

## **BOARD MEETING MINUTES**

**Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
October 9-10, 2012**

### **TUESDAY, OCTOBER 9, 2012**

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

The following Board Members were present

Ken Wells, President	Dianna Pimlott
Christine Chute, Vice President	Penny Reher
Brad Fujisaki	Roberto Linares

(One Public Member position is vacant)

The following staff members were 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	Fiona Karbowicz, Inspector
Michele Cale, Inspector	Meg Aulerich, Inspector
Katie Baldwin, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

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Agenda Review and Approval

### **MOTION**

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

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

A. Items for Consideration and Discussion:

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

## **MOTION**

**Motion to enter Executive Session at 8:33AM was made and unanimously carried (Motion by Reher, second by Fujisaki).**

## **MOTION**

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

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## **ISSUES/ACTIVITIES**

### **Reports:**

President Ken Wells reported that he attended the Oregon State Pharmacist Association (OSPA) Annual Convention in September.

Vice President Christine Chute reported that she had attended the September and October meetings for Governor's Advisory Committee on DUII. She indicated that some states including North Dakota, South Dakota and Missouri are requiring 24 hour DUII monitoring as a part of their DUII diversion agreement. The National Sheriff's Association would like Oregon to require this as well. Christine shared an article entitled "Are You Too Drugged to Drive?" It highlights that more than 80 percent of drivers 65 and older regularly take medication and that two thirds take five or more daily. Yet only half of them have talked with a medical professional about the possible safety issues related to driving. The article indicates that certain types of medications, like antidepressants, have been shown to increase crash risk by up to 41 percent. To help seniors learn more about drug side effects the AAA Foundation for Traffic Safety has developed a free online tool, Roadwise Rx. This tool allows you to enter the different drugs, prescription and over-the-counter, along with vitamins and supplements, you are taking and then take the results to your doctor to see how you can still be able to drive safely. You can access Roadwise Rx at [www.roadwiserx.com](http://www.roadwiserx.com).

Christine shared that the Oregon Department of Transportation (ODOT) has conducted surveys on Oregonians opinions relating to DUII. 68% feel that diversion should not be offered to repeat offenders. 67% agree that over-the-counter medications should count as to whether or not someone is impaired.

The committee hopes that the Board will support Legislative Concept (LC) 180. They are currently developing language for an affirmative defense to be included with the LC.

Penny Reher reported that she had attended the National Association of Boards of Pharmacy (NABP) Board Member Forum. Some of the items discussed included pharmacists practicing in non-traditional environments such as MTM, technician licensure, background checks, NABP PMP Interconnect, and workplace safety. She shared that Wyoming will only grant a license to a technician who has graduated from an American Society of Health-System Pharmacists (ASPA) accredited program and that Iowa licenses all personnel who are employed in the pharmacy practice site including clerks and cashiers. She also shared that NABP is working on an online e-learning class for inspectors that will be followed by classroom training and practicum. The topic of drug shortages was discussed. There is discussion that industry may be contacting the Food and Drug Administration (FDA) to question if the expiration date of certain drugs is

legitimate. Penny commented that many of the states are looking into some of the same issues that we are looking at and that there were many rich discussions.

Dianna Pimlott, Roberto Linares and Brad Fujisaki had nothing to report.

Board Counsel Tom Cowan had nothing to report.

Compliance Director Gary Miner reported that there are currently 17 people enrolled in the Health Professionals Services Program and that this amount seems to be fairly consistent. Gary shared that 70% of pharmacy inspections have been completed so far this year. In September Gary and Board Inspector Fiona Karbowicz provided a Pharmacist-in-Charge (PIC) training class for Providence Health Services. Gary, Fiona and Board Inspector Gregg Hyman also conducted a PIC training class for Fred Meyers. In early October the Compliance Department provided an orientation for Oregon State University (OSU) third year pharmacist interns. Gary also shared that he and Chief Investigator Joe Ball visited Multnomah County for a follow up discussion on charitable pharmacy issues.

Administrative Director Karen MacLean reported that the technician renewal cycle has been completed and that 622 or 11% lapsed their license. The manufacturer, wholesaler and drug distribution renewal cycle is also complete and 100 or 11% lapsed their registration. Karen shared that with the Board's goal to go paperless in mind, the two year intern renewal notices were delivered electronically via email. Out of 380 emails only one was returned undeliverable. The Licensing Department will mail renewal notices to those individuals who have not renewed by November 1<sup>st</sup>. The upcoming Non Prescription Drug Outlet Class A & B renewal cycles will also be offered online. Karen provided a brief update on background checks. She stated that repeats for fingerprint cards that have been rejected has occurred to 8% of applicants. The average time it is taking to get background check results back from the Oregon State Police (OSP) is about 8.6 days.

In September Administrative Director Karen MacLean and Inspector Gregg Hyman met with the first year pharmacy students at OSU. They will be meeting with first year pharmacy students at Pacific University at a later date.

Karen shared that the .75 Office Specialist 2 position recruitment was posted online today. The Management Team will be evaluating workflow in the Licensing Department to help determine the best utilization of this position.

## **MOTION**

**Motion to adjourn at 4:00 PM was made and unanimously carried (Motion by Reher, second by Fujisaki).**

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**WEDNESDAY, OCTOBER 10, 2012**

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

The following Board Members were present:

Ken Wells, President	Dianna Pimlott
Christine Chute, Vice President	Penny Reher
Brad Fujisaki	Roberto Linares

(One Public Member position is vacant)

The following staff members were 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	Fiona Karbowicz, Inspector
Michele Cale, Inspector	Katie Baldwin, Inspector
Annette Gearhart, Compliance Secretary	Kim Oster, Compliance Assistant

Thomas Cowan, Board Counsel

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President Wells welcomed the pharmacy students and residents that were present, asked them to introduce themselves and thanked them for attending the meeting.

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

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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 (August 4, 2012 - October 5, 2012)
6. Intern Extensions (none)
7. Approval of Board Meeting Minutes (August 7-8, 2012 and August 24, 2012)

**MOTION**

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

### **2012-2013 Board Meeting Dates**

- December 11 - 12, 2012 Portland
  - February 12-14, 2013 Portland
  - March 12 -13, 2013 Silverton Strategic Planning
  - April 16 - 17, 2013 Portland
  - June 11 - 12, 2013 Portland
  - August 13 - 14, 2013 Portland
  - October 15 -17, 2013 Portland
  - December 17-18, 2013 Portland
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### **2012-2013 Rulemaking Hearing Dates**

- November 29, 2012
  - May 30, 2013
  - November 21, 2013
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### **Board Member/Staff Presentations**

Executive Director Gary Schnabel attended the Professional Practice Roundtable meeting in September and provided an update on practitioner dispensing.

The Board had a large presence at the Oregon State Pharmacists Association (OSPA) Annual Convention. President Ken Wells, Penny Reher and Inspector Gregg Hyman gave the Board's Law CE presentation. The Compliance Department had an information booth both Saturday and Sunday and was available to answer questions. Compliance Director Gary Miner and Inspector Fiona Karbowicz also offered a PIC class. Executive Director Gary Schnabel participated on a panel with representatives from the other Health Professional Regulatory Board's and President Ken Wells was glad that all the Boards were present at the Board Meeting Forum. It showed how important it is for all of the Boards to work together.

President Ken Wells noted that the Board has also been asked to speak at the February OSPA Lane County CE.

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### **Committees/Meetings**

In September, Executive Director Gary Schnabel attended the Oregon Commission on Hispanic Affairs Proclamation event recognizing September 15<sup>th</sup> – October 15<sup>th</sup> as Hispanic Heritage Month. He commented that the event was well attended. Gary will be attending the first Tri-Regulator Symposium in Washington D.C. October 16<sup>th</sup>- 18<sup>th</sup>. Tri-Regulators include the Federation of State Medical Boards (FSMB), the National Council of State Boards of Nursing (NCSBN), and NABP. Some of the topics to be discussed include opiate abuse, assessment of professional competencies and pharmacy compounding. This group plans to meet annually. In October, Gary and Vice President Christine Chute will attend the NABP District VI, VII and VIII Meeting in Little Rock, AK. Gary will also attend the NABP Executive Directors Forum in Chicago, November 13<sup>th</sup>-14<sup>th</sup>. The travel expenses for this meeting are covered by NABP.

## **GENERAL ADMINISTRATION**

### **Rules & Policy Discussion**

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

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

The Emergency Room Dispensing rules are amended to update labeling and record requirements. They also establish requirements for Automated Dispensing Machines (ADM) within the Emergency Department. The Board recommended minor revisions to clarify the intent of the proposed emergency room dispensing rules.

### **MOTION**

**Motion to send proposed Emergency Room Dispensing rules as revised in OAR 855-041-6410 to rulemaking was made and unanimously carried (Motion by Chute, second by Fujisaki).**

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

### **MOTION**

**Motion to send proposed Division 041 rules as revised in OAR 855-041 to rulemaking was made and unanimously carried (Motion by Chute, second by Reher).**

The Wholesaler Definition Rules will expire by temporary rule on December 16, 2012. The temporary rule amended the definition of Class II Wholesaler to include Oxygen USP. After further consultation with industry the proposed rule amends the definition of Class II Wholesaler to include Oxygen USP and medical gasses.

### **MOTION**

**Motion to send proposed Wholesaler rules in OAR 855-065-0005 to rulemaking was made and unanimously carried (Motion by Reher, second by Fujisaki).**

The Fee Rules for Supervising Physician Dispensing Outlets will expire by temporary rule on December 16, 2012. The fee is needed to permanently establish a licensing, renewal and delinquent fee for licensees. The temporary fee rule established a \$25.00 delinquent fee. The

proposed establishes a \$75.00 delinquent fee in order to maintain consistency with other retail drug outlets.

**MOTION**

**Motion to send proposed Fee rules in OAR 855-110-0007 to rulemaking was made and unanimously carried (Motion by Reher, second by Linares).**

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**Rulemaking Hearing Report**

None

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**Policy Decisions**

None

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**Future Rulemaking & Policy Update**

Compliance Director Gary Miner and Project Manager Courtney Wilson presented an overview on future rulemaking.

- Long Term Care *Drafting in process*
  - Div 41 Reorganization *Rulemaking 6/13*  
(Includes: Consulting Pharmacies, Central Fill, Drug Rooms and Retail Drug Outlets, etc.)
  - Non-Prescription Drug Outlets *Rulemaking 6/13*
  - Technician Duties *Rulemaking 1/14*
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**Discussion Items**

Compliance Director Gary Miner presented one drug outlet waiver request.

**Outlet Waiver Request**

Murray’s Condon Pharmacy requested a security waiver from 855-041-0026. Gary noted that the pharmacy is also operating in a double set up capacity.

**MOTION**

**Motion to approve Murray’s Condon Pharmacy request to waive OAR 855-041-0026 for five years was made and carried. (Motion by Reher, second by Linares).**

*Reher, Linares, Wells, Pimlott, Fujisaki in favor of approval  
Chute opposed*

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**TCVP Request**

Compliance Director Gary Miner presented a proposal from Providence Health and Services for the implementation of a Technician Checking Validation Program (TCVP). Gary Edmondson as

well as Mike Millard who served as a consultant on the proposal appeared before the Board to answer questions. Mr. Edmondson stated that TCVP will be implemented in both small and large hospitals as an option to accommodate staff changes. As their pharmacists' time becomes less restrictive they will be able to utilize them in other capacities to ensure that care is more patient oriented. Upon approval Providence St. Vincent Pharmacy will be the first Providence Hospital to implement TCVP. Their target start date is November 1, 2012. Providence Portland Hospital, Providence Hood River Hospital, Providence Newberg Hospital, Providence Seaside Hospital, Providence Medford Hospital, Providence Milwaukie Hospital and Providence Willamette Falls Hospital were included in the request and propose to implement TCVP at a later date.

The Board requires Providence to report back to the Board after one year from the date of TCVP implementation.

#### **MOTION**

**Motion to approve Providence Health System's TCVP proposal for five years was made and unanimously carried. (Motion by Chute, second by Reher).**

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#### **Extension Requests**

Administrative Director Karen MacLean provided some historical information regarding NABP Official Application extension requests for the Board to consider. Karen indicated that over the last two years, the Board has been reviewing requests from pharmacist applicants to extend their NABP Official Applications. When an applicant receives their Official Application from NABP they are supposed to send it to the Board within 90 days from the date of the application. Most of the requests that the Board receives are well after the initial 90 day period and many are after the application is expired. Some of the requests have a compelling medical or family hardship; others may have an eligibility issue and some may not provide any explanation for the delay. At this time extension requests are considered for approval only at Board Meetings. This delays the licensing process and may defer an applicant's ability to register and take the MPJE by several months. The Board discussed these issues and agreed to delegate authority to Executive Director Gary Schnabel and Administrative Director Karen MacLean for the approval or denial of these requests. All requests will be included on the Consent Agenda for the Board to review. The Board directed staff to bring back any denials to the Board for discussion and a final determination.

#### **MOTION**

**Motion to authorize staff to approve NABP Official Application extension requests and place them on the Consent Agenda was made and unanimously carried (Motion by Chute, second by Fujisaki).**

#### **MOTION**

**Motion to approve A. Khan's request for a three month extension for expired NABP application was made and unanimously carried (Motion by Linares, second by Reher).**

#### **MOTION**

**Motion to deny M. Haugh's request for a three month extension for expired NABP application was made and unanimously carried (Motion by Pimlott second by Fujisaki).**

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### **Outlet Conduct Follow up Discussion**

The Board discussed the 2011 Pharmacist Working Conditions Survey results and concurred that it is important to do a follow up analysis on the comments from the survey. David Dowler from Multnomah County was available to answer any questions that the Board may have on the services he is able provide as a researcher. Pharmacist Mike Millard commented that an analysis of the comments and trends is valuable. He believes that these comments may be able to tell us more about the practice, identify potential safety issues and determine what licensees recognize as misconduct. In addition, the analysis may identify a need for other rules.

The Board agreed that a follow up work place survey should be conducted, but not sooner than at least one year after the implementation of the Drug Outlet Conduct rules that went into effect June 12, 2012. The Board concluded that they will be able to develop a more concise follow up survey based off the analysis of the first survey.

### **MOTION**

**Motion to approve staff to contract for analysis of the 2011 Working Conditions Survey up to \$8,000 was made and unanimously carried (Motion by Reher, second by Fujisaki).**

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### **Failure to Cooperate**

The Board discussed the expectation they have of licensees to be truthful with the Board and to fully cooperate in investigations. They commented that over the last several years they have been receiving more cases that involve dishonesty and a lack of cooperation with investigators. Licensees that do not cooperate or are not truthful with the Board are in violation of the Board's rules. It was agreed that licensees need to be reminded of this and the fact that they have a professional relationship with the Board which needs to be treated as such. The Board would like to begin providing some education around this and will include a reminder in its newsletter.

Application questions for pharmacists, technicians and interns were briefly discussed and the Board considered including the following statement near the moral turpitude section; "arrest does not mean conviction." The Board hopes that this statement will add abundant clarity to ensure applicants understand what an arrest is so that they can answer questions truthfully. The Board agreed that application questions regarding an individual's personal history need to be clear and concise. They will keep these objectives in mind as applications questions are reviewed and evaluated at a later date.

Revisions were made to the Board's delegated authority grid to allow the Compliance Director to deny or issue a license with orders and a civil penalty if a criminal incident appears on the applicant's background check which was not disclosed.

### **MOTION**

**Motion to approved revisions to the Delegated Authority for staff was made and unanimously carried (Motion by Chute, second by Pimlott)**

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## **Medication Errors Discussion**

The Board discussed medication errors and the goals that they are trying to obtain when they issue discipline as a result of these errors. Some of the goals they discussed include ensuring patient safety, decreasing potential harm and providing learning opportunities when available. The Board indicated that they want their disciplinary actions to change a wrong behavior and to decrease errors. Risk factors as well as other mitigating and aggravating factors involved in the error were discussed. The Board discussed classes of drugs, mental state and whether or not the patient is a child, pregnant or elderly. Finally, the Board examined levels of discipline as it relates to patient harm and if a history of previous medication errors exists. The Board will continue looking at these issues and opportunities to educate licensees about medication error reduction.

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## **Prescriber Dispensing Update**

Executive Director Gary Schnabel provided an update on the practitioner dispensing meeting which occurred on October 4<sup>th</sup>. The Medical Board, Nursing Board, Dentistry Board and Veterinary Medical Examining Board were in attendance as well as many of their professional associations. The Board's statutes that provide authority to register and regulate outlets were reviewed. Many of the work group members thought that their professions were exempt from the applicable statutes. The five Boards made a consensus to have the statutes reviewed by the Attorney General to provide them with an analysis of the statutory authority as well as its Legislative intent. The work-group hopes to have an opinion by the first part of December. The Oregon Medical Association was invited but did not attend.

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## **Appropriate Registration for Compounding Outlets Update**

Compliance Director Gary Miner stated that the Compliance Department is developing questions for the December meeting. This will initiate discussion regarding the difference between compounding and manufacturing and the parameters the Board would like to put around the two.

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## **APPEARANCES**

### **Oregon State Police, Drug Recognition Expert**

Sergeant Michael S. Iwai appeared before the Board to explain the role of a Drug Recognition Expert (DRE) and to provide information about Legislative Concept (LC) 180. Sergeant Iwai stated that each year Oregon officers make 22,000 arrests for driving under the Influence (DUI) of an intoxicant. Currently, DUI is specific to the following: intoxicating liquor, controlled substance, or inhalant or in any combination. LC 180 proposes to expand the definition of intoxicant to include over-the-counter and prescription drugs. This will allow the State to prosecute those individuals who are impaired on substances that are non-controlled or designer type drugs. Examples include Dextromethorphan, Celexa, Flexeril and Phenergan.

There are currently 200 DRE's statewide that provide a 12 step evaluation to determine impairment if they are given consent. 95% of the nation already has laws that include language similar to LC 180 and according to Sergeant Iwai these states have not seen an increase in pharmacy or pharmaceutical tort claims or law suits.

LC 180 is currently with the Interim Judiciary and House Healthcare Committee's who are working on drafting language to incorporate an "affirmative defense." This would allow a defendant to present additional facts such as a prescription that diminish the criminal charges being brought against him or her. Board Counsel Tom Cowan commented that adding this language to the legislative concept is very important.

The Board stressed the importance of educating citizens about this potential law to avoid unintended consequences. This may include not taking medications and stopping prescribed therapeutic doses in order to drive. Sergeant Iwai stated that the Oregon State Police would be providing media outreach to the public to communicate important information about the potential law and its impact on Oregon drivers.

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### **Rural Health Council Update**

Pharmacist Mike Patrick provided the Board with an update on the Rural Health Council. The Board has appointed him to serve on the Council for the last 18 years. 15 members serve on the Council. 13 members are from different health practice settings and two members are from communities of less than 2,000 people. The council meets quarterly to discuss issues that are affecting rural health communities. They are charged with finding and keeping practitioners in rural areas and ensuring that adequate training is available. Mike provides a report at each Council meeting relating to pharmacy and keeps them informed about the Board. President Ken Wells thanked Mike for his many years of service.

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### **Cook Security Group**

Tricia Finklein, Jeb Albinand and Frosty Comer from Cook Security Group presented information regarding pharmacy security. According to the DEA there has been an 82% increase in pharmacy robbery over the last six years. Additionally, most robbers are under some type of substance influence which makes the situation more dangerous. They stressed that educating and training staff on pharmacy robbery prevention, opening and closing procedures and participating in a risk assessment are critical things that pharmacies can do to decrease their risk. Mr. Comer discussed a variety of drug security issues that he has experienced and then presented some of the electronic security and surveillance systems that they provide. The Board thanked them for coming and providing this overview on pharmacy security.

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### **Financial/Budget Report**

Administrative Director Karen MacLean shared the Board's financial reports for July and August. She reported that the Board is on targeted with its expenditures and that professional service expenditures have decreased. In relation to the budget development process the Board has not received anything regarding its Agency Request Budget.

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### **Legislative Update**

Executive Director Gary Schnabel indicated that he recently attended a Pharmacy Benefits Managers Interim Work-Group Meeting and that they are preparing a LC for the next legislative session.

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### Topics for future discussion

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

- Best Practices for Retail Settings
- Prescriptive Authority for OTC's
- Pharmacist roles in ACO/CCO organizations, CMS-MTM Licensing Needed
- Pharmacy Benefit Managers
- Impaired Professionals Policy Discussion
- Probationer Policy Discussion
- Tramadol
- 3<sup>rd</sup> class of drugs – *watch and monitor*
- Participation in HPSP
- Technician Licensure and Certification Requirement

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### Strategic Planning

Administrative Director Karen MacLean shared that a presentation of Just Culture had been secured for the Board's Strategic Planning Meeting as requested.

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**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)

Pharmacist Blake Rice complemented the Board on its workplace safety rules. He stated that the rules empowered pharmacists to take their breaks and lunches and allowed the practice site to set their own rules. Blake also commented on the Board's TCVP rules. He encouraged the Board to be cautious as it approves new practice sites and cautioned them about approving retail sites.

### Adjourn

### MOTION

**Motion to adjourn at 5:00 PM was made and unanimously carried (Motion by Reher, second by Fusisaki).**

Approved by:



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

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

Tuesday, October 9, 2012 @ 8:30 AM, Conference Room 1A  
Wednesday, October 10, 2012 @ 8:30 AM, Conference Room 1A  
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on 10/9/2012 to discuss Compliance cases, followed by motions on 10/10/2012.

Board Members present for all or part of compliance session:

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

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director	Joe Ball, R.Ph., Chief Investigator
Gary Miner, R.Ph., Compliance Director	Meg Aulerich, R.Ph., Board Inspector
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
Thomas Cowan, Senior AAG	

**ADMINISTRATIVE DISCUSSION:**

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**Case 2011-0370            Motion to accept Consent Order signed by technician.**

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

**Case 2012-0273            Motion to accept signed Stipulated Consent Order and withdraw notice issued on 8/24/2012.**

*Motion by: Dianna Pimlott; seconded by: Roberto Linares. Motion unanimously carried.*

**Case 2012-0394            Motion to deny technician license with \$1,000 civil penalty per violation to technician applicant; and in**

**Case 2012-0395            Motion to deny technician license with \$1,000 civil penalty per violation to technician applicant.**

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

**Case 2008-0469            Motion to deny pharmacist probationer's request.**

*Motion by: Dianna Pimlott; seconded by: Brad Fujisaki. Motion unanimously carried.*

**BOARD APPEARANCES:**

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**Case 2012-0234            Motion to reinstate pharmacist license with 5 year HPSP probation.**

*Motion by: Christine Chute; seconded by: Penny Reher. Motion carried with Kenneth Wells opposed.*

## **CASE REVIEW:**

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- Case 2012-0391**            **Motion to impose \$10,000 civil penalty per violation against outlet.**  
*Motion by: Brad Fujisaki; seconded by: Christine Chute. Motion unanimously carried.*
- Case 2011-0588**            **Motion to revoke pharmacy license and impose \$10,000 civil penalty per violation; and**  
**Case 2012-0347**            **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.*
- Case 2012-0242**            **Motion to impose a \$10,000 civil penalty per violation against outlet; and in**  
**Case 2012-0281**            **Motion to impose a \$1,000 civil penalty per violation against Pharmacist-in-Charge.**  
*Motion by: Roberto Linares; seconded by: Brad Fujisaki. Motion carried with Penny Reher abstaining.*
- Case 2012-0369**            **Motion to impose \$5,000 civil penalty against outlet.**  
*Motion by: Roberto Linares; seconded by: Penny Reher. Motion unanimously carried.*
- Case 2012-0382**            **Motion to impose \$5,000 civil penalty against outlet.**  
*Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.*
- Case 2012-0360**            **Motion to impose \$10,000 civil penalty per violation against pharmacy; issue Letter of**  
**Concern to Pharmacist-in-Charge, pharmacists and technicians.**  
*Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.*
- Case 2012-0400**            **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Christine Chute; seconded by: Brad Fujisaki. Motion unanimously carried.*
- Case 2012-0439**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation,**  
**Letter of Concern to PIC regarding unit dosing procedure.**  
*Motion by: Dianna Pimlott; seconded by: Penny Reher. Motion unanimously carried.*
- Case 2012-0348**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion carried with Roberto Linares abstaining.*
- Case 2012-0355**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Dianna Pimlott; seconded by: Roberto Linares. Motion unanimously carried.*
- Case 2012-0339**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Roberto Linares; seconded by: Dianna Pimlott. Motion unanimously carried.*
- Case 2012-0338**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.*
- Case 2012-0367**            **Motion to revoke pharmacist license.**  
*Motion by: Dianna Pimlott; seconded by: Brad Fujisaki. Motion unanimously carried.*
- Case 2012-0356**            **Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.*
- Case 2012-0373**            **Motion to deny pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Roberto Linares; seconded by: Dianna Pimlott. Motion unanimously carried.*
- Case 2012-0421**            **Motion to deny technician license.**

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

**Case 2012-0390 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

*Motion by: Dianna Pimlott; seconded by: Roberto Linares. Motion unanimously carried.*

**Case 2012-0438 Motion to deny technician license.**

*Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.*

**Case 2012-0375 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

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

**Case 2012-0440 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

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

**Case 2012-0411 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

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

**Case 2012-0368 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

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

**Case 2012-0286 Motion to close under investigation.**

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

**Case 2012-0412 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

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

**Case 2012-0381 Motion to revoke technician license and impose \$1,000 civil penalty.**

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

**Case 2012-0424 Motion to issue Letter of Concern to pharmacist.**

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

**Case 2012-0300 Issue letters of concern recommending CE to pharmacist and technician, and issue Letter of Concern to PIC and outlet.**

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

**Case 2012-0359 Motion to impose \$1,000 Civil penalty per violation against pharmacist, issue Letter of Concern to Pharmacist-in-Charge, and CC: outlet; and in**

**Case 2012-0431 Motion to impose \$1,000 civil penalty per violation against technician.**

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

**Case 2012-0351 Motion to impose a \$1,000 civil penalty per violation against pharmacist, issue Letter of Concern to outlet and CC: letter to Pharmacist-in-Charge; and in**

**Case 2012-0450 Motion to impose a \$1,000 civil penalty per violation against technician.**

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

**Case 2012-0407 Motion to issue Letter of Concern to technician and PIC recommending CE in error prevention; Letter of Concern to outlet.**

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

**Case 2012-0385 Motion to impose \$1,000 civil penalty per violation against pharmacist; Letter of Concern to technician recommending CE in patient safety/medication error prevention; and Letter of Concern to pharmacy.**

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

**Case 2012-0414** Motion issue Letter of Concern to pharmacy; and issue Letter of Concern to Pharmacist in Charge; and issue Letters of Concern recommending CE in patient safety/medication error prevention to Pharmacist-in-Charge and technician.

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

**Case 2012-0345** Motion issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist; issue Letter of Concern to Pharmacist-in-Charge and CC: outlet.

*Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.*

#### **COMPLIANCE CONSENT AGENDA:**

*\*Cases listed under the compliance consent agenda are considered to be routine agency matters and will be approved by a single motion of the Board without separate discussion. If separate discussion is desired, that case will be removed from the compliance consent agenda and placed on the regular compliance agenda.*

**Motion to accept the items on the consent agenda with case 2012-0345 pulled out for discussion.**

*Motion by: Roberto Linares; seconded by: Christine Chute. Motion unanimously carried.*

**Case: 2012-0426** Issue technician a Letter of Concern regarding drug use as a licensee.

**Case: 2012-0243** Issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist; Letter of Concern to PIC and CC: letters to outlet.

**Case: 2012-0387** Issue Letter of Concern to Pharmacist-in-Charge.

**Case: 2012-0321** Issue Letter of Concern regarding product identification label requirement to outlet and CC: Pharmacist-in-Charge.

**Case: 2012-0319** Issue Letter of Concern to Pharmacist-in-Charge/pharmacist regarding reviewing and enforcing policies and procedures involving the monitoring and removal of medications that have not been picked up and are still on the shelf; CC: letter to pharmacy.

#### **DEFICIENCY NOTICES:**

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**Cases:** 2012-0329; 2012-0337; 2012-0340; 2012-0343; 2012-0353; 2012-0354; 2012-0357; 2012-0358; 2012-0361; 2012-0362; 2012-0363; 2012-0364; 2012-0365; 2012-0370; 2012-0371; 2012-0372; 2012-0378; 2012-0380; 2012-0384 and 2012-0417.

#### **UNABLE TO SUBSTANTIATE:**

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**Cases:** 2012-0292; 2012-0376; 2012-0396; 2012-0413 and 2012-0436.

#### **NO VIOLATION:**

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**Cases:** 2012-0232; 2012-0293; 2012-0311; 2012-0312; 2012-0388; 2012-0393 and 2012-0420.

#### **C.E. AUDIT CASES:**

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**Cases:** 2012-0409; 2012-0419; 2012-0422; 2012-0423; 2012-0446 and 2012-0448.

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

Case: 2012-0441

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

Case: 2012-0350

**Surrendered licenses:**

Case: 2012-0398