

BOARD MEETING MINUTES
Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
August 3-4, 2010

TUESDAY, AUGUST 3, 2010

Ann Zweber, Board President, called the meeting to order at 8:30 AM.

The following Board Members were present:

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

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

| | |
|--|---------------------------------------|
| Gary Schnabel, Executive Director | Jennifer Zanon, Inspector |
| Karen MacLean, Administrative Director | Meg Aulerich, Inspector |
| Gary Miner, Compliance Director | Chrisy Hennigan, Office Manager |
| Gregg Hyman, Inspector | Paige Clark, Pharmacist Consultant |
| Joe Ball, Chief Investigator | Michele Cale, Inspector |
| Annette Gearhart, Compliance Secretary | Kim Whitson, Compliance Assistant |
| Loretta Glenn, Management Secretary | Pam Aldersebaes, Compliance Assistant |

Thomas Cowan, Board Counsel

MOTION

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

Approve Consent Agenda

1. NAPLEX Scores (January 1, 2010 - April 30, 2010)
2. MPJE Scores (January 1, 2010 - April 30, 2010)
3. Executive Director Report
4. Pharmacist Consultant Report
5. Project Manager Report
6. License/Registration Ratification (June 12, 2010- July 30, 2010)
7. NABP Memos
8. Approval of Board Meeting Minutes (June 15-16, 2010)

MOTION

Motion to approve Consent Agenda was made and unanimously carried (Motion by Pimlott, Second by Wells).

MOTION

Motion to enter Executive Session at 8:35 AM was made and unanimously carried (Motion by Foster, second by Wells).

MOTION

Motion to resume Open Session at 2:45 PM was made and unanimously carried (Motion by Howard, second by Howrey).

MOTION

Motion to adjourn at 3:57 PM was made and unanimously carried (Motion by Wells, second by Cartier).

WEDNESDAY, AUGUST 4, 2010

Ann Zweber, Board President, called the meeting to order at 8:30 AM.

The following Board Members were present:

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

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

| | |
|--|---------------------------------------|
| Gary Schnabel, Executive Director | Jennifer, Zanon, Inspector |
| Karen MacLean, Administrative Director | Meg Aulerich, Inspector |
| Gary Miner, Compliance Director | Chrisy Hennigan, Office Manager |
| Gregg Hyman, Inspector | Paige Clark, Pharmacist Consultant |
| Joe Ball, Chief Investigator | Michele Cale, Inspector |
| Annette Gearhart, Compliance Secretary | Kim Whitson, Compliance Assistant |
| Loretta Glenn, Management Secretary | Pam Aldersebaes, Compliance Assistant |

Thomas Cowan, Board Counsel

Items for Disciplinary Action - please see Motions for Disciplinary Cases at the end of this document.

Ann acknowledged the pharmacy students present and asked them to introduce themselves. Also, Compliance Director Gary Miner the Board and Staff thanked Inspector Jennifer Zanon for her three years of service to the agency and wished her well on her career change.

ISSUES/ACTIVITIES

Reports:

Board President/Members

Ken Wells attended the recent Pharmacy Coalition meeting. There was a good discussion about collaborative therapy management, what the old barriers were and what the current barriers are today. Executive Director Gary Schnabel added that rules are not a barrier at this time and the problems exist within various practice settings. Ken also mentioned the budget handout and noted there wasn't any feedback.

Bernie Foster reported his last activity was attending the Mt. Hood Marijuana Summit with Executive Director Gary Schnabel. The primary attendees were from law enforcement agencies. He found it very interesting.

Linda Howrey attended the recent Pharmacy Coalition meeting.

Lee Howard reported on his observations from a recent road trip through Idaho and Nevada where he checked in on some pharmacies. There seems to be some excitement about what's happening in Oregon. Idaho now has an electronic registry for pseudoephedrine. Lee also mentioned that he saw an article regarding the Iowa Board of Pharmacy's listing of synthetic cannabis as a controlled substance in schedule I.

Ann Zweber, Larry Cartier and Dianna Pimlott had nothing to report.

Board Counsel Tom Cowan reported he'd been working on a number of hearings. He also commented that Compliance Director Gary Miner is helping to resolve as many cases as possible. The staff continues to help get good results.

Compliance Director Gary Miner reported on the status of the Board's request to post when discipline is pending on the license verification website. Office Manager Chrisy Hennigan is working with staff and our IT Consultant Grant Moyle to make this workable. Gary reported that 54% of the pharmacy inspections have been completed so far this year. Compliance Statistics were updated for the Budget binders. There are two unfair trade practice cases that Gary is working on with DOJ. These are cases where unlicensed entities are practicing in our jurisdiction. In addition, there is one new case at the Court of Appeals.

Administrative Director Karen MacLean reported that 5560 renewals for Certified Pharmacy Technicians went out in July and to date we've received about 850 back via the new online renewal system and it's working well. Chrisy continues to work with Grant on the development of the interface connecting the online renewals to the licensing database.

Budget preparations continue to consume a majority of her time. The final materials will be submitted next week.

Board Meeting Dates for 2010

- October 12 - 13, 2010 Portland
- December 14 -15, 2010 Portland

Dates for Rulemaking Hearing

- November 16, 2010 Portland

Board Meeting Dates for 2011

- January 25 - 26, 2011 Portland

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

Board Member/Staff Presentations

Board President Ann Zweber led a discussion on the following upcoming events where staff or Board members may be making presentations.

PSOP (Professional Society of Pharmacists) August Meeting - Technician Law CE

Larry Cartier reported that while Inspector Gregg Hyman had worked on updating slides for a Technician CE program, it is a little late for PSOP to plan an event that will help Technicians meet the August 31st CE deadline. However, he is interested in making a live Board CE program available in the future for the Technician CE requirement.

OSPA Fall Convention – 9/10-12/10

Ken Wells and Paige Clark are prepared to present the Board's Law CE at the convention. Compliance Director Gary Miner will also present a PIC training class and Inspectors will be available for a Q&A table.

There was some discussion about making other OSPA hosted CE available in Eastern Oregon. Inspector Gregg Hyman is willing to facilitate these when he inspects in the Bend/Redmond area later this fall. Inspectors Katie Baldwin and Meg Aulerich have also presented these programs in the Southern part of the state while in the area inspecting. It was also suggested that perhaps these presentations could be recorded and available on the web, however there was concern about individuals missing the question and answer sessions and therefore possibly misunderstanding rule interpretations.

Intern School Presentations

Ann and Administrative Director Karen MacLean discussed whether or not there was a need for Board Staff to present at OSU and Pacific this Fall as the incoming first year students will receive their Intern license for the first time as new students without any experience. This will give the Board a presence with the students that in the past it received towards the end of their first year. Ann indicated that OSU would be making a request to have a Staff appearance at the orientation for new students. Karen indicated that Pacific had also discussed this option with her.

Committees/Meetings

NABP Meetings

Executive Director Gary Schnabel reported on his recent NABP activities. In addition, he confirmed that Ken Wells will attend the NABP 2010 Board Member Interactive Forum Chicago, IL Sept. 22-23, 2010. NABP will be covering all expenses. Larry Cartier and Ann Zweber will attend the NABP District VI/VII/VIII Meeting Albuquerque, NM Sept 28-30, 2010. Larry will be covering his own flight expenses and Ann's expenses will be shared with OSU.

Dianna Pimlott expressed concern about agency travel expenses especially in light of the fee increase proposal. She suggested a moratorium on travel unless absolutely necessary. After

some discussion, there was agreement to minimize agency travel expenses as much as possible. However there was also an affirmation of the necessity for our Board to continue to remain active in NABP activities. We'll re-assess all out of state plans as they occur.

Multicultural Outlet Meeting

Executive Director Gary Schnabel and Administrative Director Karen MacLean attended a meeting with members from the DHS Office of Multicultural Health and the Office of Health Policy Research (OHPR) on July 7, 2010. There is some discussion from the OHPR Workforce Committee to implement a cultural competency CE requirement for licensed professionals. Gary and Karen expressed concern about adding a new requirement for something that is likely already required in the workplace. Ann pointed out that this is covered well in the pharmacy school curriculum and she'd be happy to speak with the Committee.

There are currently no active Research Councils.

GENERAL ADMINISTRATION

Discussion Items

Staff Policy Questions – none

An additional agenda item was added.

Executive Director Gary Schnabel presented information about the Board's Legislative Concept related to Cease and Desist authority. There was a discussion with Board Counsel Tom Cowan about the merits of our concept. Tom indicated that few agencies have this authority and that it's similar to an emergency suspension and very powerful. Gary asked if the Board has a strong enough case to continue pursuing this concept? The Board would need to demonstrate why a "suspension" would not be effective. Bernie believes it would be helpful especially for Internet cases. Tom cautioned that elements of the contested case process would still remain in place and not likely stop someone from practice. The Board will further discuss the pros and cons at the October meeting.

Remote Dispensing Checklist Review

Compliance Director Gary Miner reviewed the proposed Remote Dispensing Facility Policy and Checklist. The Board discussed a few additional items that they wanted added.

These include: adding language to reflect the following

- This is a minimum list of requirements; additional requirements may be added.
- Describing anticipated volumes and staffing levels for each location
- Describing staffing levels based on volume fluctuations
- Reporting any violations of OAR 855

The Board will review the OHSU request in October.

MOTION

Motion to approve the Remote Dispensing Facility Policy and Checklist as revised was made and unanimously carried (Motion by Howrey, Second by Pimlott).

Pharmaceutical Distribution for Legacy

Compliance Director, Gary Miner reminded the Board about the presentation from the Pharmacy Director at Legacy Health Care's June appearance and reported that staff concluded that the appropriate licensing category for this off site storage concept is a Drug Room license.

MOTION

Motion to affirm Staffs' interpretation of the plan to license as a Drug Room was made and unanimously carried (Motion by Pimlott, Second by Cartier).

2010 Strategic Planning Timeline review

Board President Ann Zweber and Administrative Director Karen MacLean facilitated a discussion of the draft timeline from the 2010 Strategic Planning session. The Board considered how to incorporate additional tasks onto the timeline and as they may relate to other existing projects on the projects list.

The Board reviewed each of the main topics on the timeline and decided how they want to proceed. A few of the items were updated:

- **Certified Technicians Educated and Meeting Standards**

The Board established a 5 Year Rulemaking Review Committee as required by law to review new rules adopted after January 2006. The Pharmacy Technician rules had new rules added in 2006 and need to be reviewed by June 2011 to determine whether the rule had the intended effect, if the anticipated fiscal impact was under or over estimated, if there have been subsequent changes in the law that effect the existing rule and if there is a continued need for the rule.

Members specifically involved with this review will be invited to continue on the new Technician Research Council that is being formed to study specific technician issues.

The Board would like this group to look into the following issues:

- Technician Training Programs
- Duties & Responsibilities
(Technician Validation Program)
- Education
- CE Requirements
- Specialty Training ie: Nuclear
- ASHP Technician guidelines
- Other State Pilot Projects
- NABP Task Force Report

- **Patient Safety/Medication Errors**

The Board reviewed the recommendations from the April 2010 Research Council Report and decided that they would take one recommendation or a combination of recommendations per meeting for discussion. They will be discussed in the following order:

- Medication Error Reduction - Voluntary reporting systems & Oregon Safety Patient Commission (October 2010)
- New Medication Counseling Requirements (December 2010)
- Consumer Counseling Awareness (January 2011)

- Workflow/Workforce Issues / Pharmacy Design (March Strategic Planning)
- Ongoing options to improve patient safety and reduce errors (March Strategic Planning)

These will be incorporated into the timeline.

- **Improved Communications – Doctor to Pharmacist/Pharmacist to Patient**

The Pharmacy Coalition will be a partner in this especially around the topic of collaborative therapy.

- **Public Outreach & Information**

The recommendation from the Medication Error group on counseling education fits into this objective. Also, staff will watch for legislation on the topic of disposal of medications.

- **Effective & Efficient Processes**

This is an ongoing work in progress.

- **Multicultural Initiative**

Part of the plan for this topic will include drug outlets and cultural competency training. Staff will get a plan established and identify a goal. Part of that goal will include appropriate licensing, communicating public safety and educating the public

Executive Director Schnabel reminded the Board that the staff all have full time commitments within each of their positions and must be creative to fit priorities into the daily workflow.

MOTION

Motion to approve the June 25, 2010 Board Meeting Minutes, as revised, was made and unanimously carried (Motion by Pimlott, Second by Wells).

Rules Discussion

Immunizations - Pharmacist Consultant Paige Clark and Compliance Director Gary Miner reviewed proposed draft revisions for these rules. They recommended sending this proposal to rulemaking and that no rulemaking hearing is necessary as interested parties have been actively involved in this required legislative change.

MOTION

Motion to send OAR 855-019-0270 through 0290, Administration of Vaccines as revised to rulemaking was made and unanimously carried (Motion by Cartier, second by Howrey).

Future Rulemaking Discussion

Administrative Director, Karen MacLean reviewed the list of rules that need to be prioritized into existing workload. The Board decided to discuss this further in October. Topics include:

Continuing Education - October
 Pharmaceutical Manufacturers
 Pharmacist - administration of drugs

Long Term Care

Consultant Pharmacist Paige Clark reviewed a mailing with the Board on the workgroups discussions to date. Of particular interest are national level discussions with the DEA regarding voluntary pharmacy licensure of Long Term Care facilities. Staff hopes to know more about this for the next meeting.

Consulting Pharmacies

Drug Room

Outlets

Others

5 Year Rule Review

Administrative Director, Karen MacLean highlighted the following rules that are coming up for a legislatively required five year rule review. Included are:

| | <u>Staff</u> | <u>Due</u> |
|--------------------------------------|--------------|------------|
| a. Division 025 Pharmacy Technicians | Clark | 6/11 |
| b. Division 021 Pain CE | Project Mgr | 12/11 |
| c. Division 065 Wholesalers | Project Mgr | 12/11 |

Financial/Budget Report

Executive Director, Gary Schnabel and Administrative Director, Karen MacLean provided an Update on 2009 Expenditures so far, potential savings for the database maintenance contract, the need for a September 2010 Emergency Board request, an update on 2011-13 Budget development, the necessity for a fee increase after 11 years. Karen reminded Board member of the upcoming process through the Department of Administrative Services, Budget & Management (BAM) review, then possible appeals, the Governor's Recommended Budget, Legislative Fiscal Office review (LFO), the agency presentation, Legislative review & approval, and final Governor approval which will account for the agency's Legislatively Adopted Budget (LAB). There continues to be communication with stakeholders via conferences, presentations, website and newsletter and notice of the proposed fee increases will be posted on the website.

Topics for future discussion

President Ann Zweber reviewed and updated topics for future discussion as follows:

- Technician Training Programs / Technician Validation Program – will be incorporated into the Technician Research Council
 - The following will be addressed at the 2011 Strategic Planning Session:
 - a. Internet Pharmacies -
 - b. Workflow/Workforce Issues / Pharmacy Design
 - c. Dispensaries
 - d. Preceptor Ratio / Duties
 - e. Homeopathic Drugs
-
-

OPEN FORUM - Board President Zweber opened the floor. Compliance Director Gary Miner clarified a question posed regarding the recent DEA ruling on electronic prescribing. Gary noted

that there are not Oregon rules or statues which prohibit electronic prescribing. The pharmacies must first have their computer system certified by an independent third party. The certifying company will insure that the data will be received properly.

Adjourn

MOTION

Motion to adjourn at 1:15 PM was made and unanimously carried (Motion by Cartier, second by Wells).

Minutes accepted by:

A handwritten signature in black ink that reads "Gary A. Schnabel". The signature is written in a cursive style with a large initial 'G'.

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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Ann Zweber, R.Ph., Presiding

Tuesday, August 3, 2010 @ 8:30 AM, Conference Room 1A
Wednesday, August 4, 2010 @ 8:30 AM, Conference Room 1A

An Executive Session of the Board to discuss Compliance was held on August 3, 2010 at 800 NE Oregon Street Conference Room 1A in Portland.

Board Members present for all or part of compliance session:

| | |
|--------------------------------------|-----------------------|
| Ann Zweber, R.Ph., President | Linda Howrey, R.Ph. |
| Larry Cartier, R.Ph., Vice President | Dianna Pimlott, R.Ph. |
| Bernie Foster, Public Member | Kenneth Wells, R.Ph. |
| Lee Howard, Public Member | |

Staff present for all or part of compliance session:

| | |
|--|---|
| Gary Schnabel, R.Ph., R.N., Executive Director | Annette Gearhart, Compliance Secretary |
| Gary Miner, R.Ph., Compliance Director | Kim Whitson, Compliance Assistant |
| Joe Ball, R.Ph., Chief Investigator | Pam Aldersebaes, Compliance Assistant |
| Meg Aulerich, R.Ph., Board Inspector | Karen MacLean, Administrative Director |
| Michele Cale, R.Ph., Board Inspector | Paige Clark, R.Ph., Consultant Pharmacist |
| Gregg Hyman, R.Ph., Board Inspector | Loretta Glenn, Management Secretary |
| Jennifer Zanon, R.Ph., Board Inspector | Thomas Cowan, Senior AAG |

CONSIDERATION OF CONTESTED CASES:

Pursuant to ORS 192.690(1), the Board entered into contested case deliberation from 8:30-8:45 am, at which time, the Board exited contested case deliberation and entered into Executive Session for deliberation of cases.

Cases 2009-0155 and 2009-0343

Motion to accept Administrative Law Judge's proposed order language and issue final orders.

Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0472 Motion to strike language regarding "will not apply" from stipulated order.

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

BOARD APPEARANCES:

Case 2010-0171 Motion to deny request.

Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

CASES REVIEWED:

Case 2010-0284 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted with Ann Zweber recusing herself.

Case 2010-0313 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0314 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Ken Wells; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0296 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted

Case 2010-0241 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0242 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0133 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0239 Motion to impose \$10,000 civil penalty per violation against pharmacy, and issue Letter of Concern to Pharmacist-in-Charge; and in

Case 2010-0265 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0109 Motion to impose \$1,000 civil penalty per violation against pharmacist and issue letter of concern to pharmacy.

Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0146 Motion to impose \$1,000 civil penalty per violation against pharmacist and issue letter of concern to pharmacy.

Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0264 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0305 Motion to deny Oregon pharmacist license.
Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0308 Motion to deny technician application and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0253 Motion to issue technician license.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0141 Motion to deny technician license.
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0289 Motion to deny technician license.
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0214 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0234 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Lee Howard; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0293 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0204 Motion to impose \$10,000 civil penalty per violation against outlet.
Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0224 Motion to impose \$10,000 civil penalty per violation against pharmacy; and in
Case 2010-0174 \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in

Case 2010-0175 \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline;
Case 2010-0176 \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest and Larry Cartier recusing himself from 2010-0176.

Case 2010-0243 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0281 **\$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.**
Motion by: Lee Howard; seconded by: Ken Wells. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest.

Case 2010-0210 **Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Dianna Pimlott; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0006 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline.**
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0613 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline.**
Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0326 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline and submit a plan of Continuous Quality Improvement to identify errors, how they are corrected and training of staff.**
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0060 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE on counseling and submit paper on the use of dexamethasone in cancer patients and a corrective action plan on how he will research a drug and handle the situation if conflicts of information arise in the future in lieu of discipline.**
Motion by: Lee Howard; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0252 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0267 **\$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.**
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted with Ken Wells abstaining due to conflict of interest.

Case: 2010-0307 **Motion to issue letter of concern to pharmacist.**
Motion by: Linda Howrey; seconded by: Bernie Foster. Motion was unanimously accepted.

ADMINISTRATIVE DISCUSSION:

Case 2009-0174 **Motion to drop PIC and preceptor restrictions on probation; and continue to allow pharmacist administration of immunizations.**
Motion by: Larry Cartier; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2010-0319 **Motion to deny request.**
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0007 **Motion to revoke technician license.**
Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0318 **Motion to deny request.**
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0497 **Motion to withdraw Default issued in this case and accept signed Consent Order.**
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted with Dianna Pimlott recusing due to conflict of interest.

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 as presented on the consent agenda with case 2010-0307 presented separately.

Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

LETTERS OF CONCERN CASES:

Issue Letter of Concern in the following cases to:

2010-0001 to PIC and pharmacy
2010-0017 to outlet
2010-0018 to outlet
2010-0221 to outlet
2010-0222 to outlet; and in
2010-0290 to outlet.

DEFICIENCY NOTICES:

Cases: 2009-0641, 2010-0172, 2010-0208, 2010-0211, 2010-0228, 2010-0229, 2010-0230, 2010-0231, 2010-0232, 2010-0233, 2010-0236, 2010-0246, 2010-0249, 2010-0257, 2010-0266, 2010-0268, 2010-0269, 2010-0270, 2010-0271, 2010-0272, 2010-0273, 2010-0274, 2010-0275, 2010-0278, 2010-0282, 2010-0283 and 2010-0292.

UNABLE TO SUBSTANTIATE:

Cases: 2010-0157, 2010-0220, 2010-0245, 2010-0261, 2010-0262 and 2010-0277.

NO VIOLATION:

Cases: 2010-0285, 2010-0301, 2010-0303 and 2010-0304.

NO JURISDICTION:

Case: 2010-0154

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued CE in lieu of discipline letters:

Case: 2010-0254

“PRODUCT IDENTIFICATION LABEL” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty if more than 5% sampling of labels is missing the PIL] the following notices with Historical orders have been issued:

Case: 2010-0110

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations for three years when PIC Self Inspection Form not completed or not available as required] the following notices with Historical orders have been issued:

Cases: 2010-0163 and 2010-0202.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of technician licenses notices have been issued in:

Cases: 2010-0168, 2010-0169 and 2010-0255.

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

Cases: 2010-0088, 2010-0170 and 2010-0215

UPDATES / For Your Information:

1. [Open cases under investigation.](#)
2. [Cases that have been opened and then “Closed Under Investigation” to preserve incoming complaint information should future action be necessary.](#)
3. [Hearings Requested](#)
4. [Hearings Scheduled](#)
5. [Historical Data](#)

Standardized proposed “guidelines/consent” language key:

- 3 year Board Probation = Probation for 3 years; Board approved drug awareness program with written documentation of attendance; submit up to a maximum of 24 UA’s at licensee’s expense; may petition for a reduction after 12 months; provide all present and prospective pharmacy related employers and any pharmacists-in-charge with a copy of the Notice and the final order; must report all citations, arrests or convictions within 15 days; must comply with all laws and rules regarding pharmacy practice; may not be PIC or hold preceptor license.
- 5 year Board Probation = Probation for 5 years; complete and provide documentation of completing recommended treatment; maximum of 30 UA’s annually; may petition for a reduction after 24 months; provide all present and prospective pharmacy related employers and any pharmacists-in-charge with a copy of the Notice and the final order; must report all citations, arrests or convictions within 15 days; must comply with all laws and rules regarding pharmacy practice; may not be PIC or hold preceptor license.
- 5 year DHS Probation = Probation for 5 years; shall enter into the state run program for dependency for no less than 5 years; maximum of 30 UA’s annually; may petition for a reduction after 24 months; provide all present and prospective pharmacy related employers and any pharmacists-in-charge with a copy of the Notice and the final order; must report all citations, arrests or convictions within 15 days; must comply with all laws and rules regarding pharmacy practice; may not be PIC or hold preceptor license.
- Pharmacist – \$1,000 Civil Penalty or 3 hours CE in lieu of discipline = Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy
- Technician – \$500 Civil Penalty or 3 hours CE in lieu of discipline = Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.
- Pharmacy - civil penalty stayed with QA Plan = \$5,000 civil penalty. The \$5,000 civil penalty shall be stayed with no further violation for 3 years and the submission and implementation of a Quality Assurance Plan acceptable to the Board to correct violations and include verification at point of sale, counseling, and prescription bagging procedures.