

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
December 13-14, 2010**

MONDAY, December 13, 2010

Ann Zweber, Board President, called the meeting to order at 8:35 AM.

The following Board Members were present:

Ann Zweber, President	Lee Howard
Larry Cartier, Vice President	Christine Chute
Dianna Pimlott	Ken Wells
Linda Howrey	

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

Gary Schnabel, Executive Director	Chrisy Hennigan, Office Manager
Karen MacLean, Administrative Director	Tony Burt, Project Manager
Gary Miner, Compliance Director	Joe Ball, Chief Investigator
Gregg Hyman, Inspector	Michele Cale, Inspector
Meg Aulerich, Inspector	Katie Baldwin, Inspector
Annette Gearhart, Compliance Secretary	Loretta Glenn, Management Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

MOTION

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

Approve Consent Agenda*

1. NAPLEX Scores (none)
2. MPJE Scores (none)
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (October 9, 2010-December 10, 2010)
6. NABP Memos
7. Approval of Board Meeting Minutes (October 12-13, 2010) (removed for revisions)

MOTION

Motion to approve Consent Agenda as revised was made and unanimously carried (Motion by Wells, second by Howrey).

Review and Approval of Board meeting Minutes for October 12-13, 2010

The Board discussed needed minor revisions to be incorporated.

MOTION

Motion to approve October 12-13, 2010 Board Meeting Minutes as revised was made and unanimously carried (Motion by Pimlott, second by Howard)

MOTION

Motion to enter Executive Session at 8:37AM was made and unanimously carried (Motion by Howrey, second by Cartier).

MOTION

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

The Board added a discussion about the upcoming pharmacy technician CE audit. Compliance Director Gary Miner asked the Board how they would like to proceed as compared to last years audit. Board members are interested in knowing how many individuals respond to the audit incorrectly and how.

There was a discussion about how the denial of pharmacy technician licenses notice is prepared. Specifically, why the Board elected to add a civil penalty to the denial of a license. Gary advised that this occurs when applicants misrepresent themselves on their application.

ISSUES/ACTIVITIES

Reports:

Board President/Members

President Ann Zweber attended a number of meetings that will be discussed later in the meeting.

Vice President Larry Cartier attended the last Pharmacy Professional Practice meeting.

Linda Howrey attended the latest Immunization Practices Advisory Team (IPAT) and Pharmacy Coalition meetings. There was a brief discussion among members around the IPAT meeting and upcoming immunization requirements. The IPAT is not concerned about adolescent immunizations, they are looking at the impact of religious exemptions and the ALERT system is up and running. It officially goes into effect 1/1/11. DHS is sending out packets to immunizers. There was some discussion about the potential need for pharmacists to be “prescribers” to participate in the federally funded vaccine programs through the CDC. This issue has been referred to the Pharmacy Coalition to pursue legislation if needed.

Ken Wells attended the latest Pharmacy Coalition meeting as well as facilitated an OSPA CE in Hermiston in late October that was well attended.

Dianna Pimlott attended the ASHP meeting last week on behalf of her employer. She reported that it was a good meeting and there are interesting changes coming with the Joint Commission. There were about 18,000 in attendance.

Christine Chute attended an orientation in the Board office with Executive Director Gary Schnabel.

Lee Howard, nothing to report.

Board Counsel Tom Cowan, nothing to report.

Compliance Director Gary Miner reported that Inspectors had completed 79% of the retail pharmacy inspections for the year. With Paige Clark's resignation, Gary has assumed the staff responsibility for the Long Term Care stakeholder group and the Technician Research Council. He expects the Long Term Care final report to be ready for Board review and discussion at the January meeting. Inspector's Meg Aulerich and Katie Baldwin presented at a P1 law class for OSU. OHSU submitted the updated revisions for the Remote Dispensing Facility policies and procedures as the Board requested. They are now licensed. Gary had one of the student interns' research local technician training programs; we now have a list of 8-10 that are located in Oregon. Inspector's Gregg Hyman and Joe Ball attended an Administrative Rules rule writing class last week.

Gary discussed a recent letter from a consumer that was received in the office on November 9th regarding why pharmacists have to be "bothered" for counseling on new prescriptions if a customer doesn't want counseling. The Board will discuss this along with other workload issues at the strategic planning meeting in March. He'll also send the individual a letter explaining that this is a rule requirement and in the interest of public safety to counsel on new prescriptions.

Administrative Director Karen MacLean reported that the Pharmacy Inspector recruitment has been posted. The deadline for applications has been extended to 12/31/10 to hopefully get enough qualified applicants.

MOTION

Motion to adjourn at 4:00 PM was made and unanimously carried (Motion by Cartier, second by Wells).

TUESDAY, December 14, 2010

Ann Zweber, Board President, called the meeting to order at 9:04 AM.

The following Board Members were present:

Ann Zweber, President	Lee Howard
Larry Cartier, Vice President	Christine Chute
Dianna Pimlott	Ken Wells
Linda Howrey	

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

Gary Schnabel, Executive Director	Chrisy Hennigan, Office Manager
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Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Gregg Hyman, Inspector
Meg Aulerich, Inspector
Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant

Tony Burt, Project Manager
Joe Ball, Chief Investigator
Michele Cale, Inspector
Katie Baldwin, Inspector
Loretta Glenn, Management Secretary

Thomas Cowan, Board Counsel

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

President Ann Zweber asked those Pharmacy Intern students that were present to introduce themselves and thanked them for coming to the meeting.

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 | |

Possible Rulemaking Hearing Dates

- | | |
|---------------------|----------|
| • March 23, 2011 | Portland |
| • May 17, 2011 | Portland |
| • November 22, 2011 | Portland |

2012 Proposed Board Meeting Dates

- | | | |
|--------------------------|----------|--------------------|
| • Jan. 31- Feb. 1, 2012 | Portland | |
| • March 13 -14, 2012 | Portland | Strategic Planning |
| • April 10 - 11, 2012 | Portland | |
| • June 5 - 6, 2012 | Portland | |
| • August 7 - 8, 2012 | Portland | |
| • October 9 -10, 2012 | Portland | |
| • December 11 - 12, 2012 | Portland | |

The Board briefly discussed the proposed dates for 2012.

MOTION

Motion to accept 2012 proposed Board meeting dates was made and unanimously carried (Motion by Chute, second by Cartier).

Board Member/Staff Presentations

- Professional Practice Roundtable 11/2/10, 1/4/11, 3/1/11, 5/3/11

- OSPA Lane County CE – 2/26-27/11
- OSHP Annual Meeting 4/9-11/11
- PSOP Technician Law CE 5/4/11 – *Cartier/Hyman*

The Board discussed the role of the Professional Practice Roundtable (PPR). President Zweber asked former Board Member Marc Watt, who was instrumental in starting the Roundtable to explain a recent definition of the difference between the PPR and the Pharmacy Coalition.

Marc explained that in his opinion, the Coalition is a place for pharmacy to build consensus and to coordinate legislative outreach that is led by lobbyist Bill Cross who was hired on behalf of the OSPA and OSHP. The PPR is a place to explore and examine emerging issues, to discuss professional challenges and to consider how the profession, regulations, work settings and pharmacists themselves might approach these issues in a complex work environment. It is a place for pharmacists from various areas of practice, academia, the Board and others to discuss timely professional issues. The Board would like to use this forum to pose or discuss topics proposed by the Board. If there are specific issues that the Board needs to follow up on, one of the associations will submit them to the Board for discussion during a regularly scheduled Board meeting. The Board does not sponsor this meeting, nor will it have a key role in establishing the agenda or facilitating the meeting from now on. As needed Inspectors will participate to answer questions or explain changes to updated rules or forms, etc.

The Board determined that this continues to be a valuable group and it's appropriate for a staff person to be the Board's representative at this meeting. If Board Members choose to participate at the PPR, they will do so as professionals rather than in their capacity as Board Members and will identify themselves as such. This will help clearly identify the Board Members as professionals and avoid any appearance of the Board participating in a public meeting that has not been officially publically noticed.

It was also discussed what the Board's role needs to be in the future in regards to presenting at continuing education (CE) programs. The Board will entertain the need for and requests for presentations at CE programs as opportunities present themselves. The Board will continue to track upcoming meetings. At this time, the Board has not been asked to present at the Lane County CE program scheduled for February 2011, however the Inspectors will be present at the Q&A table.

Compliance Director Gary Miner has suggested that it might be good to request a breakout session at the OSPA or OSHP meetings to review the new Hospital Rules or PIC Training. The Board agreed that this was a good idea. Gary will follow up.

Larry Cartier and Gregg Hyman will present a Technician Law CE at the PSOP meeting in May. Larry is hoping to expand this opportunity at the OSPA Fall Convention.

Committees/Meetings

NABP Meetings

Executive Director Gary Schnabel provided an update on his latest and upcoming activities on behalf of the NABP Executive Committee. NABP is gearing up for PARE (Pharmacist Assessment for Remediation and Evaluation) and the Community Pharmacy Accreditation. His last official activity as an Executive Committee member will be at the NABP Annual Meeting that will be held in May.

OR Prescription Drug Abuse Summit 11/22/10

Executive Director Gary Schnabel and President Ann Zweber attended this Summit. Ann thought it was eye opening and they had a lot of data. This specifically identified that a majority of people abusing drugs are getting prescription medications from parents or friends more so than from the internet. There is a hope that the Prescription Monitoring Program that is currently in development through DHS will be an effective tool. Ann said one of the reports indicated that Oregon is #5 in opioid drug abuse in the country.

Research Councils

As mentioned in Compliance Director Gary Miner's report, staffing the Technician Research Council has moved to his responsibility. The group met in October and assigned members various research tasks. Gary will work with Council Chair Ann Zweber to facilitate the next meeting which is scheduled for December 21st and report back in January.

GENERAL ADMINISTRATION

Discussion Items

Medication Counseling Requirements / Medication Error Reduction - Voluntary reporting systems & Oregon Patient Safety Commission (OPSC)

President Zweber continued the discussion on voluntary reporting systems and OPSC from the October meeting. The Board decided there was no further action necessary.

The Board then discussed the recommendation on medication counseling requirements and whether or not the Board wants to consider adding new requirements to the counseling rules to "pop the top" on new and potentially refilled prescriptions.

The Board sees this as a patient education outreach. Patients should know that they receive the correct prescription and not someone else's, that it's the right drug and the right strength. Board members suggested taking this recommendation to the PPR and see what kind of feedback we get. Staff will direct this question to the PPR and solicit ideas on how to promote best practices.

There was a brief discussion about possibly suggesting including this topic in the annual Pharmacist Month insert in the Oregonian to highlight that the Board believes these are important practices to understand.

There was some reluctance to adding an additional duty to pharmacist responsibilities even though it's a good thing. Ultimately, the goal is to address patient safety. Staff will report back.

Outlet Exception request for Lane County

Compliance Director Gary Miner reviewed the exception request to OAR 855-043-0310 (4)(a) for Drug Delivery and Control regarding immunization, and asked the Board if they want to continue to see requests like this that include minor exceptions or if they want to delegate them to the staff. The Board does want to see these requests and approved this exception.

MOTION

Motion to approve Lane County's exception request to waive OAR 855-043-0310 (4)(a) was made and unanimously carried (Motion by Chute, second by Howrey).

Probationer Draft Policy review

Compliance Director Gary Miner explained the need for guidelines and a policy for impaired professionals that are on Board probation and required to do regular UA's. He reviewed the draft policy that will help give staff defined guidelines

Gary described the kinds of problems that staff has had so far. These include: missed calls, failing to check in as required by their probation consent order or diluted UA's.

Additionally, Gary discussed how the Health Professional's Service Program (HPSP) program reports cases of non-compliance that are to be referred to the Board for consideration. The HPSP has been reporting all less than non-compliant cases to the Board. Gary asked how the Board wants to handle these. Board Counsel Tom Cowan pointed out that HPSP is sending the Board of Nursing cases for review with a very low thresh-hold. We are getting these too.

The Board agreed that the draft policy is a good place to start and asked for additional information. They want to know specifically how many of each type of problems have occurred since transition in July. Staff will bring back more information for the January Board meeting for review and discussion. The Board would also like to get an update quarterly on the HPSP program and in-house probationers.

This conversation led into an update on the HPSP program. Executive Director Schnabel explained that DHS is in the process of renegotiating the contract with the vendor providing support to the HPSP program. Gary showed a power point presentation that the Board of Nursing had prepared for their board. We will be updating a similar presentation that includes HPSP and the cost of managing our in-house program and how these figures compare to the Board's former PRN program. This is expected to be ready for the Board's review in January.

The HPSP program is also looking at additional option for a secondary program to make it more accessible to Board's that elected to opt-out due to financial limitations.

Business Continuity Planning

Project Manger Tony Burt provided the Board the latest updates to the phone tree for the agency Business Continuity Planning manual and the process that will be followed in the event of an emergency that would disrupt agency services. There will be a test of the phone tree system during first quarter 2011.

Rules Discussion

Project Manager Tony Burt and Compliance Director Gary Miner facilitated the rules discussion.

Adoption of Rules

The Board considered comments received, and reviewed the final proposed rules for Divisions 021 - Continuing Education, 041 – No Substitution (E-Prescribing), and 011 – Health Professional's Service Program. The comments received in regard to Division 021 may be

considered at a later time as the rule was not noticed for consideration. The Division 041 comment makes sense and was incorporated for the Board's consideration. Board Counsel Tom Cowan also suggested a minor correction to match statute in the proposed Division 011 rules.

MOTION

Motion to adopt rules in OAR 855, Divisions 021, 041 and 011 as revised was made and carried (Motion by Howard, second by Cartier). Christine Chute abstained from the vote.

Send Rules to Proposed Rulemaking

Tony and Gary reviewed the following proposed rules for Division 019, 041, 045 and 080:

Div 019 - Pharmacist - administration of drugs. These rules implement a 2009 statutory requirement for the Board to adopt rules. The Board had minor revisions to the draft.

Div 041 – Remote Dispensing Facilities. These rules will permanently adopt the temporary rule that is set to expire in December.

Div 045 – Compounding – These rule revisions incorporate a needed fix.

Div 080 – Controlled Substances – Synthetic Cannabis. These rules make the current temporary rule permanent and add additional harmful substances that have come to our attention, that are sold as “bath salts” which are also being consumed and individuals are being harmed. There was some discussion about also incorporating salvia to this rule making; however the Board decided not to address this substance at this time until more research can be completed.

MOTION

Motion to send proposed rules as revised in OAR 855, Divisions 019, 041, 045 & 080 to a rulemaking hearing was made and unanimously carried (Motion by Cartier, second by Howard).

Future Rulemaking & 5 year Rule Review - *Burt/Miner*

Future Rulemaking

- | | |
|--|-------------------------|
| a. Long Term Care (workgroup) | <i>Rulemaking 6/11</i> |
| b. Pharmaceutical Manufacturers | <i>Rulemaking 6/11</i> |
| c. Pharmacist Exam Limits | <i>Rulemaking 6/11</i> |
| d. Fingerprinting /employment applicants | <i>Rulemaking 6/11</i> |
| e. Consulting Pharmacies | <i>Rulemaking 12/11</i> |
| f. Drug Rooms | <i>Rulemaking 12/11</i> |
| g. Non-Prescription Drug Outlets | <i>Rulemaking 12/11</i> |
| h. Retail Drug Outlets | <i>Rulemaking 6/12</i> |

Executive Director Gary Schnabel and Compliance Director Gary Miner discussed a recent meeting staff that had with Portland Police requesting action regarding the topic of forged prescriptions. The Board agreed they would like to hear from the Officer about the problem and their suggestions to solve the problem. They also suggested taking this topic to the PPR to see what kind of response they would have to the Board possibly considering a rule requirement. Staff will arrange for the officer to appear at the January meeting.

5 Year Rule Review

- a. Division 021 Pain CE
- b. Division 065 Wholesalers

Staff

- | | |
|-------------|-------|
| Project Mgr | 12/11 |
| Project Mgr | 12/11 |

Due

Financial/Budget Report

Administrative Director Karen MacLean and Executive Director Gary Schnabel provided an update on the Board's current financial expenditures. We continue to be on track for expenditures. Those areas that are identified as over budget were expected. Specifically attorney fees are over budget. This was expected and Karen and Gary will be appearing at before the Emergency Board this week to request additional funding. This is funding that was requested through the agency budget and denied. We were advised to return to the E-Board to request funds when needed.

There is nothing new to report on 11-13 budget. We are waiting for Governor Elect Kitzhaber to release his budget. This is expected by February 1st.

Topics for future discussion

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

1. Medication Error Reduction
 - o Consumer Counseling Awareness (January)
2. Long Term Care Pharmacy Stakeholder group report (January)

Nothing new was added.

2010 Strategic Planning Timeline Progress Update & Topics for March 2011

Project Manager, Tony Burt reviewed the latest progress updates and topics for Strategic Planning 2011.

The following are topics for consideration at the March 2011 Strategic Planning Session:

- Medication Error Reduction
 - Workflow/Workforce Staffing Issues / Pharmacy Design
 - Ongoing options to improve patient safety and reduce errors
 - Internet Pharmacies
 - Dispensaries
 - Preceptor Ratio / Duties
 - Homeopathic Drugs
 - Review the Definition of OBOP Workgroups, Councils, Committees
 - Consumer Education
 - Effective Use of the Board's Newsletter for licensee communication
-

OPEN FORUM –

President Zweber invited comments from the public.

Pharmacist Jackson Leong made a comment regarding “pop the top”. As a pharmacist, he feels that this is something that pharmacists should be doing.

Jackson also had an employer question. He is anticipating getting a pharmacist that will apply as a pharmacy technician due to a lack of jobs. Does he need to have a technician license? Compliance Director Gary Miner advised that the answer is no, this is not allowed in our rules; however, this individual can work “down” as a technician. This is the employer’s responsibility to manage.

Jackson asked a second question about the definition of impairment, specifically mentally impaired in the situation of a stroke. He was advised that it was necessary to work with the employee and the medical provider to obtain a fit for duty evaluation.

Adjourn

MOTION

Motion to adjourn at 2:35 PM was made and unanimously carried (Motion by Cartier, second by Pimlott).

Minutes accepted by:



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

Monday, December 13, 2010 @ 8:30 AM, Conference Room 150
Tuesday, December 14, 2010 @ 9:00 AM, Conference Room 1B

An Executive Session of the Board to discuss Compliance was held on December 13, 2010 at 800 NE Oregon Street Conference Room 150 in Portland. Board reconvened on December 14, 2010 in open session to vote on compliance cases.

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.
Christine Chute, 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 Oster, Compliance Assistant
Joe Ball, R.Ph., Chief Investigator	Karen MacLean, Administrative Director
Meg Aulerich, R.Ph., Board Inspector	Loretta Glenn, Administrative Secretary
Katie Baldwin, R.Ph., Board Inspector	Thomas Cowan, Senior AAG
Michele Cale, R.Ph., Board Inspector	
Gregg Hyman, R.Ph., Board Inspector	

BOARD APPEARANCES:

Case 2010-0362 Motion to table pharmacist reinstatement request until January 2011 Board Meeting, request additional information.

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

Case 2010-0486 Appearance did not show. Motion to close case under investigation.

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

CASE REVIEW:

Case 2010-0332 Motion to impose \$10,000 civil penalty per violation against outlet.

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

Case 2010-0426 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Lee Howard; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0385 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 2010-0472 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

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

Case 2010-0501 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 2010-0507 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0459 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 2010-0447 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 2010-0316 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0487 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Larry Cartier. Motion was unanimously accepted with Linda Howrey and Ann Zweber abstaining due to conflict of interest.

Case 2010-0415 Motion to revoke technician license.
Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0428 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0482 Motion to deny technician license.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0443 Motion to deny technician license.
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0445 Motion to deny technician license.
Motion by: Ken Wells; seconded by: Lee Howard and Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0464 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 2010-0498 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0468 Motion to deny technician license.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0505 Motion to grant technician license.
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0568 Motion to impose \$10,000 civil penalty per violation against outlet; and in
Case 2010-0495 Motion to impose \$1,000 civil penalty per violation or CE in lieu of discipline
against R.Ph.; and in
Case 2010-0503 Motion to suspend pharmacist license, and impose \$1,000 civil penalty per
violation against R.Ph.
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0446 Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu
of discipline; and in
Case 2010-0493 Motion to impose \$1,000 Civil Penalty against technician; and in
Case 2010-0494 Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of
discipline; and in
Case 2010-0497 Motion to impose \$5,000 civil penalty per violation against outlet.
Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0416 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0569 **Motion to impose \$10,000 civil penalty per violation against outlet.**
Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0441 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0489 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0490 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0491 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0492 **Motion to impose \$10,000 Civil Penalty per violation against outlet.**
Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0469 **Motion to impose \$1,000 Civil Penalty against pharmacist; or training on administration in lieu of discipline; Letter of Concern to outlet.**
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0351 **Motion to impose a \$10,000 civil penalty against drug outlet; and in**
Case 2010-0570 **Motion to impose \$1,000 civil penalty or 3 hours of CE and corrective plan against pharmacist.**
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0424 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; issue letter of concern to PIC and CC: outlet regarding expiration dates, and return to stock disposal and reuse requirement; and in**
Case 2010-0448 **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.**
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0414 **Motion to impose \$1,000 Civil Penalty against pharmacist; and 3 hours of CE; letter of concern to hospital and in**
Case 2010-0449 **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline.**
Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0312 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu of discipline; and in**
Case 2010-0350 **Motion to impose \$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.

Case 2010-0425 **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of discipline; and issue Letter of Concern to outlet.**
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

ADMINISTRATIVE DISCUSSION:

Case 2010-0079 Motion to withdraw Default order and accept stipulated order.
Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2006-0629 Motion to reduce pharmacist's UAs to 18/year.
Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0502 Motion to deny request for reinstatement of technician license.
Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0299 Motion to grant intern's request for consent order amendment.
Motion by: Ken Wells; seconded by: Larry Cartier. Motion was accepted with Linda Howrey opposed.

Case numbers: 2010-0434; 2010-0435; 2010-0398 and 2010-0465 Motion to accept Notices and Orders as issued. Motion by: Christine Chute; seconded by: Ken Wells. Motion was unanimously accepted.

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: 2010-0434 and 2010-0435

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: 2010-0398 and 2010-0465

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 as published with Case Numbers 2010-0434; 2010-0435; 2010-0398 and 2010-0465 reviewed and voted on separately.
Motion by: Ken Wells; Seconded by: Larry Cartier. Motion was unanimously accepted.

DEFICIENCY NOTICES:

Cases: 2010-0354, 2010-0363, 2010-0396, 2010-0422, 2010-0452, 2010-0453, 2010-0460, 2010-0461, 2010-0462, 2010-0463, 2010-0467 and 2010-0471.

UNABLE TO SUBSTANTIATE:

Cases: 2010-0287, 2010-0329, 2010-0344, 2010-0410 and 2010-0419.

NO VIOLATION:

Cases: 2010-0050, 2010-0420 and 2010-0455.

NO JURISDICTION:

Case: 2010-0480

C.E. AUDIT CASES:

Authority delegated to the Compliance Director by the Board [grant staff authority to issue LOC if CE completed in June or to take and pass MPJE (in lieu of discipline) within 120 days if CE not completed by end of June]. Staff authorized to issue NPDA to suspend pharmacist license if MPJE not taken and passed within 120 days.

Case: 2010-0431

CPT C.E. AUDIT CASES:

Authority delegated to the Compliance Director by the Board [grant staff authority to revoke technician license to all technicians who did not respond to technician audit; and in regards all initial non-response technicians whose CE was unacceptable; and all other technicians that did not fulfill CE requirement in appropriate time period receive letters of concern.]

Case: 2010-0466 and 2010-0474.

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: 2010-0499

“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:

Case: 2010-0432, 2010-0433 and 2010-0442.

“SHORT COUNT” Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

Case: 2010-0430.