

BOARD MEETING MINUTES
Oregon State Board of Pharmacy
800 NE Oregon Street, Suite 150
Portland, OR 97232
June 9-10, 2009

Tuesday, June 9, 2009 @ 8:00 AM, Conference Room 1B
Wednesday, June 10, 2009 @ 8:15 AM, Conference Room 1B

TUESDAY, JUNE 9, 2009

Cathryn Lew, Board President, called the meeting to order at 8:00 AM.

Roll Call

The following Board Members were present:

Cathryn Lew, President
Lee Howard, Vice President
Linda Howrey
Dianna Pimlott
Larry Cartier
Bernie Foster
Ann Zweber

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 Inspector	Katie Baldwin, Inspector
Tony Burt, Project Manager	Ed Schneider, PRN Director
Paige Clark, Pharmacist Consultant	Annette Gearhart, Compliance Secretary
Loretta Glenn, Management Secretary	Gregg Hyman, Inspector
Tom Cowan, Board Counsel	Chris Hennigan, Office Manager

MOTION

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

MOTION

Motion to approve the consent agenda and Board Minutes as revised was made and unanimously carried (Motion by Howrey, second by Pimlott).

President Cathryn Lew introduced Rob Bovett, Legal Counsel for the Oregon Narcotics Enforcement Association who was asked to appear to present and update on Meth Lab and Drug Abuse Trends. Rob covered current Oregon, federal and international statistics relating to drug abuse arrests and trends, teens and their attitudes, trends in prescription drug abuse and methadone mortality issues. Oregon continues to rank in the top 10 states of prescription drug abuse for nonmedical use of pain relievers by youth and adults. Rob closed his presentation by asking the question, should the Board consider rescheduling highly abused drugs such as hydrocodone to a more restrictive schedule? Rob thanked the Board for all it has done to address the meth epidemic in Oregon. The rules that have been implemented are just one tool to restrict drug access. The legislatively proposed Prescription

Monitoring Program as well as educational awareness are other tools to be considered if the legislation passes.

President, Cathryn Lew thanked Rob for all of his work on behalf of the Board. This appearance was timely as the Board recently received Fred T. Mahaffee Award from NABP at the Annual meeting in May 2009. Member Bernie Foster travelled to the meeting as a guest of NABP to accept the award on behalf of the Board. The Board received this award in recognition of its exemplary service and dedication to the NABP mission of protecting the public health. In July 2006, Oregon became the first state to adopt a rule requiring prescriptions for all pseudoephedrine products in an attempt to reduce methamphetamines being manufactured and abused across the state. From July 2006 to December 2008, the state saw a 95% reduction in methamphetamine laboratories throughout the state.

MOTION

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

ISSUES/ACTIVITIES

Reports

President Cathryn Lew and Members Larry Cartier, Dianna Pimlott and Ann Zweber will report later in the meeting .

Member Linda Howrey will attend an IPAT meeting this Thursday.

Member Bernie Foster thanked the Board and staff for a card he recently received.

Member Lee Howard had nothing to report.

Board Counsel Tom Cowan reported on research he'd conducted for the Board in relation to the regulation of fluoride and whether or not the Board has jurisdiction. Board Executive Director Gary Schnabel had received a request for the Board to determine whether it should be regulated by the Board of Pharmacy as a prescription drug or a poison and removed from municipal water supplies. After some discussion, the Board concluded they were satisfied with the current EPA oversight and directed staff to respond to the individual.

Compliance Director Gary Miner reported on the compliance sections activities including details about 2009 inspection progress within the budget restrictions this biennium, to date 26% have been completed. Inspections will pick up in the new biennium. Gary also reported on continuing education meetings staff has participated in over the last five months, orientations/trainings for students at OSU and Pacific School/College of Pharmacy. Gary has also been meeting with stakeholders regarding the Division 041 rule re-write proposal which will be discussed further at this meeting. Staff met with Wal-Mart as requested by the Board regarding their pharmacy software and security access. He has also been actively involved with the review of current proposed legislation and was able to recommend a revision to HB 2535 the Charitable Prescription Drug Repository program that would ensure only drugs that are maintained in a safe manner would be eligible for re-dispensing. Finally, he acknowledged and thanked Chief Investigator Joe Ball for attending the recent MPJE exam item writing workshop at NABP on behalf of the Board. Joe wrote 32 new questions for the exam that were approved for review to ensure they are psychometrically sound.

Administrative Director Karen MacLean reported on current subscriptions for the e-newsletter. Over 1200 individuals have signed up. This is up significantly from the last report. Staff continues to encourage all new licensees and students through correspondence, the web-site, professional practice

meetings and CE presentations to subscribe to the e-notice for the electronic newsletter. Karen also reported that she and Office Manager Chrisy Hennigan are continuing to work on evaluating the options for the Board to accept credit cards or electronic payments. Due to State budget cuts, one of the two options may no longer be supported. They will attend a demo later this month to see how these systems work. This is a first step in moving towards online renewals.

Karen reported the web-site for disclosure of compliance case public records will be provided to the Board for review in the next few weeks and approval at the August meeting. The records included are from calendar year 2007 and 2008. Finally, 92% of the pharmacist renewals have been received and most have been processed. A huge number of renewals came in around the May 31st deadline so the staff is a little backlogged, but Licensing Representatives Michael Hunt and Rene Sanders are doing an excellent job working through these and all of the new applications that are coming in, especially new Interns being licensed this month. This is a very busy time with all the new pharmacy grads, new licenses and renewals.

Pharmacist Consultant Paige Clark reiterated information included on her written report relating to the Technician Research Council, Division 041 Revision/Review, OSPA CE Committee update and convention plans, the Professional Practice Roundtable meetings and the Counseling Sub-Committee of Medication Error Reduction Research Council. Paige thanked Peace Health Hospital for providing rooms for the recent Division 041 stakeholder meetings.

PRN Director Ed Schneider provided the Board updated statistics on the Pharmacy Recovery Network (PRN) program. Since the beginning of 2009, there are 15 new clients and there are currently 100 active participants. The Board requested to receive updated data at each Board meeting.

Administrative Director Karen MacLean reviewed the Board meeting dates. The Board decided to meet at 9:00am on July 1, 2009 for a legislative update. There was some discussion about future meetings and possible revisions to the length of each meeting, how often the Board wants to meet, budget considerations and the impact on the staff. Staff will do research and report back in August. It was also identified that the December 1-2, 2009 meeting dates are in conflict for several members. The Board proposed December 15-16, 2009. Staff will see if there are meeting rooms available and report back. Dates for June and December 2010 are also a conflict for some members. Staff will work with Board Members to identify dates and room availability and report back in August.

It was also recommended to move the November 3, 2009 Rulemaking hearing date to November 23, 2009 to facilitate rulemaking drafting and notice this fall.

Finally, the Board discussed the 2010 Strategic Planning meeting and decided to pursue having the meeting in Portland without a contract facilitator in order to save money. Staff will research local options and provide a cost comparison for the Board to review in August.

Board Meeting Dates 2009

- July 1, 2009 Portland - 9:00am conference call
- August 11-12, 2009 Portland
- October 13 -14, 2009 Portland
- December 1 - 2, 2009 Portland – new dates proposed December 15-16

- 2009 Rulemaking Hearing Date
- November 3, 2009 Portland – moved to November 23, 2009

Board Meeting Dates 2010

- January 26 - 27, 2010 Portland
- March 9 - 10, 2010 Portland - Strategic Planning
- April 6 - 7, 2010 Portland
- June 15 - 16, 2010 Portland – dates in conflict

- August 10 - 11, 2010 Portland
- October 12 - 13, 2010 Portland
- December 7 - 8, 2010 Portland – dates in conflict

Committees/Meetings

NABP Meetings

President Cathryn Lew reported on the recent NABP Annual meeting. She was re-appointed to her second three year term on the NABP Executive Committee; she is pleased to be continuing. Cathryn recognized Member Bernie Foster for his acceptance speech for the Fred T. Mahaffey award at the meeting. We were well represented. She also acknowledged Executive Director Gary Schnabel who was installed as the President of NABP for this year; he also did a great job with his speech. Member Bernie Foster stated that Gary and Cathryn represented the Board well and that the Oregon Board is well respected by their peers on a national level.

Cathryn recognizes that there are budget issues and challenges, but pointed out how valuable it is for the Board to participate at District and National meetings. Board Counsel Tom Cowan echoed this particularly because the Board is uniquely situated in its responsibility to license both individuals and facilities. So much of what happens in pharmacy relates at a national level and NABP participation is key for Oregon. The benefits are significant from model rules, exam coordination, networking to information sharing.

Executive Director Gary Schnabel commented on the quality of the continuing education programs. The Oregon Board was highlighted in a program on Ethics in regards to the Board's position statement on Considering Moral and Ethical Objections. Also noted was a national discussion on whether or not Pharmacy Technician trade schools should be accredited; there will be more to come on this issue.

Guest Bill Fitzpatrick was called on and echoed kudos for the Board and Bernie's acceptance speech commenting that Oregon always comes up as a model state and the Board should be proud. His experience is the staff is very cooperative; they agree to disagree and we should keep the momentum going. Bill also thanked Cathryn for her years of service.

Finally, all of the Resolutions passed except the requirement for an ethics course, three task forces will be established: Electronic Prescribing Software Standards and Data Storage, Pharmacy Technician Education and Training Programs, Prescription Monitoring Program Standards and the two standing committees: Committee on Law Enforcement and Legislation and the Committee on Constitution and Bylaws will continue.

Professional Practice Roundtable Meeting

Member Larry Cartier and Pharmacist Consultant Paige Clark reported on the last meetings. Primary topics included the PIC self-inspection report, continuing education requirements and research council activities.

ACPE Site Visit for Pacific University

Executive Director Gary Schnabel reported on his participation in the recent ACPE visit for Pacific University's final full accreditation review.

OSPA CE

President Cathryn Lew, Member Larry Cartier and Pharmacist Consultant Paige Clark reported on their participation at the OSPA Spring CE Day meetings 2/21/09 and 3/8/09. There has been a great response to the Board's presentation. Positive feedback was received to have a PIC Training class at the upcoming meetings.

PSOP CE

Member Larry Cartier and Pharmacy Inspector Gregg Hyman presented at the May 6, 2009 meeting.

Human Services Committee Informational Meeting

Member Ann Zweber attended the May 20, 2009 meeting. Three invited representatives from The Netherlands gave a presentation on their very controlled environment for Medical Marijuana. This includes everything from grow sites, distribution studies and affordable prescriptions covered by insurance. Based on the discussion, it appears that Oregon Legislators may be interested in exploring similar options. Ann plans to follow any legislative action during the interim and will share her materials from the hearing.

Research Councils

Medication Safety & Error Sub-Committees

Members Ann Zweber, Dianna Pimlott and Pharmacist Consultant Paige Clark reported on recent activities of the sub-committee on Counseling. They shared eight points of recommendation included were to encourage education through the Oregon Patient Safety Commission, a new emphasis on counseling, patient education pamphlets focused on counseling and a recommendation to have mandatory CE on medication error reduction among others. Staff was asked to review past cases with medication errors to see if more effective medication counseling would have prevented some errors from occurring. It was suggested to check with NABP about doing a national survey about how other states deal with this issue.

Ann indicated that work is still ongoing and asked whether current Council Chair Cathryn Lew could continue to serve even though she is going off the Board. The Board approved.

Member Dianna Pimlott reported that the Hospital sub-committee is now inactive. Most of the issues will be covered through the Administrative Rule Division 041, Hospital rewrite.

Technician Training, CE & Duties

Members Linda Howrey and Larry Cartier along with Pharmacist Consultant Paige Clark reported the Council is moving forward and they plan to have a final report for the Board in August.

GENERAL ADMINISTRATION

ANNUAL BOARD BUSINESS MEETING

President Cathryn Lew opened the Board's Annual Business meeting by welcoming several visiting Pharmacy Interns and asking them to introduce themselves. Election of New Officers
Member Lee Howard nominated Linda Howrey for President. Hearing no further nominations, the Board voted and unanimously agreed. Linda Howrey will be the new 2009-2010 Board President.

Member Bernie Foster nominated Dianna Pimlott for Vice President, Linda seconded the motion. Nominations closed. The Board voted and unanimously agreed. Dianna Pimlott will be the new 2009-2010 Board Vice President.

Approval of ACPE accredited schools & colleges of pharmacy and Approval of ACPE Continuing Education Process

MOTION

Motion to approve the list of ACPE accredited schools & colleges of pharmacy along with the current ACPE Continuing Education Process was made and unanimously carried (Motion by Howrey, second by Cartier).

Update on Board appointments

Executive Director Schnabel reported that Pharmacist Kenneth Wells from Eugene has been appointed by the Governor's office to replace Cathryn Lew whose term expires June 30, 2009. Ken's experience includes 25 years with Payless and 12 years with Safeway. A Senate Confirmation hearing will be held later this month to finalize his appointment. His term will begin July 1, 2009. President Cathryn Lew congratulated Ken and thanked him for his work on the OSPA Board and recent legislative activities.

Review and appointment of PRN Council members

MOTION

Motion to reappoint Grier Cundill, Jerry Sachtjen and Robert Hagen to the PRN Council for two years was made and unanimously carried (Motion by Cartier, second by Pimlott).

Review and Committee/Council appointments

MOTION

Motion to reappoint Mike Mockler and Cathy Rakers to the Council on Naturopathic Physicians Formulary for two years was made and unanimously carried (Motion by Howrey, second by Cartier).

The Board discussed the need to appoint a qualified pharmacist to the legislatively required work group on prescriptive authority for certain psychologists. Ann Hamer RPh was recommended. Staff will follow up.

It was suggested that we communicated with the profession and with other interested parties that these council, commission and board positions do exist and individuals can express an interest. Staff will follow up.

Approve current version of Fed. List of Controlled Substances

MOTION

Motion to approve the current version of Fed. List of Controlled Substances was made and unanimously carried (Motion by Howrey, second by Pimlott).

Administrative Procedures Act - no action necessary this year

Delegation of Board Authority update

MOTION

Motion to reapprove the Delegation of Board Authority to Staff was made and unanimously carried (Motion by Zweber, second by Howrey).

Recognition of outgoing Board Member, Cathryn Lew

Vice President Lee Howard presented outgoing Member Cathryn Lew an engraved plaque and gavel in appreciation and recognition of her eight years of service on the Board. Cathryn thanked the Board and commented it was an honor to serve. She now sees participation on the Board as a moment in time when you are so connected to the profession in a very different way. She believes she got so much more than she ever gave and will miss the meetings and connecting with Board Members.

Cathryn also acknowledged Pharmacist Mary Beth and Roger Basset who were present, for supporting her time on the Board.

Discussion Items

Staff Policy Questions

Compliance Director Gary Miner summarized a recent complaint regarding a certain corporation's change to pharmacist hours and 12 hour shift requirements, patient safety and reductions in staffing. The Board reaffirmed its expectation stated in the November 2001 Newsletter that pharmacists work safely. This is an employer/employee issue. This particular chain has not had an increase in medication error complaints, nor any violations since the new schedule was implemented. It is the responsibility of both the pharmacist and pharmacy to make patient safety the first priority and not compromise. It is difficult for the Board to make a blanket requirement for all practice settings. Staff will restate this issue in the next Newsletter with an emphasis that if an environment is unsafe, it should be reported to the Board.

OHSU Pilot Project updates

Compliance Director Gary Miner and Pharmacy Inspector Jennifer Zanon presented an update on the OSHU Pilot Project. Jennifer recently inspected the facility and noted it was well controlled and far safer than what was prior to OSHU taking over. OHSU will have three pharmacies functioning under the pilot program; Gresham, Northwest Portland and Beaverton. The Board pointed out that we haven't received any reports on errors that have occurred and how they were resolved. They expect this to be included in the next update. If the Board determines the continuation of this project is in the best interest of the public, permanent implementation will require rule writing after the pilot is concluded.

Rules Discussion

The Board discussed the adoption of the following proposed and temporary rules:

Division 007 – Public Health Emergency

These rules reflect the permanent adoption of the Public Health Emergency rules that were adopted by temporary rule in December 2008.

MOTION

Motion to adopt OAR 855-007-0010 through OAR 855-007-0120 was made and unanimously carried (Motion by Zweber, second by Cartier).

Division 060 – Pharmaceutical Manufacturers

Division 062 – Drug Distribution Agent

Division 065 – Wholesale Drug Outlets

Division 110 – Fees

Project Manager Tony Burt presented proposed Temporary Rules for Divisions 060, 062, 065 and 110 as discussed at the last Board Meeting to facilitate the Manufacturer and Wholesaler renewal cycle this fall and established a new license type. The Drug Distribution Agent licensing category and corresponding fees were created resolve licensure conflicts for outlets that should appropriately be licensed with the Board, but can qualify for licensure due to changing business models. These outlets do not take possession of drug products, but rather facilitate the processes of a manufacturer or wholesaler. Staff has shared these concepts with the existing rules workgroups and none have expressed opposition to them. Further review will occur this fall during the formal rulemaking process.

MOTION

Motion to adopt temporary rule OAR 855-060-0003 was made and unanimously carried (Motion by Cartier, second by Zweber).

MOTION

Motion to adopt temporary rules OAR 855-062-0003 through OAR 855-0062-0050 was made and unanimously carried (Motion by Cartier, second by Howard).

MOTION

Motion to amend OAR 855-065-0001 by temporary rule was made and unanimously carried (Motion by Howrey, second by Cartier).

MOTION

Motion to amend OAR 855-065-0005 by temporary rule was made and unanimously carried (Motion by Zweber, second by Howrey).

MOTION

Motion to amend OAR 855-065-0006 by temporary rule was made and unanimously carried (Motion by Cartier, second by Pimlott).

MOTION

Motion to amend OAR 855-110-0003 by temporary rule was made and unanimously carried (Motion by Howard, second by Cartier).

MOTION

Motion to amend OAR 855-110-0007 by temporary rule was made and unanimously carried (Motion by Howrey, second by Pimlott).

MOTION

Motion to amend OAR 855-110-0010 by temporary rule was made and unanimously carried (Motion by Howrey, second by Pimlott).

Division 041 Considerations

Compliance Director Gary Miner provided an overview of the Division 041 key hospital concepts that are being proposed by a workgroup represented by hospital pharmacists, Board Members and Staff that have been meeting for the past eight months to prepare for rule revision. Concepts include:

- 1- Define electronic verification (confirmation) may use barcode or video
- 2- Update rules to include electronic order entry by various practitioners including pharmacists
- 3- Update unit dose language to address current practice
- 4- Include language for supervision when licensed practitioner (LP) present.
- 5- Address drug order entry process for the pharmacy department.
- 6- ER medication distribution for outpatient use would be order based not prescription based. Will need to address DEA requirements. Would include old prescription system for hospitals whom prefer to use that system.
- 7- Policy and Procedures will determine hours and quantity of medication dispensed from the ER
- 8- Keep all drug kits the same which may include standardization, sealing for security, par levels and checked by "pharmacy" / "pharmacist".
- 9- Policy and Procedures for Automated Distribution Cabinets (ADC) to include
 - Security of systems
 - Control of access and overrides
 - Restocking the medications, technicians role, licensed or approved staff and under what conditions
 - Emergency procedures
- 10- Each dose or baggie needs to be barcode when restocking ADC. May vary by type of system used.
- 11- Licensure of facilities

- Combined license for healthcare facility (institutional and retail)
- Primary pharmacy – define by individual unique drug supply
- Secondary storage areas adjacent to the healthcare facility which has a primary pharmacy
- Remote secondary storage area located away from healthcare facility

With this information, Gary requested approval to establish a Rules Advisory Committee to draft rules for the Board to review. The Board approved.

Request for Exceptions

Administrative Director Karen MacLean and Compliance Director Gary Miner presented several requests for exception, waiver or extension requests received since the last Board Meeting.

MOTION

Motion to approve a one year extension for Intern Licensure for the following individuals: Troy Classen, Summer Kramer, Jarrett Yara and Mitchell Hoel was made and unanimously carried (Motion by Cartier, second by Pimlott).

MOTION

Motion to continue a security waiver for McCann’s Pharmacy was made and unanimously carried (Motion by Howrey, second by Zweber).

MOTION

Motion to approve a temporary waiver for compliance with the clean room regulations for Lake Health District Hospital was made and unanimously carried (Motion by Cartier, second by Howrey).

Waiver request for Elm Street Pharmacy was reviewed and the Board concluded there was no need for a waiver.

Compliance Director Gary Miner presented Kaiser’s request to waive the PIC and Pharmacist licensure requirements for out of state pharmacies. The Board had a lengthy discussion on this topic and the rules implemented in February 2008. The Board will not waive the PIC requirement and based on Kaiser’s description of the work being conducted on behalf of Oregon patients, they will not waive the pharmacist licensure requirement either. The Board would like to revisit the topic of mail order pharmacies and out of state pharmacist licensure at a later date.

MOTION

Motion to deny waiver request for Kaiser Permanent Specialty Pharmacy was made and unanimously carried (Motion by Cartier, second by Howrey).

MOTION

Motion to deny Fawzy Elbarbry’s request to waive FPGEC requirements was made and unanimously carried (Motion by Howrey, second by Cartier).

MOTION

Motion to deny Khalil Abufara’s request to waive intern hour requirements for licensure was made and unanimously carried (Motion by Howrey, second by Pimlott).

Compliance Director Gary Miner presented Gaurav Bajaj’s request to approve intern hours for a teaching and research clerkship after the fact. Gary reviewed the Internship Regulations OAR 855-031-0010(3)(a)(b)(c) with the Board and concluded the request did not qualify for an Internship, nor do the rules include a waiver option.

MOTION

Motion to deny Gaurav Bajaj's request to approve intern hours was made and unanimously carried (Motion by Howrey, second by Foster, Zweber abstained, Cartier opposed).

Consent Agenda

1. NAPLEX Scores (none)
2. MPJE Scores (none)
3. Executive Director Report
4. Pharmacist Consultant Report **#K**
5. Project Manager Report **#A**
6. License/Registration Ratification (Jan 16, 2009 – June 5, 2009)
7. NABP Memos
8. Approval of Board Meeting Minutes (January 20-21, 2009)
9. Approval of Board Meeting Minutes (March 3-4, 2009)
10. Approval of Special Board Meeting Minutes (April 3, 2009)
11. Approval of Board Meeting Minutes (April 20, 2009)

MOTION

Motion to approve the Consent Agenda with a minor revision to the March 3-4, 2009 Board Minutes was made and unanimously carried (Motion by Howrey, second by Pimlott).

Legislative Issues

Executive Director Gary Schnabel reviewed the latest on bills staff has been tracking. The following bills have passed: HB 3103, HB 2535, HB 3236 and HB 3022. SB 355 was compromised by the recent alleged breach in Virginia's PMP. If the program moves, it is likely to be placed in DHS. The Board discussed ongoing concerns about SB 728 a bill that requires the Board to reschedule marijuana and methamphetamine and HB 2345 that repeals the Board's authority to have the Pharmacy Recovery Network program.

Strategic Plan Quarterly Report

Administrative Director Karen MacLean gave a brief update on strategic planning. In addition the Board provided instruction for staff as they prepare for the 2010 meeting. The Board decided not to use a facilitator in light of budget restrictions and will evaluate location options as soon as they are available.

OPEN FORUM

Member Lee Howard asked for a status report on minute preparation and the disclosure database. Administrative Director Karen MacLean reported the Board Meeting minutes are current as of this meeting. Due to the legislative session and budget hearings, the January and March minutes were delayed. The disclosure database will be ready for the Board to review prior to the August meeting.

MOTION

Motion to adjourn at 5:00pm was made and unanimously carried (Motion by Howard, second by Cartier).

WEDNESDAY, JUNE 10, 2009

Cathryn Lew, Board President, called the meeting to order at 8:15 AM.

Roll Call

The following Board Members were present:

Cathryn Lew, President
Lee Howard, Vice President
Linda Howrey
Dianna Pimlott
Larry Cartier
Bernie Foster
Ann Zweber

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 Inspector	Katie Baldwin, Inspector
Tony Burt, Project Manager	Ed Schneider, PRN Director
Paige Clark, Pharmacist Consultant	Annette Gearhart, Compliance Secretary
Loretta Glenn, Management Secretary	Gregg Hyman, Inspector
Tom Cowan, Board Counsel	Chrisy Hennigan, Office Manager

MOTION

Motion to enter Executive Session for the purpose of Executive Director performance evaluation pursuant to ORS 192.660 was made at 8:20 AM (Motion Howard, second by Foster).

MOTION

Motion to continue Executive Session was made at 9:20 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Howard, second by Foster).

MOTION

Motion to exit Executive Session was made at 10:15 AM for an appearance in Open Session was made (Motion by Cartier, second by Pimlott).

Mike Harryman, DHS, PHEP Manager appeared before the Board to present a Certificate of Appreciation Presentation to the Board of Pharmacy staff who have been very helpful on a number of collaborative projects with the Department of Human Services. Some of the projects include: Emergency Medical Systems, Pharmacist volunteer database and facilitating the SNS national stockpile requirements.

MOTION

Motion to resume Executive Session was made at 10:30 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Pimlott, second by Cartier).

MOTION

Motion to resume Open Session at 3:30pm was made and unanimously carried (Motion by Howard, second by Pimlott).

Motions for Disciplinary Action – please see the Compliance Minutes.

MOTION

Motion to adjourn at 4:05pm was made and unanimously carried (Motion by Howard, second by Cartier).

Minutes accepted by:

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

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

Oregon State Board of Pharmacy
800 NE Oregon Street #150
Portland, OR 97232

BOARD COMPLIANCE MEETING
Wednesday June 10, 2009
800 NE Oregon Street, Conference Room 1B
Portland, OR 97232
Cathryn Lew, R.Ph., Presiding

Room 1B	8:15 am OPEN SESSION – Roll Call 8:20-9:20 am EXECUTIVE SESSION – Executive Director Performance Review 9:30-9:40 am OPEN SESSION – Certificate of Appreciation Presentation
Room 1B	9:40 am-4:45 pm EXECUTIVE SESSION – Compliance Cases Review 4:45 pm-5:00 pm OPEN SESSION Compliance motions

An Executive Session of the Board to discuss Compliance was held on June 10, 2009 at 800 NE Oregon Street Conference Room 1B in Portland.

Board Members present for all or part of compliance session:

Cathryn Lew, R.Ph., President
Lee Howard, Vice President
Larry Cartier, R.Ph.
Bernie Foster, Public Member - Absent at time of motions
Linda Howrey, R.Ph.
Dianna Pimlott, 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

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

Case 2006-0400

Motion to adopt amended corrected order as final order.

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

Motion to close Cases 2008-0028, 2008-0627 and 2008-0650.

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

Cases 2009-0063

Motion to impose \$1,000 civil penalty and deny technician application.

Motion by: Ann Zweber; Seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0154

Motion to accept Stipulated Consent Order surrendering certified pharmacy technician license.
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0171

Motion to impose \$1,000 Civil Penalty per violation and revoke certified pharmacy technician license
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0165

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0127

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Issue Letter of Concern to pharmacy and district manager.
Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest.

Case 2009-0071

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest.

Case 2009-0066

Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Dianna Pimlott; with Larry Cartier opposed. Motion was accepted.

Case 2009-0174

Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2009-0179

Motion to place pharmacist on probation for 3 years, and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0102

Motion to revoke certified pharmacy technician's license and impose \$1,000 civil penalty per violation.
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0210

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0175

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

Case 2009-0213

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

Case 2009-0214

Motion to issue Letter of Concern to Pharmacist-in-Charge.
Motion by: Linda Howrey; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0011

Motion to issue Letter of Concern to PIC; and in

Case 2009-0141:

Motion to revoke pharmacy license and impose \$10,000 civil penalty per violation.
Motion by: Lee Howard; Seconded by: Linda Howrey; with Ann Zweber opposed. Motion was accepted.

Case 2009-0001

Motion to issue letter of concern to pharmacy; and in

Case 2009-0057

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

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

Case 2009-0050

Motion to impose \$2,000 civil penalty and to suspend pharmacist license.

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

Case 2009-0053

Motion to suspend certified pharmacy technician license and impose \$1,000 civil penalty per violation; and in

Case 2009-0212

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

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

Case 2009-0125

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

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

Case 2009-0115

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.

Motion by: Lee Howard; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2009-0172

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

Case 2009-0217

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

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

Case 2009-0149

Motion to impose \$1,000 civil penalty per violation against pharmacist; and in

Case 2009-0204

Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty.

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

Case 2009-0049

Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty. Letter of Concern to PIC; and in

Case 2009-0219

Motion to issue letter of concern to pharmacy.

Motion by: Dianna Pimlott; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2008-0184

Motion to impose \$2,000 civil penalty against pharmacist.

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

Case 2009-0180

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

Case 2009-0221

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

Case 2009-0270

Motion to issue letter of concern to pharmacist. Letter of Concern to PIC and CC: pharmacy
Motion by: Linda Howrey; seconded by: Ann Zweber; with Dianna Pimlott opposed. Motion was accepted.

Case 2009-0087

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy
Motion by: Linda Howrey; seconded by: Ann Zweber. Motion was unanimously accepted.

Cases 2008-0497, 2009-0041 and Case 2009-0097.

Motion to accept proposed consent order in Case 2008-0497 and 2009-0041, and issue Order of Dismissal in Case 2009-0097. Motion by: Dianna Pimlott; seconded by: Ann Zweber. Motion was unanimously accepted with Larry Cartier abstaining due to conflict of interest.

Case 2009-0090

Motion to issue order of dismissal and issue technician license.
Motion by: Lee Howard; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2004-0194

Motion to surrender pharmacist license with stipulated agreement not to practice pharmacy.
Motion by: Lee Howard; seconded by: Linda Howrey. Motion was unanimously accepted.

Case 2008-0551

Motion to grant appearance before the Board to request reconsideration of denial of technician license.
Motion by: Linda Howrey; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2009-0202

Motion to dismiss order of revocation of technician license.
Motion by: Ann Zweber; seconded by: Larry Cartier. Motion was unanimously accepted.

Motion to approve the consent agenda as published.

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

DEFICIENCY NOTICES:

Cases: 2008-0587, 2009-0093, 2009-0100, 2009-0110, 2009-0111, 2009-0113, 2009-0116, 2009-0118, 2009-0123, 2009-0124, 2009-0129, 2009-0132, 2009-0134, 2009-0151, 2009-0152, 2009-0153, 2009-0158, 2009-0159, 2009-0162, 2009-0164, 2009-0166, 2009-0173, 2009-0182, 2009-0183, 2009-0184, 2009-0209 and 2009-0211.

UNABLE TO SUBSTANTIATE:

Cases: 2007-0418, 2009-0083, 2009-0084, 2009-0086 and 2009-0178.

NO VIOLATION:

Cases: 2008-0269, 2009-0081, 2009-0120 and 2009-0161

UNREGISTERED OUTLET CASES:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on 2/7/2008 and amended on 4/17/2008, notices to impose \$1,000 civil penalty notices have been issued to:
Case: 2009-0103 and 2009-0187.

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on 8/8/2006 and confirmed on 2/7/2008, the following applicants and licensees have been issued CE in lieu of discipline letters:
Case: 2009-0146

“NO PIC” CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board on Jan. 26, 2005 and amended on 8/9/2005 and confirmed on 2/7/2008, [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 civil penalty for first month, additional \$1,000 civil penalty per week thereafter up to \$5,000. (PIC gaps lasting more than two months are to be presented to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:
Case: 2009-0197

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 9, 2005 and confirmed on 2/7/2008, [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 Historical orders have been issued:
Case: 2009-0007

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on December 1, 2004 and amended on 4/17/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:
Cases: 2009-0194, 2009-0195, 2009-0199 and 2009-0200

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on October 11, 2005 and confirmed on 2/7/2007, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:
Case: 2009-0032, 2009-0107, 2009-0128 and 2009-0176.

UPDATES / For Your Information:

Update of cases under investigation.

Compliance Director Miner