Recommendation #1: Staff recommended that the licensee would need to request a change in the probation conditions of their Consent Order

MOTION

**Motion to accept staff recommendation #1 was made and unanimously carried.
(Motion by Anderson, second by Wells).**

Question #2. Does your Board grant the program the authority to perform alcohol and other drug tests for solely mental health disorder licensees? (This may be on a case by case basis or for instances where alcohol and other drugs are listed as used by the third party evaluator.)

Staff Recommendation #2. Staff recommended that the Board grant the program the authority to perform alcohol and other drug tests solely for mental health disorder licensees.

MOTION

**Motion to accept staff recommendation #2 was made and unanimously carried.
(Motion by Wells, second by Anderson).**

Question #3. Does your Board have any intention on changing licensee's current self-referral option?

Staff Recommendation #3. Staff recommended no changes to the current self-referral option.

MOTION

**Motion to accept staff recommendation #3 was made and unanimously carried.
(Motion by Chute, second by Linares).**

Note: Question #4 has been removed and is going back to the HPSP workgroup for further discussion.

Question #5. Does your Board want the program to play a role in treatment plan approval?

Staff Recommendation #5. Staff recommended that the Board continue with the status quo and that the program play a role in the treatment plan approval.

Question #6. Does your Board want the program to play a role in treatment plan oversight?

Staff Recommendation #6: Staff recommended that the Board continue with the status quo and that the program play a role in the treatment plan oversight.

MOTION

Motion to accept staff recommendation #5 and #6 was made and unanimously carried. (Motion by Anderson, second by Wells).

Lil' Drug Store

Executive Director Gary Schnabel provided some background on a decision that the Board made in June of 2003 regarding the use and the term the "Lil' Drug Store". At that time the Lil' Drug Store presented a small box which was sold at retailers that contained limited over-the-counter medications. At that time the Board made the determination that "in this instance" utilizing the title "Lil' Drug Store" would be permitted.

Today, the Lil' Drug Store is selling over-the-counter medications in large displays and in large retail locations such as Office Depot. The Lil' Drug Store is currently licensed with the Board as a wholesaler. Office Depot was not registered with the Board while the Lil' Drug Store sold them over-the-counter medications which is a prohibited practice of the Board's wholesale rules. Board staff reached out to Office Depot to get each location selling over-the-counter medications appropriately registered as a non-prescription drug outlet. The Board stated that at a minimum the Lil' Drug Store should have notified the Board when they changed their practices, so the Board could make the determination if they could still use the term the "Lil' Drug Store." The Board would like staff to follow up with the Lil' Drug Store and obtain a list of Oregon outlets that they have distributed their displays and over-the-counter medications to within the last 18 months. Staff will follow up and report back.

Marijuana Dispensaries

Executive Director Gary Schnabel is on the Medical Marijuana Rules Advisory Committee to assist in the development of security rules for Medical Marijuana Facilities. Gary discussed the possibility of licensing these outlets with the Board of Pharmacy as a Controlled Substance Outlet. Gary indicates that it would not be a conflict to the Oregon Health Authority (OHA) but would be complementary to the OHA facility license. Registering these outlets would require limited rule writing by the Board of Pharmacy and it would give the marijuana facilities the ability to possess marijuana, a controlled drug. It was agreed that there would be no mobile carts and that the outlets would be required to have a specific address.

Recognition of Retiring Executive Director, Gary Schnabel, RPh, RN

Gary joined the agency as Compliance Director in 1994 and was appointed Executive Director in 1999. Gary has overseen many changes in the profession, the industry, and the Board in his 19 years with the agency. Under Gary's leadership and tenure, the agency has been recognized nationally for innovation and excellence, and for its commitment to serving the citizens of Oregon. Steering the Board through controversy became his passion, including addressing such topics as veterinary drug outlets, pharmacy technician registration and licensing, patient

counseling, collaborative drug therapy, pharmacy technician duties, technician ratios, Oregon Death with Dignity Act, methamphetamine precursor laws, foreign drug importation, pharmacy compounding, practitioner dispensing, and pharmacy working conditions. These issues provided him many challenging and rewarding opportunities in his service to the Board and to all Oregonians. Working closely with the Governor's Office, Gary also found ways to shepherd the Board through 10 legislative sessions including preparation and presentation of the biennial operating budget, drafting and presenting bills, and representing the Board in front of legislative committees and individual legislators. Further, he has helped monitor and move the profession and the industry forward on a wide range of issues and has helped shape the profession in the broader interest of public health and safety as 2009-2010 President and 2010-2011 Chairperson of the National Association of Boards of Pharmacy. The members of the Board and agency staff are saddened to see him leave the agency but wish him all the best for his well-earned retirement.

Board President Penny Reher, Board Members Ken Wells and Christine Chute, former Board Member Bernie Foster and Dennis McAllister expressed their appreciation for Gary's hard work and dedication over the years.

III. OPEN FORUM

Pharmacist Eric Lintner has worked in long term care for over 30 years and had some comments to make on hydrocodone. He indicates that he can't recall any diversion in long term care and that most of the diversion they typically see is theft of patient's drugs. Eric states that rescheduling hydrocodone to Schedule II of the Controlled Substance Act would have a significant impact on the long term care industry. This includes requiring patients to obtain a new prescription every 60 days and an abundance of more paperwork for pharmacists.

Eric also had some comments on practitioner dispensing outlets. He stated that he has some vested interest in the registration of practitioner dispensing outlets as his wife is a veterinarian. Eric believes that people in other practices that dispense should be required to counsel for public safety requirements. He is concerned that the Board may impose few little rules on such outlets and that they will not be held to the same standards as pharmacies.

Eric expressed his appreciation for Executive Director Gary Schnabel's service and shared that he is nervous about his retirement. He stated that Gary's knowledge will be hard to replace as he is not only a pharmacist but is also as a nurse and is someone who has experience in long term care.

Adjourn

MOTION

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

WEDNESDAY, OCTOBER 16, 2013

Penny Reher, R.Ph. Board President, called the meeting to order at 8:30

The following Board Members were present:

Penny Reher, President
Christine Chute
Roberto Linares

Dianna Pimlott, Vice President
Ken Wells
Heather Anderson

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
Laura Elvers, Inspector
Kim Oster, Compliance Assistant

Karen MacLean, Administrative Director
Chrisy Hennigan, Office Manager
Joe Ball, Chief Investigator
Michele Cale, Inspector
Katie Baldwin, Inspector
Annette Gearhart, Compliance Secretary

Thomas Cowan, Sr. AAG Board Counsel

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

A. Items for Consideration and Discussion:

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

MOTION

Motion to enter Executive Session at 8:32 AM was made and unanimously carried (Motion by Anderson second by Wells).

MOTION

Motion to resume Open Session at 1:45 PM was made and unanimously carried (Motion by Anderson second by Wells).

VI. 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 October 17, 2013.

The Board had a brief discussion on the decision to delegate someone as the interim Executive Director after Gary Schnabel retires. The Board delegated the authority make that appointment to Board President Penny Reher. They also delegated to Penny the authority to make decisions on any contract work that Executive Director Gary Schnabel may need to participate in once he retires to complete specific contract services.

MOTION

Motion to delegate authority and arrangements to Board President Penny Reher subject to ratification at the December 2013 Board Meeting if needed was made and unanimously carried (Motion by Chute, second by Wells).

MOTION

Motion to have Board President Penny Reher appoint an interim Executive Director when Executive Director Gary Schnabel retires was made and unanimously carried (Motion by Chute, second by Wells).

Adjourn

MOTION

Motion to adjourn at 2:15 PM was made and unanimously carried (Motion by Linares, second by Anderson).

THURSDAY, OCTOBER 17, 2013

Penny Reher, R.Ph. Board President, called the meeting to order at 8:37AM

The following Board Members were present:

Penny Reher, President	Dianna Pimlott, Vice President
Christine Chute	Ken Wells
Roberto Linares	Heather Anderson

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	Katie Baldwin, Inspector
Laura Elvers, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

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

MOTION

Motion to amend the agenda to incorporate discussion for marijuana taskforce was made and unanimously carried (Motion by Wells, second by Pimlott).

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 - none
2. MPJE Scores - none
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (August 10, 2013-October 11, 2013)
6. Extension Requests (one)
7. Approval of Board Meeting Minutes (August 13-14, 2013 & September 19, 2013)

MOTION

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

ISSUES/ACTIVITIES

Reports:

Board President Penny Reher attended the NABP/AACP District 6,7 & 8 Meeting September 8-11, 2013 in Boulder, Colorado. She is currently preparing for the upcoming OSPA Annual Conference, Portland, October 18-20, 2013,

Board Member Christine Chute shared that she is on the Health Board's Peer Review Performance Audit Committee and that they just completed their Board of Nursing audit and now they are working on the Board of Examiners for Speech-Language Pathology and Audiology's audit. Christine is also attending a medical class taught by Dr. Matthew Davis at the University of Michigan. She states that the class is very interesting.

Board Member Roberto Linares attended the NABP/AACP District 6,7 & 8 Meeting September 8-11, 2013 in Boulder, Colorado. Roberto was appointed to serve as the representative for District 7 for AACP. He stated that it was a beneficial meeting to attend and appreciated seeing the respect that other states have for Executive Director Gary Schnabel. Roberto shared that he is also currently working with members of OSPA to begin establishing a regular newsletter that will come out every other month. He would like the Board to contribute a piece to each issue.

Board Member Ken Wells attended the September 10, 2013 Pharmacy Coalition Meeting. He will also be speaking at an investigational unit meeting next week and will explain the duties of the Board and talk a little about the Prescription Drug Monitoring Program.

Board Members Dianna Pimlott and Heather Anderson had nothing to report.

Board Counsel Tom Cowan had nothing to report.

Compliance Director Gary Miner shared that 83% of pharmacies within the state have been inspected. He indicates that inspectors will soon begin focusing on inspecting in-state wholesalers, manufacturers and supervising physician dispensing outlets. Gary asked the Board "when evaluating Continuing Education (CE) credits for the pharmacists CE audit, would we make a distinction between CE programs identified as technician CE or pharmacist CE. Would a designation of technician CE disqualify the CE for a pharmacist?" If it's the same CE and the provider sends in two different sets of objectives, then we would approve for a pharmacist or

technician. If the provider doesn't don't make a distinction between a pharmacist and technician then we would approve it for both pharmacists and technicians.

Compliance Director Gary Miner also reported that the Board's prescription fraud alert system is continuing to be well utilized and received by pharmacists and pharmacy staff. Inspector Fiona Karbowicz stated that they are now receiving quite a few reports from practitioners. Board Inspector Gregg Hyman stated that the DEA is now directing practitioners to us because they are aware of our fraud alert system. As a side note, Board Member Roberto Linares shared that Linn Benton has resurrected their phone tree when fraudulent prescriptions have taken place.

Administrative Director Karen MacLean shared that she reached out to Multnomah County and that they are unable to help with the sorting of comments for the Board's second workforce survey that was conducted this July. Karen reported that the part time licensing position has been filled by Kate Hill and that the pharmacist consultant position will be posted later in the week. Karen also shared that she and Project Manager Courtney Wilson are working together on the training and development of the new licensing staff.

Board Meeting Dates

- 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

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

Board Member/Staff Presentations

Board Member Ken Wells provided a brief update about Board activities and summarized the legislative session at the September 10, 2013 Pharmacy Coalition Meeting.

Board President Penny Reher, Board Member Ken Wells and Inspector Gregg Hyman will be providing a law CE at the 2013 OSPA Annual Conference in Portland, October 18-20, 2013.

Committees/Meetings

Executive Director Gary Schnabel, Board President Penny Reher and Board Member Roberto Linares attended the NABP/AACP 6,7 & 8 District Meeting, Sept. 8-11, 2013 in Boulder, Colorado. They provided an overview of some of the sessions that they attended. At one of the sessions they learned that students are being taught to learn differently and are being directed towards team based learning. The hope behind this methodology is that students will sustain more real learning versus cramming for exams etc. Roberto attended a session on marijuana. He

indicates that marijuana is now being prepared in such a way that it is more attractive to children, as it's being made into items such as cookies, crackers, and gummies. Parents are buying these kinds of items for themselves and their children are getting into and consuming these items. There have been 14 children that have gone to the emergency room since the marijuana bill in Colorado passed and it has been reported that many of the parents will not admit that their children have gotten into their marijuana. Therefore the children are subject to a variety of brutal tests in an effort to obtain a proper diagnosis. Overall Gary and the Board Members thought the meeting was very educational. OSU College of Pharmacy paid half of the travel expenses for Roberto to attend this meeting.

Executive Director Gary Schnabel attended the NABP Executive Director Forum Sept. 24-25, 2013 in Chicago, Illinois. Gary indicated that it was a great networking opportunity. He indicates that there was a presentation on practitioner dispensing and that Nevada registers the practitioner not the outlet. All practitioners need their own inventory under Nevada law. Idaho recently began registering the outlets. New York limits the dosage to a 72 hour supply and so does Arizona. NABP paid for the travel expenses associated with this trip.

Compliance Director Gary Miner will be attending the NABP Compliance Director and Legal Counsel Forum, December 2-4, 2013 in Chicago, Illinois. Board Counsel is not available to attend.

Inspector Michele Cale attended an NABP Compounding Workshop. She indicated that it was an intense experience and that NABP has made available 62 educational modules that people can go through. The Board would like Michele to work on incorporating some of the new NABP standards on next year's self inspection report. Michele also indicated that NABP will be offering an NABP Compounding Boot camp at a later date. The NABP Foundation paid for the travel expenses associated with this trip.

Research Councils – None

Marijuana Taskforce

Gary Schnabel was asked to obtain the Board's direction on marijuana facility rule writing. He indicates that under ORS 475.125 of the Controlled Substance Act, marijuana facilities would be required to register. Gary was asked by the taskforce if the Board would waive the Board's controlled substance registration requirement if it finds it is in the public's interest.

The Board indicated that we currently do not have any information to make this decision at this point and that perhaps if it is presented and it is in the public's interest, the Board may waive the registration requirement. However, the Board felt strongly that they need to know that it is in fact in the public's interest and that it is safe. The Board decided that because they do not have anything to consider at this time, the presumption would be that the marijuana facilities will register with the Board and any exemption would be on a case by case basis. They also decided that the Board will need to write rules which will incorporate the requirement for marijuana facilities to register with OHA and the Board of Pharmacy in order to possess and dispense marijuana. In addition under ORS 475.125 the Board has the authority to inspect these facilities and that they will need to be inspected. However, it is unknown how many of marijuana facilities there will be at this time. OHA has no plan for inspections.

MOTION

Motion to amend agenda to discuss the Delegated Authority Grid for Staff was made and unanimously carried (Motion Anderson, second by Chute)

Delegated Authority Grid for Staff

Compliance Director Gary Miner and Inspector Fiona Karbowicz presented a proposed revision to the grid of authority for applicants who have had marijuana violations. The Board discussed mimicking its alcohol grid requirements and to grant a license if the marijuana violation is more than five years old, less than 40 grams and the person was 21 years or younger at the time of the incident.

MOTION

Motion to grant a license if an applicant has a marijuana violation that is more than five years old, less than 40 grams and the person was 21 years or younger at the time of the incident was made (Motion by Chute, second by Linares) Anderson, Wells, Pimlott and Reher opposed.

This motion did not pass and the Delegated Authority Grid for Staff remains unchanged.

Working Conditions Survey Update

Former Board Member Ann Zweber provided an update on the workforce survey manuscript from the July 2011 survey. Ann indicates that she and Board Member Brad Fujisaki and Multnomah County's David Dowler have drafted the manuscript and that they would like the Board to approve the manuscript for publishing. The Board was provided with the manuscript prior to the Board Meeting and thought it was an excellent product.

MOTION

Motion to approve the Oregon Board of Pharmacy's 2011 Working Conditions Survey manuscript and authorize Ann Zweber to pursue publishing was made and unanimously carried (Motion by Anderson, second by Wells).

Ann Zweber also indicated that she would be speaking to another Oregon State University faculty member who will analyze both the 2011 and 2013 survey answers. She is not sure if the individual will be able to analyze the quantitative side of the survey.

Board staff evaluated the results of the July 2013 survey and provided it to the Board. It was not statistically evaluated based on a scientific statistical analysis.

Office Manager Chrisy Hennigan reviewed and presented the 2013 quantitative survey results as well as her observations of changes between the 2011 and the 2013 results.

Project Manager Courtney Wilson reviewed and presented survey comment results and then gave her observations regarding the comments portion of the survey and how the 2011 and 2013 responses compared.

Board members asked Board Counsel Tom Cowan if the Board can address the survey request that asks the Board to consider setting standards on the maximum number of prescriptions a pharmacist can fill per day or per hour. Tom indicated that there are a number of state and federal laws that come into play with this and that he doesn't think people realize what they are asking

for. He thinks this is a slippery slope and that the Board would have to build a solid foundation to implement a change like this.

The Board expressed the value of educating PICs on the importance of professionalism in the pharmacy. The Board can empower PICs to have enough safety around them to have proper support staff. This may include requiring a certain amount of technicians on staff when immunizations are being administered. The Board can also establish base guidelines on patient safety.

Kaiser Permanente's Sally Logan would like the Board to recognize the changing practice of pharmacy. In California pharmacists are providers and now a pharmacist can diagnose and order imaging studies. Sally indicates that the pharmacists' clinical knowledge must be utilized.

The Board thanked the staff for their analysis, comparisons and observations of the survey.

Technician Discussion

The Board reviewed a list of technician duties that have been collected for review and discussion at a later date. These duties include:

- Medication Therapy Management
- Medication Reconciliation
- Collaborative Drug Therapy Management
- Refill Call Centers
- Various functions in the prescription filling process
- Various functions in the drug distribution process for residential facilities
- Consulting or Drugless Pharmacies

The Board envisions having two workgroups look at these duties; one hospital and one retail. However, initially they will come together to gather research for the Board only at this time. The Board would like to see people from the technician schools involved in these work groups. The Board agreed that the industry needs clarity around what functions technicians can do and where they can be done.

Administrative Director presented some historical information on the evolution of technician licensing. In 2005, the Legislature authorized all Pharmacy Technicians to be licensed. This provided the Board disciplinary authority; no new requirements were added until 2006 when the Board added by rule the national certification requirement that had to be satisfied by October 1, 2008. At that time, the Board established a one year non-renewable Pharmacy Technician license for new Technicians to allow them adequate time for training and exam preparation.

The Board discussed many ideas such as establishing a student technician license if an age restriction is implemented in order for students in high school vocational programs to get the experience of working as a technician. Also discussed was establishing an educational threshold such as requiring an Associate's Degree in order to hold a Certified Pharmacy Technician License. Some of the Board Members discussed their frustrations with both the Pharmacy Technician Certification Board (PTCB) and the National Healthcareer Association (NHA). Both NHA and PTCB require CE for recertification but differ on when an individual may need to retake the exam to maintain or reinstate their certification. Earlier this year, PTCB had difficulties with their website crashing which inadvertently lapsed some technician's national certification. In addition, PTCB is going to be changing its certification and recertification requirements over the

next seven years. For certification, this will include implementing criminal background checks in 2014 and an ASHP (American Society of Health-System Pharmacists) accredited pharmacy technician education program by 2020 etc. For recertification, this will include more specific CE criteria and how it may be earned. Some Board Members commented that they do not see the benefit of having licensees pay money to submit their CE especially if it is not even being verified. Some Board Members liked the idea of requiring the initial national certification exam and eliminating the requirement for recertification and instead have staff monitor CE. It is estimated that the Board's certified pharmacy technicians are paying \$236,000 for recertification every two years. The Board briefly discussed hiring a staff person instead to verify this information as it would be much less costly to licensees. However, if the Board were to pursue this avenue a staff person would have to be hired strictly to verify this information, as it would be a very large workload for the Licensing Department. We currently audit 10% of our certified pharmacy technicians annually. The audit includes a Law Enforcement Database (LEDs) search, verification of CE and the verification of a valid national certification at the time of renewal. In past budget hearings, legislators expressed that a 10% audit for licensing purposes is a good statistical sample. Board Members agreed that this is a cumbersome, frustrating and expensive issue.

An additional alternative to submitting and monitoring CE is to require employers to provide their technicians with CE. If the technician works at a hospital the technician would do CE geared towards a hospital setting. Placing the onus on the employer would take the burden off of Board staff. Former Board Member Linda Howrey commented that placing the onus on the employer would be a nightmare for employers to manage. Linda was on the Board when the Board adopted the national certification examination requirement and reminded the Board that part of the rationale behind the requirement was to raise the professionalism of technicians.

Many ideas and concepts were discussed. The Board asked staff to come up with a recommendation for the Board to consider in December.

Financial/Budget Report

Administrative Director Karen MacLean indicated that the Accounting Office that handles the agency's accounting is currently very short staffed. Therefore, the financial plan has not yet been established for this biennium. Karen anticipates that it will be ready by the December Board Meeting.

Legislative Update – None

Topics for Future Discussion

- Best Practices for Retail Settings
- Responsibilities of the PIC
- Counseling on all Controlled Substance dispensing
- Workgroup for Working Conditions
- CCO's / Medical Home

Strategic Planning 2014

Administrative Director Karen Maclean indicates that prices have increased for the facilitator we selected and after conversations with Board President Penny Reher, the decision was made to have the meeting facilitated for one day and staff will facilitate the other day.

Interim Executive Director Appointment

Board President Penny Reher announced that she had spoke with Twyla Lawson from the DAS, Chief Human Resources Office as well as the Governor's Office and the determination has been made to appoint Compliance Director Gary Miner as the interim Executive Director. This will go into effect the first day after Gary Schnabel retires which will be December 1, 2013. She thanked Gary for agreeing to take on this commitment and for his service. Penny also thanked Karen MacLean for working with Gary during the interim along with the Management Team.

OPEN FORUM At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

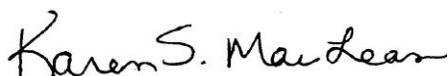
Former Board Member Blake Rice stated that Executive Director Gary Schnabel has been an invaluable asset to the Board and has been a very good Executive Director. He also stated that some of the issues related to technicians were some of the same issues raised years ago. He suggests that if the Board allows additional duties for technicians to let the PICs facilitate the processes and for the Board to empower PICs. Blake believes that there are a lot of changes going on and growing opportunities both in and out of the pharmacy i.e. tech check tech. He thinks this is a good thing so long as pharmacists are able to do more patient focused functions and that it is not an excuse to eliminate pharmacists. Blake suggested that the Board look at unintended consequences when writing rules. He also commented on the results of the working conditions survey and is concerned that staffing continues to be a big issue. He attributes part of that to many District Managers not being pharmacists. Blake closed by stating that society is driven by where the money is, but public safety needs to remain the number one issue.

Adjourn

MOTION

Motion to adjourn at 12:07 PM was made and unanimously carried (Motion by Chute, second by Anderson).

Accepted by:



**Karen MacLean
Administrative Director**

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Penny Reher, R.Ph. Presiding

Tuesday, October 15, 2013 @ 8:30 AM, Conference Room 1A
Wednesday, October 16, 2013 @ 8:30 AM, Conference Room 1A
Thursday, October 17, 2013 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on October 16, 2013 to discuss Compliance cases, followed by motions on October 17, 2013. Working lunch held.

Board Members present for all or part of compliance session:

Penny Reher, R.Ph., President

Dianna Pimlott, R.Ph., Vice President

Kenneth Wells, R.Ph.

Roberto Linares, R.Ph.

Christine Chute, Public Member

Heather Anderson, Public Member

Board Members absent for all of the compliance session:

Brad Fujisaki, R.Ph.

Staff present for all or part of compliance session:

Gary Miner, R.Ph., Compliance Director

Joe Ball, R.Ph., Chief Investigator

Katie Baldwin, R.Ph., Board Inspector

Michele Cale, R.Ph., Board Inspector

Gregg Hyman, R.Ph., Board Inspector

Fiona Karbowicz, R.Ph., Board Inspector

Laura Elvers, R.Ph., Board Inspector

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

Karen MacLean, Administrative Director

Courtney Wilson, Project Manager

Annette Gearhart, Compliance Secretary

Kim Oster, Compliance Assistant

Thomas Cowan, Senior AAG

Staff absent for all of the compliance session:

Case 2013-0002 Motion to accept ALJ Barber's proposed Order.

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0316 Motion to accept settlement offer.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2009-0071 Motion to grant pharmacist's request.

Motion by: Roberto Linares; Seconded by: Kenneth Wells. Motion carried with Dianna Pimlott opposed.

Case 2012-0346 Motion to reduce UAs to 18 a year.

Motion by: Kenneth Wells; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2012-0490 Motion to reduce UAs to 18 per year.

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

Case 2011-0338 Motion to grant pharmacist's request to drop UAs to 18 annually, allow pharmacist to work up to 48 hours per week, with a maximum of 80 hours per 2 week period; can work at 2 stores with the same company; and can work alone. Deny request to allow pharmacist to be Pharmacist-in-Charge.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

- Case 2013-0353** **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Kenneth Wells; Seconded by: Roberto Linares. Motion carried with Dianna Pimlott and Heather Anderson opposed.
- Case 2013-0286** **Motion to take no action.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2013-0304** **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Roberto Linares; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2013-0194** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0247** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Dianna Pimlott; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2013-0282** **Motion to impose \$1,000 Civil Penalty per violation and revoke technician license.**
Motion by: Dianna Pimlott; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2013-0339** **Motion to issue Letter of Concern to Pharmacist.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2013-0298** **Motion to issue letter of concern to pharmacist.**
Motion by: Kenneth Wells; Seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2013-0151** **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 2013-0355** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0366** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2013-0292** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2013-0254** **Motion to revoke technician license and impose \$1,000 civil penalty per violation; issue letter of concern to outlet.**
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.
- Case 2013-0197** **Motion to impose \$10,000 Civil Penalty per violation against outlet.**
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2013-0290** **Motion to impose \$1,000 civil penalty per violation against pharmacist; and in**

Case 2013-0348 Motion to issue Letter of Concern to outlet and to Pharmacist-in-Charge.
Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion carried with Kenneth Wells recused.

Case 2013-0306 Motion to impose \$10,000 civil penalty per violation against outlet; and in
Case 2013-0423 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and
Case 2013-0333 Motion to impose \$1,000 civil penalty per violation against technician.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0347 Motion to grant pharmacist license.
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0320 Motion to grant pharmacist license.
Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0285 Motion to impose \$1,000 civil penalty per violation against intern license and grant pharmacist license.
Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0356 Motion to grant technician license.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0345 Motion to grant technician license.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0312 Motion to grant technician license.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0310 Motion to grant intern license.
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0299 Motion to deny technician application.
Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0319 Motion to deny technician license.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0309 Motion to grant technician license.
Motion by: Kenneth Wells; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0284 Motion to impose \$1,000 civil penalty per violation and deny technician application.
Motion by: Christine Chute; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0326 Motion to grant technician license.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0325 Motion to grant technician license.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0368 Motion to deny technician license.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0289 Motion to impose \$10,000 civil penalty per violation against outlet; and issue letter of concern to Pharmacist-in-Charge and pharmacist.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0265 Motion to impose \$1,000 Civil Penalty per violation against pharmacist.

Motion by: Kenneth Wells; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0239 Motion to impose \$10,000 civil penalty per violation against outlet; and issue letter of concern to Pharmacist-in-Charge.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0305 Motion to impose \$1,000 Civil Penalty per violation against pharmacist; issue letter of concern to outlet, CC: Pharmacist-in-Charge.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0238 Motion to issue letter of concern to outlet.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Motion to accept the items on the consent agenda with case no. 2013-0238 pulled for discussion and Roberto Linares recused on case no. 2013-0311.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion carried with Roberto Linares recused in Case 2013-0311.

LETTERS OF CONCERN CASES:

Case: 2013-0313 Letter of concern to pharmacist.

Case: 2013-0359 Letter of concern to pharmacist.

Case: 2013-0318 Letter of Concern regarding correct information in ALL fields to pharmacist and technician; CC: outlet and Pharmacist-in-Charge.

Case: 2013-0311 Letter of Concern to Intern Applicant suggesting 3 hours of CE in ethics/law.

Case: 2013-0291 Letter of Concern suggesting 3 hours CE in med error prevention/patient safety to Pharmacist-in-Charge and technician; CC: outlet.

DEFICIENCY NOTICES:

Cases: 2013-0130, 2013-0166, 2013-0208, 2013-0226, 2013-0237, 2013-0249, 2013-0256, 2013-0257, 2013-0259, 2013-0270, 2013-0271, 2013-0273, 2013-0274, 2013-0275, 2013-0276, 2013-0277, 2013-0278, 2013-0279, 2013-0280, 2013-0281, 2013-0293, 2013-0296, 2013-0297, 2013-0300, 2013-0301, 2013-0302, 2013-0303, 2013-0308, 2013-0330, 2013-0332, 2013-0335, 2013-0336, 2013-0337, 2013-0358 and 2013-0361.

UNABLE TO SUBSTANTIATE:

Cases: 2012-0567, 2013-0253, 2013-0323 and 2013-0334.

NO VIOLATION:

Cases: 2013-0186, 2013-0235, 2013-0240, 2013-0268 , 2013-0269 and 2013-0351.

NO JURISDICTION:

Case: 2013-0352

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: 2013-0010 and 2013-0196.

UNSWORN FALSIFICATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been 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: 2013-0263, 2013-0344, 2013-0346 and 2013-0367.

“NO PIC” CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 Civil Penalty per week starting with Day 6. (PIC gaps lasting two months - send to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:

Case: 2013-0315.

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:

Case: 2013-0264.

CASES CLOSED UNDER INVESTIGATION:

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

Case: 2013-0283

SURRENDERED LICENSE:

Case: 2013-0287