

## **BOARD MEETING MINUTES**

**Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
January 26-27, 2010**

### **TUESDAY, JANUARY 26, 2010**

The Board met at 8:30 AM and traveled to OHSU Pacific Oncology in Beaverton for a tour and presentation. This portion of the meeting was open to the public. The Board returned to the office at 12:30 PM to continue the meeting. The OHSU Pacific Oncology address is: 15700 SW Greystone Ct. Beaverton, OR 97006

#### **OPEN SESSION, Linda Howrey, R.Ph. Presiding**

The following Board Members were present:

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

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

|  |  |
|--|--|
| Gary Schnabel, Executive Director      | Michele Cale, Inspector                |
| Karen MacLean, Administrative Director | Jennifer, Zanon, Inspector             |
| Gary Miner, Compliance Director        | Meg Aulerich, Inspector                |
| Joe Ball, Chief Investigator           | Katie Baldwin, Inspector               |
| Gregg Hyman, Inspector                 | Annette Gearhart, Compliance Secretary |
| Pam Aldersebaes, PRN Assistant         | Kim Whitson, Compliance Assistant      |
| Tony Burt, Project Manager             | Ed Schneider, PRN Director             |
| Paige Clark, Pharmacist Consultant     | Chrisy Hennigan, Office Manager        |

Thomas Cowan, Board Counsel

---

Agenda Review and Approval

#### **MOTION**

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

---

## Approve Consent Agenda\*

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

1. NAPLEX Scores (none)
2. MPJE Scores (none)
3. Executive Director Report
4. Pharmacist Consultant Report
5. Project Manager Report
6. PRN Director Report
7. License/Registration Ratification (December 12, 2009-January 22, 2010)
8. NABP Memos

### **MOTION**

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

---

**Motion to enter Executive Session at 12:30 PM was made and unanimously carried (Motion by Foster, second by Howard).**

Items for Consideration and Discussion:

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

### **MOTION**

**Motion to resume Open Session at 5:05 PM was made and unanimously carried (Motion by Foster, second by Cartier).**

---

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

### **MOTION**

**Motion to adjourn at 5:16 PM was made and unanimously carried (Motion by Cartier, second by Wells).**

---

## **WEDNESDAY, JANUARY 27, 2010**

**OPEN SESSION, Linda Howrey, R.Ph. Presiding**

The following Board Members were present:

Linda Howrey, President  
Dianna Pimlott, Vice President  
Larry Cartier

Ken Wells  
Ann Zweber  
Lee Howard  
Bernie Foster

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

|  |  |
|--|--|
| Gary Schnabel, Executive Director      | Michele Cale, Inspector                |
| Karen MacLean, Administrative Director | Jennifer, Zanon, Inspector             |
| Gary Miner, Compliance Director        | Meg Aulerich, Inspector                |
| Joe Ball, Chief Investigator           | Katie Baldwin, Inspector               |
| Gregg Hyman, Inspector                 | Annette Gearhart, Compliance Secretary |
| Pam Aldersebaes, PRN Assistant         | Kim Whitson, Compliance Assistant      |
| Tony Burt, Project Manager             | Ed Schneider, PRN Director             |
| Paige Clark, Pharmacist Consultant     | Chrisy Hennigan, Office Manager        |

Thomas Cowan, Board Counsel

---

## **ISSUES/ACTIVITIES**

Reports:

Board President/Members

President Linda Howrey continues to attend the IPAT (Immunization Practice Advisory Team) meetings. H1N1 issues are slowing down and will return to their normal meeting schedule. She also attended Senator Wyden's press conference regarding possible federal proposed legislation on pseudoephedrine and the Martin Luther King Breakfast.

Ken Wells attended the Professional Practice Roundtable (PPR), the Pharmacy Coalition meeting and also attended Senator Wyden's press conference.

Ann Zweber attended the January Interim House Health Committee meeting, the PPR and the Medication Errors Sub Committee.

Larry Cartier attended the PPR, the Pharmacy Coalition meeting and also attended Senator Wyden's press conference. The Coalition is considering legislation about collaborative practice. The PPR discussed an interest in multiple year licensure, online renewals and more participation at rulemaking hearings.

Dianna Pimlott, Lee Howard and Bernie Foster had nothing to report.

Compliance Director Gary Miner reported on continued attendance at the PIC Classes. In 2009, 98% of all pharmacies were inspected. Over the last two years, all pharmacies have been inspected, some more than once in addition to other types of outlets.

Board Counsel – nothing to report

Administrative Director Karen MacLean reported that Office Manager Chrisy Hennigan continues to work with the agency's IT Consultant Grant Moyle on getting the Board Actions on the website. This is expected to be completed by weeks end. Grant also established an online

law test which will create a number of efficiencies including the ability to: have a tool that will not require staff to grade the exam by hand, nor send an e-mail to every individual with their results. Stakeholders will be able to take the exam and know immediately if they passed or not and be able to print a certification of completion for their records upon passage.

Karen and Chrisy participated in an online seminar for “i-link” which is an alternative to a webinar, only more interactive. They will continue to evaluate this technology with Grant.

As social networking continues to grow as a method of communication, Oregon.gov has added a link for Facebook. The State continues to evaluate the plethora of issues to consider as policies and procedures are being compiled. While use of these tools may be relevant, they are public records and all agencies are asked to evaluate how they can be used effectively prior to implementation.

The agency continues to absorb the financial impact of the Department of Administrative Services reductions and staff is gearing up for the 2011-13 budget preparations.

Karen also attended the recent Legislative Fiscal Office’s (LFO) training for the preparation of fiscal impact statements in preparation for the 2010 Special Session. Due to the very short timelines, LFO has revised some of their processes and an update was necessary.

---

#### Board Meeting Dates 2010

- February 23, 2010 Portland
- March 9 - 10, 2010 Portland Strategic Planning
- April 6 - 7, 2010 Portland
- June 15 - 16, 2010 Portland
- August 3 - 4, 2010 Portland
- October 12 - 13, 2010 Portland
- December 14 -15, 2010 Portland

#### Dates for Rulemaking Hearings

- March 25, 2010 Portland
- May 18, 2010 Portland
- November 16, 2010 Portland added

#### 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

The Board discussed adding an additional date for a potential rulemaking hearing in the Fall and reviewed proposed meeting dates for 2011.

## **MOTION**

**Motion to approve proposed meeting dates for 2011 was made and unanimously carried (Motion by Foster, second by Cartier).**

---

### Committees/Meetings

#### NABP Meetings

Executive Director Gary Schnabel reported on the meetings he recently attended as President of NABP. At the 2009 District meeting, NABP District 7 appointed Ann Zweber to participate on the Resolutions Committee at the 2010 Annual meeting and will provide a \$500 stipend to defray costs for this service. The Board discussed this opportunity and approved Ann's attendance and the other expenses required. As previously approved, Linda Howrey will also attend. Linda will be designated at the Board's voting delegate at the meeting; Ann will serve as her alternate, if needed.

#### Interim House Health Committee 1/13/09

Pharmacist Consultant Paige Clark and Members Ann Zweber and Ken Wells reported on their appearance at this meeting. The Committee requested an update on the progress for drafting Charitable Pharmacy rules (2009 HB 2535). Drafting is in progress and the Board anticipates reviewing draft proposed rules at the April meeting.

#### Research Councils

Ann Zweber reported that the Medication Error / Patient Safety Council will provide the Board a final report at the April meeting. The Sub-Committee will be presenting at the OSPA Lane County Meeting.

---

## **GENERAL ADMINISTRATION**

### Discussion Items

#### Staff Policy Questions

Compliance Director Gary Miner presented a suggestion by a constituent to make the PIC self-inspection report optional, not required by rule. The licensee considers completion of the report a function of the Inspectors, not the PIC. The Board discussed why they implemented this tool to begin with, which was to educate and encourage self compliance. They believe it continues to be an educational tool, especially with all of the new rules being adopted and still serves as a useful tool for self compliance and a starting point for the Inspectors inspections. The Board agreed to make no change in the current rule requiring the PIC Self-Inspection report.

---

#### Impaired Health Professionals Program (IHPP) update

Executive Director Gary Schnabel, Compliance Director Gary Miner and PRN Director Ed Schneider facilitated a lengthy discussion about the transition for Pharmacist Recovery Network (PRN). They presented an update on the progress of DHS to implement an IHPP. Unfortunately, there continues to be a lot of unanswered questions. One of the biggest unanswered questions continues to be the potential cost of the IHPP program. This may impact the Board's decision to participate or not. The Board can not assess a fee for participants to pay for the IHPP. There was some discussion about a possible civil penalty. Staff will consult with Board Counsel on this issue. There was also discussion about staffing resources.

Gary Miner presented a diagram of how staff envisions the transition of participants might be contemplated. This includes criteria for sending individuals to the IHPP or some version of keeping them on Probationary status within the Board's Compliance program. They reviewed statistics relating to current PRN participants and discussed dependency vs. abuse. Those who are dependent may need to be a part of the IHPP. Those who are not dependent and for whom treatment is not indicated could be disciplined with conditions of probation and monitored by compliance staff.

Several Board members expressed an interest in opting in to the IHPP. Others were concerned about the financial impact pending Counsel's advice on the civil penalty option. There was also discussion about administrative rules that would be needed pursuant to 2009HB 2345, it will likely be necessary to adopt a temporary rule in June once more information is available.

The Board deferred their decision to opt into the IHPP until a later meeting.

---

---

Out of State Licensure update – not discussed

---

---

#### Legislative Concept Proposals for 2011 Session

Executive Director Gary Schnabel presented a variety of concepts that have been discussed by staff to potentially consider at the 2011 Session. They include: increasing maximums for selected fees, specifically other drug outlets such as wholesalers, manufacturers and potentially a few other categories; an adjustment to the qualifications for licensure; re-defining the term drug rooms; and adding cease and desist language. Gary discussed whether or not these are OBOP issues or really professional considerations that should be carried by the associations.

The Board directed staff to draft concepts for items for review at the February 23, 2010 meeting.

---

---

#### **MOTION**

**Motion to approve the December 14-15, 2009 minutes as revised was made (Motion by Howard, Second by Cartier).**

---

---

Lisa Millet, DHS, PDMP Program Manager appeared to report on the progress of their development of the Prescription Drug Monitoring Program. They have established a project steering committee for IT, and are identifying critical components that need to be in place to ensure that the legislation is implemented correctly. They are most concerned with the quality and security of the system. They are working with key individuals at DHS and the State Procurement Office to issue a request for proposal (RFP) soon. They are working on the legal and IT issues in regards to the RFP to determine whether or not to contract with another state that has a similar program. They expect to implement the system by June 30<sup>th</sup> in order to "go live" by the end of 2010. As required, they will report back to the Legislative Ways and Means Committee at the February Special Session to follow up on requirements requested by the LFO. LFO wants to ensure that this IT project does not fail.

Program Staff have had an orientation for the Advisory Committee (AC), providing them an overview of how the program will work. Statutes give the AC responsibilities to: annually review a report on the program, study implementation issues and develop criteria to evaluate the

program. Questions about the program can be directed to Lisa. The Board thanked Lisa for her report and look forward to seeing the program developed and implemented.

---

---

## Rulemaking

Project Manager Tony Burtt provided an overview of the Rulemaking Hearing Report and discussed public comments. There was minimal public input at the hearing for rules in Divisions 041 and 043 related to Expedited Partner Therapy.

### **MOTION**

**Motion to adopt rules relating to Expedited Partner Therapy as revised in OAR 855, Divisions 041 and 043 was made and unanimously carried (Motion by Wells, second by Cartier).**

### Division 110 – Fees

This rule was carried over from the December meeting, pending completion of the Schedule of Administrative Fees. The Board discussed the rule revisions, why staff proposed changes and the proposed Schedule of Administrative Fees.

### **MOTION**

**Motion to adopt rule OAR 855-110-0015 relating to Administrative Fees and adopt the Schedule of Administrative Fees was made (Motion by Pimlott, second by Wells, supported by Howard, Zweber and Howrey; Foster abstained, Cartier opposed).**

---

---

The Board reviewed the latest draft rules for Division 041- Hospitals, Division 031- Interns and Division 019- Pharmacists (as related to licensure requirements) and directed staff to send revised proposed rules to a rulemaking hearing. Dianna Pimlott thanked those who participated in the development of the Hospital rules, this was no small task.

### **MOTION**

**Motion to send proposed rules for OAR 855 Divisions 041, 031 and 019 as revised to a March 25<sup>th</sup> rulemaking hearing was made and unanimously carried (Motion by Howard, second by Wells).**

---

---

## Future Rulemaking

Pharmacist Consultant Paige Clark and Compliance Director Gary Miner provided an update on the development of the Charitable Pharmacy draft rules. Hospice is very interested in this topic and has provided some helpful input. They will have more of a report at the February meeting.

Administrative Director Karen MacLean reported on rules needed for the Workforce Data Collection Fee. At this time, LFO is now not recommending increased limitation at Feb 2010 Session as previously stated. This will need to be done at an e-board later. The Office of Health Policy Research (OHPR) has adopted rules to charge \$5.00 per licensee (pharmacists and techs), per biennium (every 2 years). The Board needs to implement the fee in order to pay the bill for data analysis as required by HB 2009. Staff recommends establishing the \$5.00 fee effective July 1, 2010. That way it can be collected for Technicians this Fall and Pharmacists next Spring 2011. Karen and Office Manager Chrisy Hennigan continue to work with OHPR to develop the survey required to capture this data which is expected to be electronic.

## Rescheduling Controlled Substances Update

Executive Director Gary Schnabel and Pharmacist Consultant Paige Clark briefly reported on a packet of materials that was handed out on research that Paige facilitated. Staff will need guidance on which Schedule to draft rules for marijuana by the Feb 23<sup>rd</sup> Board meeting in order to draft rules for consideration and send them to rulemaking hearing at the April meeting.

---

## Financial Report – *MacLean*

Administrative Director Karen MacLean reported on expenditure trends for this biennium so far. Through November, the agency is right on target. There is a potential for financial impact from the upcoming February Special Session. Legislation that may impact the agency fiscally includes:

- SB 1014 Board members would not get per diem for teleconferences;
- SB 1035 Directs agencies to report on how they will reduce from LAB for this biennium (for OBOP, 19%);
- SB 1037 Directs all agencies to report to Leg and E-Board on all programs and how they are funded;
- SB 1051 Sweeps agencies ending balances to a new reserve fund;
- SB 1056 Directs a 6-year review of all agencies including all sources of income and fees etc.

These are not bills the agency can take a position on as they will impact all agencies or boards throughout the state. The Pharmacy Coalition should be advised and Karen can assist if they need financial information. Karen will have an update at the February Board meeting on progression of these bills if possible.

---

## Strategic Planning

Administrative Director Karen MacLean reported on possible items for consideration at the Board's March Strategic Planning session including: Legislative Concepts, 20011-13 Budget Preparation and considerations for Multiple year licensure, Online renewals, Board Best Practices Performance Measures, the Board's role with professional associations, the legislative Impaired Professional Program and closure of the Board's PRN (Pharmacy Recovery Network) program by 6/30/2010, an update, unsafe practices/working environments, Board Member/Compliance Staff Philosophy re: Delegation to Staff Grid, a 2 year review of the Strategic Plan and potential impact from the February Session.

Board Members requested that staff plan for a robust discussion on the budget and potential for fee increases. Based on input, staff will prepare materials for discussion. Project Manager Tony Burt will facilitate the meeting.

---

## Topics for future discussion

President Linda Howrey reviewed the following topics for future discussion and Online Pharmacies was added to the list.

- Rules generally
- Technician Training Programs
- Continuing Education
- Technician Validation Program

Office Manager Chrisy Hennigan provided the Board with a demo of the newly updated license verification/licensee look up link for the Board's website. Staff have scanned and attached Final Board Actions and the corresponding Notice of Proposed Disciplinary Action for cases dated 2007 to present. Staff will continue adding current cases upon final disposition. This will facilitate efficiencies and further transparency. The site will be fully operative by the end of the week. The Board thanked Chrisy for the demo.

**OPEN FORUM** - President Howrey opened the floor and there were no comments.

### Adjourn

### MOTION

**Motion to adjourn at 2:40 PM was made and unanimously carried (Motion by Cartier, second by Wells).**

Minutes accepted by:



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

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

|                           |
|---------------------------|
| <b>COMPLIANCE MINUTES</b> |
|---------------------------|

An Executive Session of the Board to discuss Compliance was held on January 26, 2010 at 800 NE Oregon Street Conference Room 1A in Portland.

Board Members present for all or part of compliance session:

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

Staff present for all or part of compliance session:

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

**Case 2008-0360**

Motion to accept language in Amended Proposed Order and issue a Final Order of Revocation.  
Motion by: Ken Wells; seconded by: Bernie Foster. Motion was unanimously accepted.

**Case 2009-0659**

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

**Case 2009-0655**

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

**Case 2009-0598**

Motion to impose \$10,000 civil penalty per violation against unlicensed outlet; and in

**Case 2009-0670**

Motion to refer case to Naturopathic Board against unlicensed individual.

Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

**Case 2009-0167**

Motion to impose \$10,000 civil penalty against pharmacy.

Motion by: Dianna Pimlott; seconded by: Bernie Foster. Motion was unanimously accepted with Ken Wells abstaining due to conflict of interest.

**Case 2009-0634**

Motion to impose \$1,000 Civil Penalty per violation and earn 3 hours of health literacy CE; and in

**Case 2009-0656**

Motion to impose \$500 civil penalty or earn 3 hours of CE in medication error prevention in lieu of discipline; and in

**Case 2009-0671**

Motion to issue strong letter of concern to PIC; and

**Case 2009-0672**

Motion to issue strong letter of concern to outlet.

Motion by: Ken Wells; seconded by: Ann Zweber. Motion was unanimously accepted.

**Case 2009-0462**

Motion to impose \$5,000 Civil Penalty per violation against outlet; and in

**Case 2009-0639**

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

**Case 2009-0640**

Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes.

Letter of Concern to PIC and CC: pharmacy.

Motion by: Dianna Pimlott; seconded by: Ann Zweber. Motion was unanimously accepted.

**Case 2009-0635**

Motion to impose \$1,000 Civil Penalty per violation and earn 3 hours of CE in error prevention against pharmacist; and in

**Case 2009-0647**

Motion to impose \$500 Civil Penalty or earn 3 hours of CE in error prevention in lieu of discipline against technician.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

**Case 2009-0504**

Motion to impose \$5,000 civil penalty per violation against outlet; and in

**Case 2009-0673**

Motion to impose \$1,000 Civil Penalty per violation against pharmacist.  
Motion by: Bernie Foster; seconded by: Lee Howard. Motion was unanimously accepted.

**Case 2009-0545**

Motion to impose \$1,000 Civil Penalty per violation against technician; and in

**Case 2009-0631**

Motion to impose \$5,000 Civil Penalty per violation against drug outlet; and in

**Case 2009-0632**

Motion to impose \$1,000 Civil Penalty per violation against pharmacist.

Motion by: Ken Wells; seconded by: Ann Zweber. Motion was unanimously accepted.

**Case 2009-0544**

Motion to impose \$10,000 Civil Penalty per violation against outlet.

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

**Case 2009-0546**

Motion to impose \$1,000 Civil Penalty per violation against outlet or QA plan in lieu of discipline; and in

**Case 2009-0636**

Motion to impose \$1,000 Civil Penalty per violation against PIC or earn 3 hours additional CE in lieu of discipline; and in

**Case 2009-0637**

Motion to impose \$1,000 Civil Penalty per violation against pharmacist or earn 3 hours additional CE in lieu of discipline.

Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

**Case 2009-0492**

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

**Case 2009-0505**

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

**Case 2009-0645**

Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

**Case 2009-0550**

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in **Case 2009-0627**

Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Ann Zweber and Linda Howrey abstaining due to conflict of interest.

#### **Case 2008-0460**

Motion to amend consent order to change probation sanction regarding independent Pharmacist-in-Charge on site to a minimum of 4 hours per week.

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

#### **Case numbers 2006-0134, 2006-0198, and 2006-0222**

Motion to close under investigation.

Motion by: Ann Zweber; seconded by: Larry Cartier. Motion was unanimously accepted.

#### **Case 2009-0481**

Motion to impose \$10,000 civil penalty per violation against pharmacy and drug outlet.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

#### **Technician CE Audit**

Motion 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.

Motion by: Lee Howard; seconded by: Ken Wells. Motion was unanimously accepted.

#### **Case 2009-0324**

Motion to accept surrender of technician license.

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

#### **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 consent agenda as published.**

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

#### **DEFICIENCY NOTICES:**

**Cases: 2009-0442, 2009-0552, 2009-0586, 2009-0587, 2009-0588, 2009-0589, 2009-0590, 2009-0591, 2009-0604, 2009-0609, 2009-0610, 2009-0611, 2009-0612, 2009-0615, 2009-0616, 2009-0619, 2009-0648, 2009-0650**

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

**Cases: 2009-0549, 2009-0623, 2009-0638, 2009-0654**

#### **NO VIOLATION:**

**Cases: 2009-0496, 2009-0570, 2009-0624**

**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: 2009-0506**

**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: 2009-0663**

**“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: 2009-0602**

**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: 2009-0473, 2009-0474, 2009-0618, 2009-0653**

**“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: 2009-0581**