

BOARD MEETING MINUTES

Oregon State Board of Pharmacy
Salbasgeon Suites Hotel & Oregon State College of Pharmacy
1730 NW 9th Street & 1601 SW Jefferson Ave.
Corvallis, OR 97330
February 5 - 7, 2007

Monday, February 5, 2007 @ 7:00pm - Salbasgeon Conference Room
Tuesday, February 6, 2007 @ 8:00am - Salbasgeon Conference Room
Wednesday, February 7, 2007 @ 8:30am - Conference Room 213 at OSU

Monday, February 5, 2007

President Marc Watt called the meeting to order at 7:00pm.

Roll Call

The following Board Members were present:

Marcus Watt, President

Lee Howard

Bernie Foster

Linda Howrey

Dianna Pimlott

Cathy Lew was present via speaker phone.

Vice President Ann Zweber was absent.

The following staff were present:

Gary Schnabel, Executive Director

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Tony Burt, Project Manager

Paige Clark, Pharmacist Consultant

Joe Ball, Chief Investigator

Michele Cale, Pharmacy Inspector

Judy VanUden, Pharmacy Inspector

Annette Gearhart, Compliance Secretary

Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Board President Marc Watt welcomed and thanked the Oregon State University School of Pharmacy students who were in attendance for the evening Board Meeting.

Agency Position Statement

Pharmacist Consultant Paige Clark reported on a request from the Northwest Women's Law Center to clarify the Boards Position Statement Considering Moral and Ethical Objections. The revisions would include a reference to over the counter drugs like Plan B which has restricted distribution requirements. The new language does not include specific language in regards to Plan B, so the Position Statement will not have to be revised again to include future drugs.

Sara Ainsworth from NARAL commented that all the comments presented by Paige are exactly what she wanted to clarify. Their organization has heard of two refusals to dispense in Washington State, but none so far in Oregon. Sara wants to make sure that Plan B is covered with the new language, but she also wants to make sure that the language is not restricted just to Plan B, but to all future OTC's as well.

Board President Marc Watt shared that he wants to make sure that a pharmacist's right to not participate in the dispensing of Plan B, or other drugs, does not inhibit the patient's ability to receive the drug. Marc suggested that the first time the new language appears, that it be in bold, so that readers will be more apt to notice the addition. The question was presented that since the language appears multiple times in the statement, should it all be in bold, or just the first time it appears? Board discussed and agreed that the first time the new language appears in the statement that it should be bolded, but no where else.

MOTION

Motion to update the Board's Position Statement on Considering Moral and Ethical Objections as revised was made and unanimously carried. (Motion by Howrey, second by Pimlott)

Model Policies and Procedures

Board President Marc Watt asked Pharmacist Consultant Paige Clark to report on a submission by Sara Ainsworth from Northwest Women's Law Center proposing Model Policies and Procedures regarding pharmacist's objections while ensuring patient access to healthcare. The Center has proposed a Model Policy which PIC's can follow that offers explicit, legally-defensible approach to addressing potential objections. The Model Policy would help guide PIC's in fulfilling the requirements of the Position Statement on Moral and Ethical Objections. At Executive Director Gary Schnabel's request Paige contacted various pharmacies around the state to see if they had the required written policies and procedures that address objections in place. Paige found that of 67 pharmacies called; only two didn't have the required policies and procedures.

Board Member Dianna Pimlott thinks that this would make a good resource to offer PIC's, but questioned if there were other resources that we could use in addition to this Model. The idea was discussed to make the Model a resource but only giving it to people as they request it. The Board wants to be careful not to appear to be endorsing NARAL, or that the Board requires this particular policy and procedure.

Michele Stranger-Hunter from NARAL took an opportunity to express her desire that the Board provide a Model Policy and Procedure as a part of the Board's position statement. Michele is concerned because this is becoming an issue across the country and she wants Oregon to be a leader in the country by providing this Model for our licensees.

Board Counsel Tom Cowan shared some issues to be aware of if the Board chooses to 'adopt' this Model. Because of the role the Board plays, it will be viewed as this is what is required. If the Model is used as a resource, the Model needs to be crafted in a way so that it doesn't alleviate the responsibility of the pharmacies to comply with the Board's rules.

The Board Members, Sara Ainsworth, Michele Stranger-Hunter and Board Counsel further discussed this issue and in the end Jim Thompson offered to post the Model Policies and Procedures on the Oregon State Pharmacy Association's website as a reference. The Board agreed this was the best solution for everyone involved.

Rules Discussion

The Board discussed and reviewed the following proposed housekeeping rule revisions.

Division 1: Changes to administrative procedures on rulemaking regarding notifying interested parties and revises interested parties list.

Division 10: Revises Board policies to delete May as designated date for annual meeting. Also revises language on accreditation of schools to include other schools or colleges of Pharmacy.

Division 31: Revises language to include all accredited or pre-accredited schools and colleges. Revises rules on renewal of intern licenses.

Division 41 Rule 0500: Re-defines acceptable CPR training course for pharmacists doing immunizations.

Division 41 Rule 0120: Amends 24-hour rule regarding hospitals giving drug supply to outpatients.

Division 50: Adopt permanent rule to replace temporary rule adopted in December at request of Portland Police.

Division 80: Adopts Federal schedules (with existing Board approved exceptions) in place of lengthy state schedule.

MOTION

Motion to move to send Division 001, 010, 031, 041, and 080 to proposed rulemaking was made and unanimously carried. (Motion by Howrey, second by Howard.)

MOTION

Motion to adjourn at 9:05 was made and unanimously carried. (Motion by Howrey, second by Howard.)

Tuesday, February 6, 2007

Board President Marc Watt called the meeting to order at 8:00am

Roll Call

The following Board Members were present:

Marcus Watt, President

Lee Howard

Bernie Foster

Linda Howrey

Dianna Pimlott

Cathy Lew

Vice President Ann Zweber was absent.

The following staff were present:

Gary Schnabel, Executive Director

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Paige Clark, Pharmacist Consultant

Joe Ball, Chief Investigator

Michele Cale, Pharmacy Inspector

Judy VanUden, Pharmacy Inspector

Annette Gearhart, Compliance Secretary

Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

MOTION

Motion to move into Executive Session for staff performance review with Executive Director as per ORS 676.175 and ORS 192.660 (1)(k) was made and unanimously carried. (Motion by Howrey, second by Foster)

MOTION

Motion to exit out of Executive Session and move into Open Session was made and unanimously carried. (Motion by Howrey, second by Foster)

MOTION

Motion to move into Executive Session for review and discussion of disciplinary cases was made and unanimously carried. (Motion by Howrey, second by Foster)

MOTION

Motion to exit out of Executive Session and move into Open Session was made and unanimously carried. (Motion by Howrey, second by Foster)

Open Session – No Public Comment

MOTION

Motion to adjourn at 3:45 was made and unanimously carried. (Motion by Howrey, second by Foster)

Board Members and staff traveled to Oregon State University to attend and present at the Law class for the OSU College of Pharmacy first year students from 4:30 – 6:00.

Wednesday February 7, 2007

Board President Marc Watt called the meeting to order at 8:30am.

Roll Call

Marcus Watt, President
Lee Howard
Bernie Foster
Linda Howrey
Cathy Lew

Vice President Ann Zweber and Board Member Dianna Pimlott were absent.

The following staff members were present:

Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Tony Burt, Project Manager
Paige Clark, Pharmacist Consultant
Joe Ball, Chief Investigator
Michele Cale, Pharmacy Inspector
Judy VanUden, Pharmacy Inspector
Annette Gearhart, Compliance Secretary
Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Executive Director Gary Schnabel was absent.

Consent Agenda

Board reviewed consent agenda items and approved with the exception of September and December Board Meeting Minutes, which were removed for minor revisions

MOTION

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

Board Member Cathy Lew requested that September and December Board Meeting Minutes be removed from the consent agenda for minor revisions. Board approved these changes.

MOTION

Motion to approve May, June and August Board Meeting Minutes was made and unanimously carried. (Motion by Lew, second by Howrey)

MOTION

Motion to approve September and December Board Meeting Minutes as revised was made and unanimously carried. (Motion by Lew, second by Howrey)

ISSUES/ACTIVITIES

Reports

Board President/Members

Board Member Cathy Lew reported that she attended the Oregon Society of Health Systems Pharmacists (OSHP) January 15 Continuing Education meeting. There were 35 attendees including students and pharmacy technicians as well as pharmacists. Cathy shared that it was a good networking opportunity.

Cathy Lew shared that on January 31 she traveled to Salem and participated in the Senate Bill 34 hearing for the Prescription Drug Monitoring Program. In January Cathy also attended a NABP Committee meeting on Law Enforcement and Legislature; Cathy also toured the NABP facility.

Board Member Linda Howrey attended the Immunization Practices Advisory Team (IPAT) meeting. Mailing #10 regarding House Bill 2188 Lifespan Registry was the major topic of discussion. Board President Marc Watt questioned what the primary issues were with House Bill 2188, and if there was any opposition. Linda responded that IPAT would basically expand the childhood immunization registry to cover adults. Pharmacist Consultant Paige Clark shared that there was some opposition from the American Civil Liberties Union (ACLU), on protecting people's privacy. Linda also questioned if the Board wanted to take a stand on this and asked for advice on which direction to go in handling this topic. Board Member Cathy Lew shared that in reading the mailing, and in the discussion she feels like it's a good plan and Board President Marc Watt sees no problem in the Board supporting House Bill 2188. Linda further reported that she will be unable to attend the next Meeting coming up in March, Board Member Cathy Lew volunteered to attend the IPAT Meeting in her place.

Board Counsel Tom Cowan had no official report, but wished to congratulate the staff and people helping with the Board's Legislation. He has heard nothing but good things on how professional the staff has been, and shared that it is a good reflection on the Board.

Compliance Director Gary Miner reported that at the end of 2006, 97% of pharmacies had been inspected, including 825 pharmacies, and 85 county health and correctional facilities. Pharmacy

Inspector Mike Beck took an opportunity to do some continuing education with pharmacists when he was out and about in more rural areas, which slowed down the inspection process a little, but was welcome.

Gary Miner shared that the staff did a good job putting together the Advisory Council to help determine revisions necessary for Division 19. Gary also shared that a student from Oregon State University's School of Pharmacy will be starting her six week internship in the office on February 8; she will be working on various projects, and researching topics for Compliance. Board Member Cathy Lew shared that she thought the PIC self inspection forms should be available to fill out on the website and print instead of having to print then fill out. Staff will discuss with Chris Hennigan to see if it is possible to do this.

Compliance Director Miner directed the Board that a pharmacist in charge (PIC) training program is becoming ever more necessary. He shared that offering continuing education credit for PIC's might help in the training process, and also to get more pharmacists to take on the PIC role in the pharmacy. The staff will start looking into training programs or training manuals to put on the web with help of some of the inspectors. Board President Marc Watt shared that a PIC training program is long over due, and suggested that we offer materials online so that people don't have to come into the office.

Gary reported that the Compliance staff is still getting a lot of questions on Pain Management Continuing Education; staff will start directing people to the FAQ on the website. The Law Test is up and running on the Board's website, and we are starting to get the answer sheets in the office. Gary shared that the questions that get missed the most will be a focus in the newsletter, and will be re-worded on next years test. The group of answer sheets will be split into pharmacists and pharmacy technicians, to see if there is any difference in scores.

Administrative Director Karen MacLean gave a high level budget report to the Board. Karen shared the Governor's Recommended Budget Binder, and presentation materials that she would be presenting later that afternoon at the Budget Hearing. Karen also shared that she is still waiting to hear from NABP regarding their need for Board staff assistance at the Annual Meeting in May.

Pharmacist Consultant Paige Clark is continuing to attend a number of meetings regarding the Prescription Drug Monitoring Program (PDMP) including meetings and informational sessions with the Board of Nursing, Oregon Medical Association, committee administrators and Governor Policy Advisors. Danna Droz from the Ohio Board of Pharmacy was flown in as a guest speaker at the first Senate Bill 34 Hearing before the Senate Health and Human Services Committee. Paige also shared that she is working with staff and Board Members on Continuing Education programs for the Lane County Pharmacist Association, and Oregon State Pharmacy Association. She continues to attend the State Agency Public Information Officers meetings in Salem.

PRN Director – No Report

2007 Board Dates:

- April 17 - 19, 2007 Portland/Hillsboro
- June 5 - 6, 2007 Portland
- August 7 – 8, 2007 Portland
- October 16 - 17, 2007 Portland
- December 4 – 5, 2007 Portland

Other Dates of Interest:

- May 19 - 22, 2007 Portland NABP Annual Meeting
- October 3 - 6, 2007 Ashland NABP/AACP District VII/VIII Meeting

Board President Marc Watt led a discussion regarding the location of Board Meetings, and travel expenses. Marc shared that because of where we stand with the travel budget for this biennium, it would probably be better to try and hold a Board Meeting in Eugene in 2008, rather than later this year. Marc also suggested that a good way to save travel expenses would be to split up the October Board Meeting, by holding a one day Compliance meeting on one of the already scheduled Board Meeting dates, and discussing General Business on either October 2nd or 3rd, in Ashland before the NABP District VII & VIII Meeting. The Board further discussed this topic, and Board Member Cathy Lew suggested holding the Compliance meeting in Eugene as a courtesy to Board Members who do not live in the Portland area. It was decided that the staff will research locations for the compliance meeting, including Eugene, Corvallis, and Salem to see which would be the best option financially.

Administrative Director Karen MacLean suggested that during years when Legislature is in Session, to move the February Board Meeting to January. This would allow the Board Members to be more informed on Legislative Concepts going before the Senate and House, before hearings start getting scheduled. It was suggested that for 2008 to move the February Board Meeting to January 28 – 29. Board will further discuss at a future Board Meeting, since they would need to decide how to coordinate the new dates with visiting the Oregon State University School of Pharmacy Law class, as they do each year, as well as holding the general business day on campus.

Proposed Board Meeting Dates 2008

- February 12 – 13, 2008 Corvallis
- April 15 – 16, 2008 Hillsboro
- June 10 – 11, 2008
- August 12 – 13, 2008
- October 14 – 15, 2008
- December 9 – 10, 2008
- January 20-21, 2009

The Board discussed and tentatively approved the proposed 2008 Board Meeting dates.

Strategic Planning Meeting

- March 12 – 13, 2008

Administrative Director MacLean reported that since no Strategic Planning Meeting has been scheduled for 2007, one would need to be scheduled for 2008. Karen suggested holding the meeting earlier in the year, perhaps in March, or early spring. Board President Marc Watt suggested holding the meeting in Welch's, OR, which the Board all agreed was a good idea. The Board staff will look into scheduling, checking tentative dates, and coordinating the meeting around Spring Break dates for local Schools.

COMMITTEES AND MEETINGS

NABP MPJE Exam Review, January 18-21

Compliance Director Gary Miner and Chief Investigator Joe Ball attended the meeting in Houston, TX. Gary and Joe reported that there were 1100 questions for them to review, as well as 1700 questions to update, or take off the exam. Board President Marc Watt thanked them for attending.

NABP Committee on Law Enforcement & Legislation, January 25-26, 2007

Executive Director Gary Schnabel and Board Member Cathy Lew attended the NABP Committee on Law Enforcement & Legislation. Cathy Lew reported on the meeting, as Gary Schnabel was attending the NABP Executive Committee meeting in Chicago. Cathy shared that one of the sessions covered emergency preparedness. The group looked at model rules, and reviewed anything that might have stood out. Cathy shared that it was a good group, and that there were people present who had gone through hurricane Katrina, so they had first hand knowledge on how to handle emergency situations.

Another session covered experiential student training. Cathy Lew reported that she received a lot of information from groups like the Accreditation Council on Pharmacy Education (ACPE), American Association of Colleges of Pharmacy (AACP), and NABP.

Board Member Bernie Foster asked how the agency and Board is involved in emergency disaster planning in Oregon. Pharmacist Consultant Paige Clark helped to answer most of Bernie's questions on the emergency pods, how the pods would work, and their locations. Board Members also discussed how the public will be able to identify pharmacists and other health care providers in the state if there ever is an emergency situation. Board Member Cathy Lew suggested putting something on the back of drivers' licenses to show that they are a licensed pharmacist, and in good standing. Paige Clark also shared that there have been conversations in Salem regarding 'Health Care Provider Cards' that would be issued to individuals such as physicians, pharmacists, and nurses to the public would be able to better identify licensed practitioners.

NABP Executive Committee Meeting February 7-8

Executive Director Gary Schnabel flew out of Portland on February 6th to attend the NABP Executive Committee Meeting. Gary will report at the April Board Meeting.

Lane County Pharmaceutical Association February 17 - 18

Pharmacist Consultant Paige Clark and Compliance Director Gary Miner are scheduled to make a presentation they will cover topics such as Law and Pain Management for Continuing Education credits, as well as sharing information on the prescription drug monitoring program. Paige shared that the 18th will be completely devoted to offering Pain Management Continuing Education. Paige, Board staff and the Pain Commission have coordinated to fly Keith MacDonald, a Board Member from the Nevada Board; and Danna Droz the prescription drug monitoring program Director from the Ohio Board to come present at the Lane County event. Board President Marc Watt, Vice President Ann Zweber and Board Member Cathy Lew will be in attendance; as well as staff members Michele Cale, and Judy VanUden. Marc Watt requested that Paige Clark email materials to the Board Members before the meeting so they can be better informed on the topics being presented.

OSPA Spring Continuing Education, March & April

Pharmacist Consultant Paige Clark reported that she will be presenting at two Oregon State Pharmacy Association Continuing Education Events. The first, in March will be with Vice President Ann Zweber; and the second in April will be with Board Member Cathy Lew. More information will be reported at the April Board Meeting.

Research Councils

USP 797

Board Member Cathy Lew, Compliance Director Gary Miner and Project Manager Tony Burt shared that the USP 797 Research Council met in December to finish putting together model rules on sterile compounding and good compounding practices as well as review FDA comments on the model rules. Tony Burt passed out a handout that included six topics that the research council thinks could be headers for rules, position papers, or model rules. The research council will continue to assist the staff with draft rules and position papers. Tony will present draft rules at the April Board Meeting.

Electronic Transmission/Signatures

Project Manager Tony Burt reported that there had been no new meetings since last meeting held in September so there is nothing new to report. Tony shared that he is waiting to hear from hospitals and long term care provider members, and he will bring final report at the June Board Meeting.

Medication Therapy Management Service

Board Member Linda Howrey shared that there is nothing new to report. Linda has had meetings with Jim Thompson from OSPA regarding lab licensing for pharmacists; this would allow pharmacists to request labs for patients.

Position Papers

Vice President Ann Zweber and Board Members Dianna Pimlott and Cathy Lew are working together to draft a position statement on Patient Safety and Medication Errors. In getting started in drafting the new position statement, they had talked about meeting with Dave Widen. The Patient Safety Commission has also put something out that might be of assistance to the Board in drafting the patient safety position papers. The three of them will plan on presenting a draft of the new position statement at the April Board Meeting.

In addition Executive Director Gary Schnabel and Compliance Director Gary Miner have discussed the troubles regarding pharmacists reporting medication errors to the Board. It is becoming difficult being a disciplinary Board for pharmacists to call in, even though the reporting would be anonymous.

MOTION

Motion to enter into Executive Session to continue review and discussion of disciplinary cases was made and unanimously carried. (Motion by Lew, second by Howard)

Motions for Disciplinary Action – See Compliance Notes

GENERAL ADMINISTRATION

Discussion Items

Staff Policy Questions

Compliance Director Miner presented the current rules and practice of licensing for the Nuclear Pharmacists. The Board discussed this issue and asked Compliance Director Miner to research other States and return with a recommendation for licensing requirements. Compliance Director Miner noted that this could be included in the Division 19 update which should be completed by December 2007.

Wal-Mart Kiosk Request

The Board discussed the use of the Wal-Mart Kiosk. Compliance Director Miner noted that some States such as Washington have allowed the use of the Kiosk as a pilot project. The Board directed Compliance Director Miner to meet with the Wal-Mart representatives to develop a pilot project which would include the use of the Kiosk when the pharmacy is open and a 24 hour component. The pilot project will include measurable indicators to monitor the work load of the pharmacist. The pilot project should indicate that the pharmacists have more time to do non-distributive functions.

Oregon Board of Pharmacy Website

Compliance Director Gary Miner reported on the status of posting de-identified compliance cases on the Board's Website. Gary gave the Board Members and the staff present an example of what the cases would look like when posted, and Gary would post cases that are interesting and common cases to show examples of possible disciplinary action. The Board Members had a discussion on how we would identify cases should people call in to get more information on certain cases. It was decided that the cases could be posted by the case number, but that all names and locations would be removed to protect the individual's privacy.

Pain Commission Joint Statement

The Oregon Pain Commission has asked the Board to endorse and support a Joint Statement between them and several other agencies. Board Member Cathy Lew shared that she thought the Joint Statement

would be a good thing for the Board to review, and in turn support. The Board further discussed, and decided to declare their support for the Joint Statement.

MOTION

Motion to declare support of the Pain Commission Joint Statement was made and unanimously carried. (Motion by Lew, second by Howrey).

Council on Naturopathic Physicians Formulary Appointment

Project Manager Tony Burt reported that the Boards two appointments to the Council on Naturopathic Physicians Formulary are up this year. Mike Mockler and Cathy Rakers are both interested in serving again if given the opportunity. The Board discussed and approved them for reappointment to the Council for another term.

MOTION

Motion to re-appoint Mike Mockler and Kathy Rakers to the Council on Naturopathic Physicians Formulary was made and unanimously carried. (Motion by Howard, second by Lew)

POP Chats update

Board President Marc Watt commented on the lack of communication between the public and Board Members. Marc believes it is important to get people from all levels of the pharmacy profession together to communicate the Board's values and where we are coming from philosophically. Marc suggested planning a mid-day meeting, on either March 13 or 14 at the OSPA offices, and possibly planning a second meeting in June. Marc shared that the Board Members have had meetings like this in the past, but have not had any recently. Now called Practice of Pharmacy (POP) Roundtables.

E-Prescribing

Discussion moved to April Board Meeting.

Budget Report

See Administrative Director's Report.

Accounting & Budget Update

See Administrative Director's Report.

Legislation

Prescription Drug Monitoring Program/Grant (2007 SB 34)

Pharmacist Consultant Paige Clark passed around packet of information regarding the Prescription Drug Monitoring Program (PDMP), and gave an update on the status of Senate Bill 34. Paige reported that the bill is moving forward rapidly. Paige shared that many newspapers around the state are reporting on the status of SB 34. Board President Marc Watt questioned how the Board Members and staff are responding to questions on how the program will run, when we don't actually know how or even if the Legislature will allow us to implement the legislation. Marc suggested that we be clear when speaking about how the program will run, to mention that we are just modeling our program on how other states run their program. Paige Clark shared that SB 34 was the main subject on the Lars Larson show, as well as that Kathy Hahn from the Pain Commission and Senator Morrisette reported on SB 34 on a radio show on Air America.

2007 SB 200

Administrative Director Karen MacLean reported that SB 200 has had one hearing so far. There were a lot of questions from Senator George, who is worried about the Board of Pharmacy increasing civil penalties, because of other Boards that have given exorbitant civil penalties to their licensees. Jim Thompson is doing a wonderful job of answering Senator George's concerns, and ensuring that this is

not the Board of Pharmacy's intentions. The Bill has had its second reading in the Senate, and once the Bill has its third reading it will be voted on and will go to the House for review.

Agency Bill Tracking

Project Manager Tony Burtt gave an update on bills that the agency is tracking. With the exception of the agencies bills, Tony is tracking 42 other bills. These bills are regarding topics like rural health, changing criteria on how investigations are conducted, notifying licensees, and naturopathy for example. Tony shared that if Board Members hear about any issues that might be of interest to let Tony know, and he will track those as well, and share the findings with the Board.

Legislative Concept 2585

Tony Burtt shared information on one of the bills that he has been tracking that has to do with how Boards will do preliminary investigations on licensees. If this bill passes the investigators will have to give notice to that individual that the Board will be investigating them. Tony shared that the concept is costly, not timely with consideration to length of investigations, and not effective.

Lifespan House Bill 2188

See Board Member Linda Howrey's report.

Open Forum

Oregon State University's School of Pharmacy sponsored a lunch for the Board Members and staff with the schools faculty which the Board attended at the completion of Board business.

MOTION

Motion to adjourn at 12:00 was made and unanimously carried. (Motion by Lew, second by Howard)

Minutes Approved By:



BOARD COMPLIANCE MINUTES

February 6, 2007 - Salbasteon Suites Hotel Columbia Room
February 7, 2007 – Oregon State University Conference Room
Marcus Watt, RPh. Presiding

An Executive Session of the Board to discuss Compliance was held on February 6, 2007 in the Columbia Room at the Salbasteon Suites Hotel and on February 7, 2007 in the College of Pharmacy Building Conference Room 213 at Oregon State University.

February 6, 2007

Board Members present: Bernie Foster, Lee Howard, Linda Howrey, R.Ph., Cathryn Lew, R.Ph. (arrived at 10:30 a.m.), Dianna Pimlott, R.Ph. and Marc Watt, R.Ph. Staff present: Executive Director Gary Schnabel, Administrative Director Karen MacLean, Project Manager Tony Burtt, Consultant Pharmacist Paige Clark, Compliance Director Gary Miner, Board Investigators Joe Ball, Michele Cale and Judy Van Uden, Administrative Secretary Jennifer Hess and Compliance Secretary Annette Gearhart. Board Counsel Thomas Cowan also present.

Board Members absent: Ann Zweber, R.Ph..

February 7, 2007

Board Members present: Bernie Foster, Lee Howard, Linda Howrey, R.Ph., Cathryn Lew, R.Ph. and Marc Watt, R.Ph. Staff present: Administrative Director Karen MacLean, Project Manager Tony Burtt, Consultant Pharmacist Paige Clark, Compliance Director Gary Miner, Board Investigators Joe Ball, Michele Cale and Judy Van Uden, Administrative Secretary Jennifer Hess and Compliance Secretary Annette Gearhart. Board Counsel Thomas Cowan also present.

Board Members absent: Ann Zweber, R.Ph. and Dianna Pimlott, R.Ph..
Staff Absent: Executive Director Gary Schnabel.

Working lunch held both days.

February 6, 2007 Motion

Cases: 2006-0319 and 2006-0320

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* in lieu of civil penalty, submit policy and procedures acceptable to the Board on how they handle procurement and storage of chemicals, and how they check on the potency of their raw chemicals was unanimously accepted with Cathryn Lew abstaining due to conflict of interest. (Motion by: Linda Howrey; Seconded by: Lee Howard)

February 7, 2007 Motions

Case: 2006-0624

Motion to deny petition to reinstate pharmacist license was unanimously passed. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0378

Motion to have pharmacy stop practice of pre-filling prescriptions immediately and to report within 15 days was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Cases: 2006-0376 and 2007-0023

Motion to reject Quality Assurance Plan as presented, have them submit a revised policy and procedure plan incorporating and addressing additional concerns unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0001

Motion to deny request for reinstatement of pharmacist license unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0629

Motion to revoke pharmacist's license was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0617

Motion to impose \$20,000 civil penalty against individual; and in

Case: 2007-0022: impose \$20,000 civil penalty against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0442

Motion to revoke technician license unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0563

Motion to deny pharmacist license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0512

Motion to revoke technician license and issue letter of notification to pharmacy unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0648

Motion to revoke technician's license; issue Letter of notification to PIC and CC pharmacy was unanimously accepted with Marcus Watt abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0639

Motion to revoke technician license; issue Letter of notification to pharmacy unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0388

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0627

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0644

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0543

Motion to suspend technician license unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0400

Motion to suspend pharmacist license and issue Letter of Concern to pharmacy unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0014

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0002

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0631

Motion to deny technician license application unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0565

Motion to impose \$20,000 Civil Penalty against pharmacist unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0196

Motion to impose \$1,000 civil penalty per violation against pharmacy, issue Letter of Concern to PIC was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0288

Motion to impose \$1,000 Civil Penalty against outlet and issue Letter of Concern to PIC; and in Case: 2006-0599 to impose \$1,000 Civil Penalty against technician unanimously accepted. (Motion

by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0600

Motion to impose \$1,000 civil penalty per violation against pharmacist, Letter of Concern to PIC and CC: Letter of Concern to pharmacy unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0488

Motion to issue \$1,000 Civil Penalty against outlet; and in

Case: 2006-0588 Motion to issue \$1,000 Civil Penalty against technician was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0411

Motion to impose \$5,000 civil penalty and 5 year probation against pharmacy; and in

Case: 2007-0011 impose \$1,000 civil penalty against Pharmacist-in-Charge unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0531

Motion to impose \$21,000 civil penalty against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0314

Motion to impose \$1,000 civil penalty per violation against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0256

Motion to impose \$1,000 civil penalty per violation against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0260

Motion to impose \$1,000 civil penalty per violation against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0418

Motion to impose \$1,000 civil penalty per violation against outlet unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0255

Motion to impose \$1,000 civil penalty per violation against outlet was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0254

Motion to impose \$1,000 civil penalty per violation against outlet; and in Case 2006-0406, to close case with no discipline was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0628

Motion to impose \$3,000 civil penalty against outlet was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0447

Motion to impose \$1,000 civil penalty per violation against outlet was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0595

Motion to issue Letter of Concern to technician and CC: PIC and pharmacist; and in Case: 2006-0505 issue Letter of Concern to pharmacy was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0596

Motion to issue Letter of Concern to technician and CC: PIC and pharmacist; and in 2006-0506 issue Letter of Concern to pharmacy was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0641

Motion to impose \$1,000 Civil Penalty per violation against pharmacist; *or* earn 3 hours of CE in lieu of civil penalty and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0484

Motion to impose \$1,000 Civil Penalty against pharmacy; and in Case: 2007-0013 to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes; and issue Letter of Concern to PIC was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0410

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0511

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0578

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to District Manager and CC: pharmacy was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0567

Motion to impose \$300 Civil Penalty against technician; *or* earn 3 hours of CE within 60 days in lieu of civil penalty. CE is to be in the area of patient confidentiality and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0645

Motion to close under investigation was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0643

Motion to deny request to appear before Board to petition for reinstatement was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0325

Motion to close with no discipline was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0513

Motion to place on probation with probation to extend through pharmacy internship was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2006-0407

Motion to close with no discipline was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0016

Motion to Letter of Concern to preceptor was unanimously accepted with Marcus Watt abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0017

Motion to Letter of Concern to preceptor was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2007-0018

Motion to Letter of Concern to preceptor was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Case: 2005-0440

Motion to close case with no discipline was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Motion to authorize staff to issue NPDA to suspend pharmacist license if MPJE not taken and passed within 120 days in CE audit cases was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

Motion to accept grid as printed of prior authorizations to staff with the current additions (1) Preceptor license not current: issue Letter of Concern and (2) Unregistered Wholesaler: issue \$1,000 civil penalty per violation was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

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 was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Lee Howard).

WARNING NOTICES:

Cases: 2006-0242, 2006-0274, 2006-0417, 2006-0419, 2006-0437, 2006-0477, 2006-0483, 2006-0491, 2006-0498, 2006-0499, 2006-0502, 2006-0503, 2006-0516, 2006-0517, 2006-0518, 2006-0519, 2006-0520, 2006-0526, 2006-0535, 2006-0537, 2006-0538, 2006-0539, 2006-0540, 2006-0551, 2006-0558, 2006-0559, 2006-0560, 2006-0569, 2006-0571, 2006-0572, 2006-0573, 2006-0574, 2006-0579, 2006-0580, 2006-0583, 2006-0584, 2006-0585, 2006-0586, 2006-0587, 2006-0589, 2006-0592, 2006-0593, 2006-0594, 2006-0603, 2006-0604, 2006-0607, 2006-0618, 2006-0635, 2006-0636.

LETTERS OF CONCERN CASES:

Case: 2006-0138 Letter of Concern to outlet.
Case: 2006-0328 Letter of Concern to outlet.
Case: 2006-0612 Letter of Concern to outlet.
Case: 2006-0598 Letter of Concern to pharmacist, CC: pharmacy.
Case: 2006-0575 Letter of No Violation to Pharmacist-in-Charge.

UNABLE TO SUBSTANTIATE:

Cases: 2006-0384, 2006-0507, 2006-0524, 2006-0435, 2006-0486, 2006-0556, 2006-0576 and 2006-0577.

NO VIOLATION:

Cases: 2006-0261, 2006-0321, 2006-0389, 2006-0391, 2006-0449, 2006-0468, 2006-0475, 2006-0485, 2006-0490, 2006-0514, 2006-0542, 2006-0554, 2006-0555, 2006-0566, 2006-0568, 2006-0591, 2006-0597 and 2006-0647.

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 8/8/2006, the following applicants and licensees have been issued CE in lieu of discipline letters:

Cases: 2006-0561, 2006-0562, 2006-0582, 2006-0625 and 2007-0015.

“PRODUCT IDENTIFICATION LABEL” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 6/10/2003 and amended on 10/11/2005, [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 proposed orders have been issued:

Case: 2006-0581.

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 9, 2005 and confirmed on October 11, 2005, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-041-0020(1)(f) for three years when PIC Self Inspection Form not completed or not available as required] the following notices with proposed orders have been issued:

Cases: 2006-0536 and 2006-0557.

UPDATES / Informational Only, no action:

Listing of Open Cases – Under Investigation and Cases – Closed Under Investigation.

NEXT BOARD MEETING:

April 17, 2007 – Portland