

**BOARD MEETING MINUTES**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street, Suite 150**  
**Portland, OR 97232**  
**December 1 - 2, 2008**

<b>Monday, December 1, 2008 @ 9:30 AM, Room 1A</b> <b>Tuesday, December 2, 2008 @ 8:30 AM, Room 1A</b>
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**Monday, December 1, 2008**

Cathryn Lew, Board President, called the meeting to order at 9:30 AM.

Roll Call

The following Board Members were present:

Cathryn Lew, President  
Ann Zweber  
Larry Cartier  
Dianna Pimlott  
Linda Howrey

These Board Members were absent:

Lee Howard, Vice President  
Bernie Foster

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director  
Karen MacLean, Administrative Director  
Gary Miner, Compliance Director  
Joe Ball, Chief Investigator  
Annette Gearhart, Compliance Secretary  
Jennifer Pickens, Compliance Assistant  
Michele Cale, Inspector

Jennifer Zannon, Inspector  
Meg Aulerich, Inspector  
Katie Baldwin, Inspector  
Paige Clark, Pharmacist Consultant  
Tom Cowan, Board Counsel  
Pam Aldersebaes, PRN Assistant  
Loretta Glenn, Management

Jerry Sachtjen, PRN Chair was also in attendance for Ed Schneider, PRN Director.

Administrative Director Karen MacLean introduced new Receptionist, Brittany Hassell to the Board.

**MOTION**

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

**MOTION**

**Motion to enter Executive Session was made and unanimously carried at 9:37AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 (Motion by Zweber, second by Howrey).**

**MOTION**

**Motion to exit Executive Session was made and unanimously carried at 3:52 PM (Motion by Pimlott, second by Cartier).**

## **ISSUES/ACTIVITIES**

Board President, Cathryn Lew, discussed Board meeting dates for 2009 and 2010.

### **Board Meeting Dates 2009**

January 20 - 21, 2009	Hillsboro/Hillsboro	
March 3 - 4, 2009	Portland	Strategic Planning
April 7 - 8, 2009	Portland	
June 9 - 10, 2009	Portland	
August 11 - 12, 2009	Portland	
October 13 - 14, 2009	Portland	
December 1 - 2, 2009	Portland	

### **Rulemaking Hearing Dates**

May 6, 2009	Portland
November 3, 2009	Portland

### **Proposed Board Meeting Dates 2010**

January 26 - 27, 2010		
March 9 - 10, 2010		Strategic Planning
April 6 -7, 2010		
June 15 -16, 2010		
<del>August 10 - 11, 2010</del>	Changed to August 3-4, 2010	
October 12 - 13, 2010		
December 7 - 8, 2010		

The Board members agreed to begin the January 20, 2009 meeting at 9:30 AM. There is a possible conflict with the June 9-10, 2009 dates. Staff was asked to see if it's possible to get a meeting room for June 8<sup>th</sup> and report back. Also, there is a conflict for the proposed August 2010 dates. The Board approved a change to August 3-4, 2010.

## **MOTION**

**Motion to approve 2010 Board meeting dates as revised was made and unanimously carried (Motion by Howrey, second by Zweber).**

## **Reports**

Board member, Dianna Pimlott reported that she attended the OSHP Southern Chapter meeting on October 16th and the Valley Summit meeting in October. Both meetings were very good.

Board member, Larry Cartier stated that he attended the Roundtable meeting and will report on that when the Board discusses meetings later in the agenda.

Board member, Ann Zweber reported that she attended the OSPA meeting and will attend the DUII meeting on Friday. She also attended the Northwest Experiential Consortium where schedules were reviewed and common, consistent outcomes were discussed.

Compliance Director, Gary Miner, read compliance cases for Motions. Please refer to Compliance Minutes for Motions.

## **MOTION**

**Motion to adjourn at 4:40 PM was made and unanimously carried (Motion by Cartier, second by Zweber).**

## **Tuesday, December 2, 2008**

Cathryn Lew, Board President, called the meeting to order at 8:34 AM.

### Roll Call

The following Board Members were present:

Cathryn Lew, President

Ann Zweber

Larry Cartier

Dianna Pimlott

Linda Howrey

These Board Members were absent:

Lee Howard, Vice President

Bernie Foster

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Joe Ball, Chief Investigator

Annette Gearhart, Compliance Secretary

Jennifer Pickens, Compliance Assistant

Michele Cale, Inspector

Jennifer Zannon, Inspector

Meg Aulerich, Inspector

Katie Baldwin, Inspector

Paige Clark, Pharmacist Consultant

Tom Cowan, Board Counsel

Pam Aldersebaes, PRN Assistant

Loretta Glenn, Management

Cathryn welcomed public attendees that included some pharmacy students from Pacific and Oregon State Universities.

## **Reports (continued)**

Compliance Director, Gary Miner reported that he conducted the Valley Summit meeting in Eugene where proposed rule revisions for Division 041 was discussed; there was good input from the participants. To date, 85% of Pharmacies have been inspected this year. The 2009 PIC report has been revised, reducing the number of questions. Work is being done on a Compounding Self Inspection Report for Division 045.

Administrative Director, Karen MacLean asked the Board members if they would still like to see the binder of State Newsletters for review even though they are now available online. The Board decided that staff will no longer be required to print the State Newsletters, and the item would be deleted from the consent agenda.

Karen followed up with the Board regarding a question as to whether there is a limitation to how many times Certified Pharmacy Technicians can re-take their exams. Karen reported that neither PTCB nor ICBT has a limit to the number of times a test can be taken. ICPT has a remediation report which is helpful for re-testing. Board President, Cathryn Lew asked to have the percentage passing rates provided at each meeting and Board members concurred. Karen informed the Board that 332 people have signed up to receive the Board of Pharmacy newsletter electronically through NABP. Staff continues to get the word out about the transition through a variety of means, including the web, meeting and notices.

Regarding Disciplinary Orders on the website, Karen reported that Office Manager, Chrisy Hennigan established a connection for the licensing database to interface with the disciplinary notices/orders for the website. The system requires one final connection to the web be established and tested before final implementation. Grant will facilitate this last step. Staff hopes to have this completed by December 31, 2008. Cases for 2007 and 2008 to date will be included initially.

Karen stated that she has also been busy with budget activities. The agency expenditures for 2008 are in the ballpark for where they should be and in the grand scheme, on target for the incoming revenue. Board member, Ann Zweber asked what implementation of portal access cost. Karen said that the agency expense was approximately \$4 - \$5K.

Karen asked the Board members their preference for receipt of Board meeting support documents. The members would like staff to continue posting documents to the portal, but would prefer to review documents as the Board staff receives them, not all at one time. Board members also stated that when all documents have been posted to the portal, they would like to continue receiving the documents by secure mail.

Karen reported that the Governor's Recommended Budget was announced December 1<sup>st</sup>. This included an Agency budget of approximately \$5 Million. This includes the fee increases and some but not all of the policy packages submitted for appeal. Final decisions will be made during the 2009 Legislative Session.

Pharmacist Consultant, Paige Clark reported that she attended the October Professional Practice Roundtable meeting along with Board members Linda Howrey and Larry Cartier. At the meeting, there were some questions about the reciprocity process and how long it takes generally. As advised, Oregon processes these as fast as possible, but is dependent on the applicants and other states for information to complete the process and it can take a minimum of three months, but often much longer.

Board President, Cathryn Lew reported that she attended the OSHP South Chapter Dinner/CE meetings October 16th and November 12th and that both meetings had low attendance. The CE program on OSHP Pharmacy Initiative 2015 was presented by Chuck McGinnley. Cathryn has a concern with the Board's approval of a 1-hr CE program on Financial Management for Pharmacists. It is basically a promotional program to enroll pharmacists into their retirement plan.

Cathryn will speak at the Lane County meeting as will Compliance Director, Gary Miner. She attended three sessions of the Valley Summit hosted by Gary Miner and Pharmacist Consultant, Paige Clark on October 16th with Northern and Southern Hospitals and Long Term Care personnel on October 17th. It was very well organized and good discussion occurred in preparation of the Division 041 revision. The members acknowledged and thanked the Board for the outreach and opportunity to participate.

She also attended the NABP TOEFL iBT Task force meeting in Chicago on October 28-29th. The recommendations from the Task Force will move through the NABP review chain and will be available at the Annual Meeting. It was a very productive and interactive group from across the country. Cathryn encouraged Board members to submit their letters of interest after the May 2009 Annual Meeting to represent the OBOP on next years' task force appointments, to be decided by Executive Director, Gary Schnabel who will be the NABP President.

Cathryn went back to Chicago on November 5-6 for the first full Executive Committee (EC) meeting at NABP headquarters. Gary Schnabel summarized the meeting in his report. Online veterinary pharmacy is being addressed in some states and NABP is working toward the VET-VIPPS certification. The EC approved the budget for Gary's proposed platform.

She attended a meeting with Grant Higginson, DHS on November 3rd. Cathryn provided lunch to Pharmacy Board staff, acknowledging the current Pharmacy licensing cycle in October and thanked everyone involved in the recent success of the technician and wholesaler licensure process

## **Committees/Meetings**

### National Association of Boards of Pharmacy (NABP)

Board President, Cathryn Lew said that Veterinary Pharmacy is becoming a hot topic for NABP. Cathryn also told the Board members that she would like to recognize the Board of Pharmacy as an award candidate for their work on Pseudoephedrine issues.

December 3-5, Cathryn and Executive Director, Gary Schnabel will travel to the Fall Symposium which will have 23 speakers. Gary will also attend the JCPP meeting as the NABP incoming President in February 2009.

### Oregon Health Care Workforce Initiative (OHWI) Committee

Administrative Director, Karen MacLean attended this Committee on November 20, 2008. They are working on finalizing the workforce database information. Legislation was drafted for the Department of Human Services to figure how that would be defined, which was an error. OHWI will continue to work with Legislative Council to get the legislation drafted correctly for the Senate Health Care Committee to introduce.

### National Association of State Controlled Substance Authorities (NACSA) 2008 Annual Meeting

Executive Director, Gary Schnabel attended the State controlled substance authority meeting on October 20-25 with an approved grant. It was a good meeting and the Power Point presentations from the meeting were posted to the portal for Board members and staff to review.

### Interim House Health Committee Hearing

Administrative Director, Karen MacLean attended the hearing on November 6, 2008. Representative Greenlick's Committee reviewed legislative concepts to pre-session file a majority of them. These bills impact the Health Related Licensing Boards significantly.

### Pharmacy Practice Roundtable (PPR) Meeting

Board member, Larry Cartier attended the roundtable meeting on November 20, 2008, and there was a great deal of discussion about getting pharmacies linked up with the online newsletter. Larry expressed that it is a great vehicle for individuals and groups to come together.

### Fred Meek Annual Seminar

Pharmacist Consultant, Paige Clark attended the meeting on November 2, 2008. She received some questions which she passed on to Compliance staff.

### Prescription Monitoring Program (PMP) Symposium

Pharmacist Consultant, Paige Clark reported on the December 5, 2008, symposium entitled: Under treatment of Pain vs. Prescription Medication Abuse. There are over 150 people registered and it is expected to be a good educational opportunity. Board member Linda Howrey

and Past Board member, Blake Rice will attend on behalf of the Board. Paige acknowledged Administrative Director, Karen MacLean for her work on this program and indicated that Karen along with several other staff will attend to facilitate the registration process.

#### Senator Morse Meeting, 12/15/08

Executive Director, Gary Schnabel advised the Board members that he was invited to attend an upcoming meeting with legislators to discuss the medical marijuana program. Board President, Cathryn Lew would like to also attend this meeting on behalf of the Board Members. Gary will submit a request for that permission and get back to her. Gary will attend this meeting and bring information back to the Board. The Board members briefly discussed the medical marijuana program. The Board members would like to know how the program is monitored for the state of California and who handles monitoring of this program for that state.

#### Research Councils

Pharmacist Consultant, Paige Clark is working with Board members, Dianna Pimlott and Ann Zweber to solidify two Medication Safety and Error Sub-Committees. They continue to carve out a non-regulatory, non-punitive voluntary program. Jim Dameron recommended the 23-point document be used.

#### **General Administration**

Discussion Items:

#### Staff Policy Questions

Compliance Director, Gary Miner, discussed the following field questions:

1. For electronic prescribing of federally controlled substances we believe the Board intended to exclude the State controlled substances (pseudoephedrine, ephedrine, phenylpropanolamine, and carisoprodol).

Is this a correct interpretation? If so, the staff will clarify the language in Division 80.

Yes, the interpretation is correct. The Board decided to clarify the language in Division 80.

2. Based on OAR 855-001-0040 we believe you expect all records including documentation of counseling to be on site and the outlet to be able to produce the documents for the inspector's review. At least one outlet believes that a report generated at a later date by the corporate I.T. department is in compliance with the new rule.

Is this a correct interpretation applied to the new rule?

Board Counsel, Tom Cowan recommended clarification be made within the rule, with recommendation on this by Compliance staff. Board member, Ann Zweber added that the pharmacy should have a mechanism in place to bring up information so that it's readily available, which would also be good for the pharmacy to have.

#### OHSU request for waiver

Gae Ryan and Colleen Shipman appeared on behalf of OHSU and presented the Board with a still picture presentation of their Pilot Program for remote verification. They recognize that this technology is new and ahead of regulatory processes and guidelines for licensure issues. Board member, Ann Zweber brought up the point that Certified Pharmacy Technicians (CPT's) have advanced training and not all of their staff is CPT's, they are Oncology Technicians with special training. The sites will be registered as pharmacies under the pilot and their intention is to have them nationally certified, but not require them to be licensed with the Oregon Board of

Pharmacy as CPT's. Their goal is to have five remote sites up with this new technology on January 2, 2009. Board President, Cathryn Lew asked them to come back and give the Board an update on their progress and they responded with, "yes." Also, Compliance staff will remain in touch with OHSU on this project. The Board members asked Gae extensive questions concerning the remote site issues involved, technician roles and ultimate responsibility. In this case, the hospital is responsible for oversight errors and not a specific physician. Gae asked if their current registration meets the Board of Pharmacy requirements. The Board members expect OHSU to report back and they are willing to do that. The Board also requested to be supplied with a copy of the steps and training for this implementation process. The Board members and staff may write rules about the remote sites topic at a later time. The Board requested that OHSU staff send their process and procedures guidelines including a detailed description of the Pilot Project to the Pharmacy Board within the next two weeks. There are unanswered questions regarding Pharmacy Technician licensure.

#### **MOTION**

**Motion to approve the OHSU Pilot Program with a report at the January meeting was made (Motion by Cartier, second by Zweber) Pimlott and Lew also approved, Howrey opposed.**

Later in the day, the Board discussed the OHSU request and timeline some more, asking questions of Compliance Director, Gary Miner. Gary was originally contacted by Gae Ryan who requested assistance with getting DEA licenses for their remote sites. The Board members discussed possibly conducting an emergency meeting in the immediate future if the OHSU pilot policies and procedures received should raise any red flags. Board members requested that Gary Miner speak with Gae about having one test site rolled out first instead of five sites, as proposed, all at the same time. (The absence of a pharmacist at each site from January 9th on is a matter of concern to Board members.)

#### VetSource Surety Bond exception request appearance

David Laurence from VetSource appeared to explain the challenge of obtaining a surety bond for a young company such as his. David presented examples of how other states handle surety bond requests for similar companies. The examples he provided were from Wyoming, Wisconsin and Idaho. The state of Wyoming is willing to grant waivers to companies that have a license in another state and have done so for VetSource which is licensed with the State of California. David acknowledged late in the discussion that VetSource had satisfied the bond requirement in Florida as well as California. Board members discussed possible exception options and determined that they could waive a portion of the requirement in this situation to resolve the incomplete renewal. VetSource was asked to report back in June 2009 to provide an update on their ability to obtain a \$100,000 bond for the next renewal period.

Board Counsel, Tom Cowan advised Board members to consider the potential risk factors as they think about this request. Even though an Oregon company may ship products to many other states, Boards look to the home state to resolve issues that may occur such as with a case which occurred in Texas, which is the purpose of this requirement.

#### **MOTION**

**Motion to approve reducing surety bond requirement to \$10,000 for one year was made (Motion by Zweber, second by Cartier) Howrey and Lew approved, Pimlott opposed.**

#### Division 7 Emergency Planning Temporary Rules

Project Manager, Tony Burt presented the updated Division 7, Emergency Temporary Planning draft rules pursuant to the Board's October guidance for approval. Board members said that the

temporary rule was fine as drafted. The Board may want to incorporate 855-007-0120 into the Division 041 rewrite to correct #0110 and #0120 when that rule is revised.

#### **MOTION**

**Motion to adopt OAR 855-007 as a Temporary Rule was made and unanimously carried (Motion by Cartier, second by Pimlott).**

#### FPGEC Waiver Request

Compliance Director, Gary Miner presented the FPGEC waiver request submitted by Hae Jeong Kim who is not currently licensed in the United States. Kim's educational background is not equivalent to the ACPE accredited US programs. The NABP does not encourage Boards to approve the FPGEC waiver and this Board has denied similar requests in the past.

#### **MOTION**

**Motion to deny the FPGEC waiver request was made and unanimously carried (Motion by Zweber, second by Cartier).**

#### Oregon State University (OSU) 2:1 Preceptor Ratio exception request

Administrative Director, Karen MacLean presented this OSU exception request for Irene Crowell, RPh, an OSU preceptor at Hagggen Pharmacy in Tualatin. Irene was present and asked to clarify the need for her request. Her goal is to conduct a pilot project involving a small scale community health education center and a medication therapy management (MTM) focused clinical externship. Her intention is to supervise interns in a team approach to patient education in providing MTM sessions with patients, talks on health related topics and patient education on proper use of medical devices etc.

The concerns discussed were about the shortage of sites and preceptor monitoring safety factors. Board member, Ann Zweber and Juancho Ramirez, OSU Experiential Director were asked to explain this request further. Ann discussed the importance of having students experience first hand and to learn from one another how to present health subjects to the community with a preceptor's supervision. Irene offered to come back and report back on how this was successful.

Board President, Cathryn Lew also congratulated Irene for being an OSPA award recipient at this year's convention.

#### **MOTION**

**Motion to approve OSU 2:1 preceptor ratio exception for Irene Crowell with distinct restrictions guidelines for MTM to have direct oversight by a pharmacist for both students was made and unanimously carried (Motion by Howrey, second by Cartier).**

#### Out-of-State Licensure

Board President, Cathryn Lew requested that Compliance Director, Gary Miner described his understanding of the Board's Pharmacy Outlet Model (mail order, central fill, long term care) in relation to the new Division 019 requirement for out of state pharmacies to have an Oregon licensed PIC or pharmacists on staff. There was a lengthy discussion about who is ultimately responsible for prescription dispensing errors to Oregon patients from out of state pharmacies; the pharmacy, the PIC, the pharmacist, a consultant pharmacist?

Gary reviewed an outline of various pharmacy settings and requirements for in state and out of state outlets. When asked if the Board has defined "Mail order" pharmacy, Gary said no, there is not currently a definition as it applies to OAR 855-019-0100 (4).

Board members asked pharmacist Kathleen Kelley whether or not she had an opinion about required licensure for out of state prescriptions. She indicated that their company has dually licensed pharmacists that service customers if the prescription is being filled out of state.

After a lengthy discussion, including the participating in NABP's pilot project for multi-state licensure, the Board decided to get more information and discuss this further in January.

#### Technician Training, Continuing Education and Duties etc.

As part of the Board's strategic plan, the Board members discussed what should be considered next in regards to technician training, CE and duties now that the Certified Pharmacy Technician rules have been implemented. After some discussion, it was decided that Board members Ann Zweber and Linda Howrey will co-chair a research council. Board members would like this Council to examine the duties of Certified Technicians; assess the education and training requirements/needs and report back to the Board. Executive Director, Gary Schnabel will assign a staff member to facilitate and provide administrative support for the Council.

#### **MOTION**

**Motion to establish a Research Council for Technician Training, Continuing Education and Duties was made and unanimously carried (Motion by Zweber, second by Howrey).**

#### Reference Materials

Pharmacist Consultant, Paige Clark provided information on research related to access to reference materials available online in pharmacies. The Board requested more research and will discuss this further in January. Paige will follow up with the licensee on her request.

#### NARAL Pro-Choice Oregon request.

Executive Director, Gary Schnabel and Pharmacist Consultant, Paige Clark met with NARAL representatives regarding this request. The request is for the Board of Pharmacy to create and provide an anonymous, customer complaint report form. Board members and Board Counsel, Tom Cowan discussed the proposed form. Tom advised that the existing compliant form meets the Board's needs and that it is important to connect a complaint with an investigation. Board members decided that the process currently in place includes a form that works; therefore a new form will not be implemented.

#### Unapproved Drugs

Pharmacist Consultant, Paige Clark asked Board members whether they should take a position on the topic of the unapproved drugs list. Board members stated that they would not take a stand on this until the FDA has addressed the issue. Paige will email the response on this subject, including mention of the Newsletter statement that had been issued.

#### Review CE requirements

Pharmacist Consultant, Paige Clark discussed recent requests from pharmacists for modification to the existing Continuing Education (CE) rule requirements including possibly removing therapeutics requirement and possible new requirements to include live CE, medication error reduction, immunization CE and technician CE. Paige asked Board members if they would like a research council created about CE or to bring this back to the Roundtable for their input. The Board asked Paige to discuss this topic at the next Roundtable meeting and submit information of consensus at the April meeting.

#### Legislative Issues

Executive Director, Gary Schnabel reviewed the proposed legislative concepts that OSPA will introduce on behalf of the Board. In addition, he reviewed the Proposed Legislative Concepts

that will be submitted by the Governor's office on the Board's behalf. The Board does not expect these concepts to be controversial and should not need to heavily lobby any of the concepts. Board members indicated that they will be available during session, should testimony be required. Board members specifically oppose the ALJ final authority proposal. Pharmacist Consultant, Paige Clark will facilitate as needed for the Prescription Monitoring Program legislation. Project Manager, Tony Burt will monitor legislation of interest to the Board. Administrative Director, Karen MacLean will respond to requests for fiscal impact.

#### Topics for Future Discussion

Board President, Cathryn Lew reviewed future meetings topics with Board members and staff who concurred on the following future discussion items:

Wholesaler licensing issues – January  
Continuing Education requirements – April

#### Strategic Plan Quarterly Report

Administrative Director, Karen MacLean reviewed the agency's fourth quarter strategic plan goals. All items are on target with the exception the interdisciplinary piece. (Staff has been meeting monthly with the other health related regulatory boards, with Claudia Black in attendance on behalf of the Governor's office.) Project Manager, Tony Burt worked on the plain language requirements for documents that are seen by the public to make language simpler.

Karen explained that she performed an expense analysis for the upcoming retreat to determine the most cost effective location for the March 3-4, 2009 meeting, which included possibly meeting in Florence. Dollar wise, Florence appears to be the best location as rental costs for a location are waived. Karen reviewed possible agenda items (Board decision making timing, budget policy, Technician and the PRN program/discipline, update the strategic plan) and an option of starting the meeting at 12 noon the first day with the outreach event that evening. The Board members decided to have Board member, Dianna Pimlott do some outreach to determine if there is interest in an evening session and report back to the Board in January. The Board concluded that the Strategic Planning Meeting would be held in Florence.

#### OPEN FORUM

Open forum was offered to the public guests present at the Board meeting and there was no response.

#### **MOTION**

**Motion was made to approve the October 14-15, 2008 Board Meeting Minutes as revised and unanimously carried (Motion by Zweber, second by Howrey).**

#### **MOTION**

**Motion was made to approve Consent Agenda and unanimously carried (Motion by Cartier, second by Pimlott).**

#### **MOTION**

**Motion was made to enter into Executive Session at 4:42 PM for the purpose of deliberation of a compliance case pursuant to ORS 676.175 and ORS 192.660 and unanimously carried (Motion by Howrey, second by Pimlott).**

#### **MOTION**

**Motion was made to enter into Open Session at 4:52 PM and unanimously carried (Motion by Howrey, second by Pimlott).**

**MOTION**

**Motion was made to amend case 2007-0309 notice to add “failure to cooperate” and unanimously carried (Motion by Howrey, second by Pimlott).**

**MOTION**

**Motion was made to adjourn the meeting at 4:55 PM and unanimously carried (Motion by Cartier, second by Zweber).**

Minutes accepted by:

**SIGNATURE ON FILE**

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

**BOARD COMPLIANCE MEETING**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street #150**  
**Portland, OR 97232**

**December 1, 2008 @ 9:30 a.m.**  
**800 NE Oregon Street, Conference Room 1A**  
**Portland, OR 97232**  
**Cathryn Lew, R.Ph., Presiding**

An Executive Session of the Board to discuss Compliance was held on December 1, 2008 and December 2, 2008 at 800 NE Oregon Street Conference Room 1A in Portland.

**December 1, 2008 Session**

Board Members present for all or part of the compliance session:

Cathryn Lew, R.Ph., President  
Larry Cartier, R.Ph.  
Linda Howrey, R.Ph.  
Dianna Pimlott, R.Ph.  
Ann Zweber, R.Ph

Board Members absent for all of compliance session:

Lee Howard, Vice President  
Bernie Foster, Public Member

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director  
Gary Miner, R.Ph., Compliance Director  
Meg Aulerich, R.Ph. Board Investigator  
Katie Baldwin, Board Investigator  
Joe Ball, R.Ph., Board Investigator  
Michele Cale, R.Ph., Board Investigator  
Jennifer Zanon, R.Ph., Board Investigator  
Annette Gearhart, Compliance Secretary  
Jen Pickens, Compliance Assistant

Karen MacLean, Administrative Director  
Paige Clark, R.Ph., Consultant Pharmacist  
Loretta Glenn, Administrative Secretary  
Thomas Cowan, Senior AAG  
Ed Schneider, R.Ph., PRN Program Director  
Pam Aldersebaes, PRN Assistant

Staff absent for all of compliance session:

Gregg Hyman, R.Ph., Board Investigator

Working lunch held.

**BOARD APPEARANCES:**

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**Case: 2008-0581 Motion to remove suspension on technician license. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.**

**CASE REVIEW:**

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**Case 2008-0515 Motion to revoke and \$1,000 civil penalty per violation against pharmacist. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0529 Motion to revoke pharmacy outlet registration, and impose \$10,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.**

**Case 2008-0396 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0540 Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.**

**Case 2008-0519 Motion to issue Letter of Concern against pharmacist license; and in Case 2008-0520 to revoke pharmacist license and impose \$1,000 civil penalty per violation; and in Case 2008-0619 to impose \$10,000 civil penalty per violation against pharmacy license. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.**

**Case 2008-0541 Motion to deny certified technician application and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Larry Cartier.**

**Case 2008-0516**

**Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Linda Howrey.**

**Case 2008-0284 Motion to impose \$10,000 civil penalty per violation against pharmacy outlet. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0521 Motion to revoke intern license. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**

**Case 2008-0282 Motion to impose \$5,000 civil penalty against drug outlet. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.**

**Case 2008-0504 Motion to impose \$5,000 civil penalty against drug outlet; and in Case 2008-0574 Motion to impose \$500 Civil Penalty against CPT; or earn 1 hour of CE in medication error prevention. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.**

**Case 2008-0498 Motion to impose a \$1,000 civil penalty against technician and issue Letter of Concern to PIC and pharmacist; and in Case 2008-0570 Motion to impose \$5,000 civil penalty per violation against pharmacy. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**

**Case 2008-0408 Motion to deny Certified Pharmacy Technician License Application. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

**Case 2008-0409 Motion to deny Certified Pharmacy Technician License Application. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

**Case 2008-0246 Motion to revoke technician license and impose \$1,000 civil penalty per violation and deny certified pharmacy technician application if he applies in the future. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**

**Case 2008-0490 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes.**

**Case 2008-0555 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes.**

**Case 2008-0556 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and submit personal QA plan to address medication errors in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes against pharmacist.**

**Case 2008-0557 Motion to impose \$10,000 civil penalty per violation against outlet registration. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0407 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Dianna Pimlott.**

**Case 2008-0500 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

**Case 2008-0524 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.**

**Case 2008-0485 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy; and in Case 2008-0512 Motion to impose \$500 Civil Penalty against CPT technician; or earn 1 hour of CE in medication error prevention. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0489 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy. 2008-0618 Motion to impose \$5,000 civil penalty against pharmacy. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Ann Zweber.**

**Case 2008-0294 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. And in**

**Case 2008-0571 Motion to impose \$500 Civil Penalty against technician; or earn 1 hour of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.**

**Case 2008-0400 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy; and in Case 2008-0561 Motion to impose \$500 Civil Penalty against technician; or earn 1 hour of CE in medication error prevention. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Larry Cartier; Seconded by: Dianna Pimlott.**

**Case: 2008-0487 Motion to leave as Deficiency Notice. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Linda Howrey.**

**Case 2008-0406 Motion to issue Letter of Concern to pharmacy; and in Case 2008-0582 Motion to issue Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.**

**ADMINISTRATIVE DISCUSSION:**

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**Case 2008-0245 Motion to issue order of dismissal and Letter of Concern. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Dianna Pimlott.**

**Case 2008-0584 Motion to approve reinstatement with 5 year probation and PRN contract. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Dianna Pimlott.**

**Approve changes to Staff Authority Grid as discussed. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Ann Zweber.**

**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 2008-0487 pulled for discussion. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Larry Cartier.**

**LETTERS OF CONCERN CASES:**

**None**

**DEFIECENCY NOTICES:**

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**Cases: 2008-0432, 2008-0435, 2008-0445, 2008-0451, 2008-0453, 2008-0473, 2008-0474, 2008-0476, 2008-0484, 2008-0488, 2008-0496, 2008-0534, 2008-0544, 2008-0545, 2008-0546, 2008-0552 and 2008-0579.**

**UNABLE TO SUBSTANTIATE:**

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**Case: 2008-0383 and 2008-0468.**

**NO VIOLATION:**

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**Case: 2008-0470**

**DENIAL OF TECHNICIAN APPLICATION ORDERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 1, 2004 and amended on 4/17/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:

**Cases: 2008-0444, 2008-0494, 2008-0503, 2008-0510, 2008-0511, 2008-0514 and 2008-0530.**

**TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:**

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

**Cases: 2008-0321, 2008-0355, 2008-0392, 2008-0401, 2008-0463, 2008-0465, 2008-0478, 2008-0479 and 2008-0505.**

**“SHORT COUNT” Letters of Concern :**

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 7, 2005 and confirmed on 2/7/2008, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

**Case: 2008-0506.**

**UPDATES / For Board Members Information:**

Update of cases under investigation.

Compliance Director Miner

Open cases under investigation.

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

Hearings Requested

Hearings Scheduled

**December 2, 2008 Session**

Board Members present for compliance session:

Cathryn Lew, R.Ph., President

Larry Cartier, R.Ph.

Linda Howrey, R.Ph.

Dianna Pimlott, R.Ph.

Ann Zweber, R.Ph

Board Members absent for all of compliance session:

Lee Howard, Vice President

Bernie Foster, Public Member

Staff present for all or part of compliance session:

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

Gary Miner, R.Ph., Compliance Director

Katie Baldwin, Board Investigator

Joe Ball, R.Ph., Board Investigator

Annette Gearhart, Compliance Secretary

Karen MacLean, Administrative Director

Paige Clark, R.Ph., Consultant Pharmacist

Loretta Glenn, Administrative Secretary

Thomas Cowan, Senior AAG

**Case 2007-0309**

**Motion to amend Notice to include failure to cooperate. Motion was unanimously accepted.**

**Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**