

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
Ashland Springs Hotel
212 East Main Street
Ashland, OR 97520**

Wednesday, October 3, 2007 @ 8:00am Ashland Springs Hotel Ballroom

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8:00am OPEN SESSION, Ann Zweber R.Ph. Presiding

Roll Call

The following Board Members were present for all or part of the meeting:

Ann Zweber, President
Cathy Lew, Vice President
Marc Watt
Dianna Pimlott
Linda Howrey

Board Member Bernie Foster arrived at 9:15

The following staff were present for all or part of the meeting:

Gary Schnabel, Executive Director
Gary Miner, Compliance Director
Karen MacLean, Administrative Director
Joe Ball, Chief Inspector
Paige Clark, Pharmacist Consultant
Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Project Manager Tony Burt arrived at 9:15.

Agenda Review and Approval

The Board discussed and determined that since there is not a lot to report on for the Financial Discussion listed under General Administration, to move that Discussion Item to the Administrative Directors Report.

MOTION

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

Consent Agenda Approval

MOTION

Motion to approve the Consent Agenda was made and unanimously carried. (Motion by Watt, second by Howrey)

ISSUES/ACTIVITIES

Reports

Board President Ann Zweber reported on attending the Oregon State Pharmacy Association Fall Meeting, which was held in Salem. The program attendees showed a lot of enthusiasm for Certification of Pharmacy Technicians. Ann also shared that the attendees seemed like they were happy to be there and willing to put in the time.

Board Vice President Cathy Lew reported on Oregon Society Health System Pharmacists Educational Meeting, which was held in September at Holmquist Hospice. Cathy shared that there were about 40 in attendance, and she felt the meeting was a great resource for information.

Marc Watt – No Report

Dianna Pimlott – No Report

Board Member Linda Howrey reported on her work with the Health Department's Lifespan Registry for Immunizations. Linda shared that pharmacists' have to report, but that the program is only funded until age 23, so at some point the Committee will have to make some decisions regarding reporting. Linda will report any further updates at the January Board Meeting.

Board President Ann Zweber thanked Linda for her help in training the Pharmacy Technicians, and that she felt her presentation was really good.

Board Vice President Cathy Lew further thanked Pharmacist Consultant Paige Clark and Board Member Marc Watt for their presentation at OSPA.

Board Counsel Tom Cowan reported that the Board got a positive proposed order on a case he has been working on. Tom shared that he is still waiting for a few exceptions to come through, and will continue to work with Board Staff on the Case.

Compliance Director Gary Miner reported that since the last Board Meeting several inspectors went to a presentation at Pacific University. The Compliance Staff then used the information learned at the training to help develop the presentation for the upcoming Pharmacist in Charge (PIC) classes.

Gary shared that the first PIC class lasted about three hours, and that nine people attended. Gary thought it was a great session; the group went through the PIC report and discussed any questions the group had. Gary is planning on revising the PIC presentation to allow for more discussion between staff and the PIC's in attendance. Gary shared that at the end of the meeting the Compliance Staff gave out a spread sheet with all the email addresses of the attendees so they can keep in contact with each other after the class. The next PIC Training class will be held on October 9.

Gary further reported on his newest staff member, a part time compliance secretary named Katherine Jackson, who will start on October 22.

Administrative Director Karen MacLean reported on her findings regarding the PTCB testing dates. The testing cycles that PTCB offers do not coincide with the Board's Pharmacy

Technician Renewal Cycle, which could present a problem come next October when the new Technician Certification requirement goes into effect. Karen further shared that current Pharmacy Technicians will need to successfully pass the PTCB Certification Exam prior to the end of the June testing window in order to renew as a Certified Pharmacy Technician by August 31. Any pharmacy technician wanting to test through PTCB who does not pass, or waits until a later testing window will not have their exam results back in time, and will have to pay a late fee.

Karen went on to praise licensing staff who have been working so hard to keep up with the Technician Renewal Cycle. The Board did bring in a couple of temps come in and help with filing. Karen will have a debrief in November with the Licensing Staff to go over what went well what they could have done better, as well as how to prepare for next year.

Karen shared the current licensing statistics for Technicians in Oregon. As of 10/01/07 there are 1888 currently Certified Pharmacy Technicians, and 3480 current Pharmacy Technicians. 166 Certified Technicians have lapsed their license this renewal cycle, and 1476 Pharmacy Technicians lapsed theirs.

Board Member Marc Watt asked Karen if there would be a way to offer an 'upgrade' option for those Technicians renewing as a Certified Technician without charging for a new license. Karen responded that it might be possible, but that the Board would need to adopt a temporary rule to allow them to do so. Karen also shared that although the PTCB is not accommodating the Boards renewal cycle, the Technicians do have other options such as the ICPT.

Karen further shared that both the PTCB and the ICPT are planning on doing mailings to all currently licensed pharmacy technicians in Oregon to make them aware of their testing schedules.

In addition, Karen reported on the plans for the 2008 Strategic Planning Meeting which will be held in Welches, Oregon. The formal contract is still in progress, but we are close to having one put together to sign.

Karen shared that in addition to the new part time compliance secretary Kathy Jackson, there is also a new addition to the PRN staff, Pam Aldersebaes. Pam will be the new part time PRN Assistant.

Administrative Director MacLean further reported that bargaining for represented staff has been wrapped up. All represented staff will receive a three percent increase in salary. In addition, the Governor's office approved adjustments to management compensation. However none of the adjustments were accounted for in the Board's budget, and it was specifically said that agencies could not go before the E-Board to ask for more money. The agency needs to manage these increases within the current spending limitation.

In addition, Karen shared that the rule filings are in, the hearing notice went out last week, and Chrisy has gotten the rules up on the web. Karen reported that the Board has received a couple of comments. Karen took this opportunity to review the plan for the November 1 Board Meeting, which will be held in Salem, and will include the Rulemaking Hearing as well as the Compliance Agenda.

Karen updated the Board Members on a topic from the August Board Meeting. The “Best Practices” Performance Measure, upon further review isn’t due until September 2008, and so the Board Staff will table this topic until later.

Karen finished her report by updating the Board on the final budget for the last Biennium. Karen handed out a high level overview for the Board Members to review. In the end, although some items went over budget, and others were under budget, it all balanced out and the Board ended up spending only 94% of the allotted budget limitation.

PRN Director Ed Schneider didn’t have a formal report; however Board President Ann Zweber asked Ed some questions regarding the number of people currently participating in the PRN Program, and the male to female ratio. Ed responded that of the 85 people currently in the PRN program, about 30% are female, 70% are male. Ed also took this opportunity to review with the Board, a new Low Level Monitoring Contract they recently implemented. It is a three year contract with 24 UA’s a year; the individual would have to attend the same number of meetings. The thinking with the new contract is that if the individual really has an addictive track that in three years they will be able to catch it, and prevent it from growing.

2007 Board Dates

- November 01, 2007 Salem (Rulemaking Hearing / Compliance)
- December 4 – 5, 2007 Portland

Board Meeting Dates 2008 / 2009

- January 29 – 30, 2008 Corvallis
- April 15 – 16, 2008 Portland / Hillsboro
- June 10 – 11, 2008 Portland
- August 12 – 13, 2008 TBA
- October 14 – 15, 2008 TBA
- December 9 – 10, 2008 Portland
- January 20-21, 2009 Corvallis

Strategic Planning Meeting

- March 19 - 20, 2008 Welches

COMMITTEES AND MEETINGS

OSPA Fall Meeting – Salem, September 14 – 16

Pharmacist Consultant Paige Clark reported on the OSPA Fall meeting she attended and presented at along with Board Member Marc Watt. Paige shared that Marc was fabulous. Marc shared that Paige and he presented a CE Program. Later in the afternoon they discovered that an afternoon speaker was having some travel issues, and with five minutes notice, Paige and he did a second presentation to a group of individuals who had missed their presentation earlier that day.

Paige further shared that the Oregon Board of Pharmacy’s PRN Director Ed Schneider was elected Pharmacist of the Year. In addition, Pharmacist Consultant Paige Clark and Kathy Hahn from the Oregon Pain Management Commission both received the Director’s Award for their work with the Prescription Drug Monitoring Program.

NABP Meetings

Executive Director Gary Schnabel reported on the emergency Executive Committee Meeting regarding the NAPLEX Exam breach. The purpose of the meeting was to help determine how to repair the exam, how far to investigate, and what sort of disciplinary action, if any, should be taken.

Board Vice President Cathy Lew reported on her and Executive Director Gary Schnabel's trip to Washington DC for the NABP Fall Legislative Conference. Cathy shared that the meeting had great speakers. Cathy reported that the Director of FDA and DEA were included in the speakers, and that they were well received, some talk about policy and direction.

Cathy shared that Gary and she were able to meet with staff at Senator Wyden, and Smith's offices, as well as Senator DeFazio's office. Cathy further reported that Senator Gordon Smith's office was well prepared to meet with them, and that Matt Kennedy was very knowledgeable.

Administrative Director Karen MacLean reported on last minute details regarding the NAPB / AACP District VII & VIII Annual Meeting. She showed off the bag, binder and water bottle. Karen offered minor details about the meeting for Board Members not on the committee.

NAMSDL

Executive Director Gary Schnabel reported on the NAMSDL Meeting. Gary shared that this meeting just came to his attention two weeks ago. The group is working toward developing National Methamphetamine Precursor Program, in which Rob Bovette has been working on. Unfortunately, Rob cannot attend this upcoming meeting, and so he asked Gary to attend in his place. Gary asked for advice from the Board on what he should talk to the group about. Board Member Marc Watt responded that he should suggest making Pseudoephedrine a prescription. Gary shared that although NAMSDL is paying for all his travel expenses, he did check with Board President Ann Zweber, and Vice President Cathy Lew, to approve his travel.

OSHP – October 13

Compliance Director Gary Miner reported that the Compliance Staff has been invited to give a Law Presentation at the OSHP Meeting in October. The Compliance Staff will be trying something new, instead of giving a standard presentation, the audience will be asked to ask questions, and see if they can 'Stump-the-Inspector'.

Fred Meek – November 3

Compliance Director Gary Miner reported that he was asked to do Law Presentation at the meeting which will be held in November. Pharmacy Inspector Gregg Hyman is planning on giving the presentation.

RESEARCH COUNCILS

Medication Therapy Management Service

Board Member Linda Howrey reported on the Medication Therapy Management Service Council. Linda feels that they have a good committee put together, and used their first meeting to introduce everyone, and define what the Board is looking for and reviewing the committee's objectives and questions they are looking into. Linda shared that they will have data collected and report at a future meeting.

Medication Error / Patient Safety

The Board discussed this topic at length, and decided to put together a stakeholder 'summit' group. Board Vice President Cathy Lew will chair the Summit, and Board President Ann Zweber, Board Member Dianna Pimlott, Pharmacist Consultant Paige Clark, Jim Dammeron, and Project Manager Tony Burt will all be members of the group.

GENERAL ADMINISTRATION

Staff Policy Questions

Compliance Director Gary Miner reported on staff policy questions he brought for the Board. Gary first asked if the Board has a position on the distribution of Med Guides. The Board discussed, and determined to use an outcome based approach to the Med Guides.

Compliance Director Miner then asked if a pharmacist can accept a prescription, a non CII, written by a nurse where the nurse signs nurse A for doctor B. The Board discussed and determined that the nurse may sign the prescription for the doctor, and that the pharmacist needs to use good professional judgment to determine verification of the source of the prescription.

Gary then asked if the Board wanted to give staff direction on probation violations when a probationer does not notify employer of a Board discipline in a timely manner. The Board discussed and requested the compliance staff to determine the number of times this happens, and report back at the next Board Meeting.

Board Member Activity Reimbursement Policy

Executive Director Gary Schnabel reviewed with the Board two Board Member activity reimbursement policies that Board Staff has proposed. Option A and Option B are pretty much the same except regarding reporting and reimbursement. Under Option A, the Board Members will self-monitor, and self-report their activities, and the Board staff will process per diem with regularly submitted expense forms. Under Option B, the Board Members will report meetings and activities to the Board Staff, and the Board Staff will process per diem monthly.

The Board Members discussed, and determined that since there hasn't been an official policy before, that they should adopt one of these two options. The Board Members decided they preferred Option B.

MOTION

Motion to adopt Option B which states: The daily per diem rate for Board of Pharmacy Members allowable by law is \$30. The per diem will be allocated to Board Members for any Board of Pharmacy meeting and for other meetings and activities under the following circumstances: A minimum of 2 hours including prep and travel required; the activity furthers the Board's mission; the activity is/has been approved, assigned, or endorsed by the Board; Board Members will report meetings and activities to staff; Staff will process per diem assignments monthly, was made and unanimously carried. (Motion by Watt, second by Foster)

In addition to the per diem discussion above, the Board also discussed and approved offering Board Vice President Cathy Lew per diem for NABP Executive Committee activities as they are in the direct interest of the Board's mission.

Drug Destruction

Project Manager Tony Burt reported at the August Board Meeting that he would be bringing the report to the Board at the October meeting. The stakeholder group proposed Oregon should have a take back program based on the programs for disposal of used batteries, and other toxic electronic items. It was determined that the industry should design and fund the program to get medications out of hospitals, and other public facilities. This topic represents a lot local interests including those of water companies, and sewage companies, who see a problem with medications getting into water supply. The group is hoping Board will adopt / endorse these proposals.

Board Member Linda Howrey would like to add that the Board supports this from a patient safety view point. Through additional discussion with the Board Members and staff, it was also determined that a feedback mechanism would be helpful to see how the program is working and if it is achieving its goals.

MOTION

Motion to support proposed Drug Disposal Program was made and unanimously carried. (Motion by Watt, second by Pimlott)

Optometric Formulary Council Appointment

Project Manager Tony Burt discussed that Bill Boyce's, the Oregon Board of Pharmacy's appointment to the Optometric Formulary Council, term is up. The Board discussed and determined that if he wanted to, the Board would like Bill to continue for another term.

MOTION

Motion to reappoint Bill Boyce to the Optometric Formulary Council was made and unanimously carried. (Motion by Howrey, second by Lew)

In addition, Executive Director Gary Schnabel reported that technically all the PRN counselors' terms are expired. The Board discussed with Ed the merits of having the same counselors continuously, and if they are working out if he would want them to change, or if there is any other individuals he would recommend. Ed responded that he has a really great group of counselors, and he has no problem with reappointment of any or all of the current council. Ed also reported that he has received interest from other outside individuals on becoming counselors, but that he is ok with the group he has. The Board decided to entertain a motion to reappoint the current counselors to a term ending next summer, and the Board will re-evaluate the appointments at its annual meeting in June.

MOTION

Motion to reappoint PRN Counselors to the program until next summer, when the Board will re-evaluate PRN Counselor Terms was made and unanimously carried. (Motion by Howrey, second by Watt)

Tamper Resistant Prescription Pads

The Board discussed the latest on the Tamper Resistant Prescription Pad topic, including the fact that the Fed's have postponed the effective date to April 1, 2008. It was decided that there isn't much else to do than finalize the Temporary Rule which was filed in August.

Action Items Update

Administrative Director Karen MacLean reviewed with the Board newly added and completed Action Items on the list. The Action Item list is a list developed by Board staff to help track current and past action items developed at Board Meetings.

Board Report

Executive Director Gary Schnabel gave an overview of what the Board of Nursing has gone through. Media reports are not necessarily accurate to what we have heard. It's good to move on and let the past be in the past; accountability is number one issue and the public is protected by a healthy profession. The Governor's office has requested a variety of statistics of all the Health Related regulatory boards. We'll be completing the second round of questions after the District meeting.

In response to this issue, Representative Mitch Greenlick has asked a number of Boards's to appear at a legislative informational hearing on October 9th. We want to be able to have the public look at the Board and know that we are holding licensees accountable.

Ann pointed out that the Board has revoked licenses for PRN individuals who do not comply with the PRN contract. Board Counsel, Tom Cowan added that this is one mechanism where we can catch people; the other is turning over criminal cases to law enforcement, which will negatively affect the reporting from the industry.

Compliance Director, Gary Miner was asked to investigate and present to the Board a case where a pharmacist is stealing. The issue needs to cover when the Board learns of a theft case that results in a pharmacist's referral to PRN. Do we have to turn over the case to the DA? The answer, which generates more questions includes: has the pharmacy already contacted law enforcement or the DA and has the pharmacist already contacted PRN?

All the Board needs to be concerned about is that somewhere in the process, law enforcement was aware of what has taken place.

Failure to report – put as agenda item for December

NAPLEX Test Issues

Executive Director Gary Schnabel reported that the NAPLEX exam was resumed last week. The case is still under review, but NAPB staff has reviewed the exam questions and it is secure again.

PDMP Draft Legislation

Executive Director Gary Schnabel reported on the latest version of PDMP Legislation. Gary shared that the language needs a lot of work, and that several items will need to be added, deleted, and changed for the language to work with the Board's needs, and in order to pass through the Legislature. Gary discussed these items with the Board, and shared that he will work with Board staff to develop new language and will report back to the Board at the next Board Meeting.

TOPOFF 4 Emergency Preparedness

Pharmacist Consultant Paige Clark reviewed with the Board the TOPOFF 4 Emergency Preparedness Exercise, set to take place the week of October 15 – 19, 2007. The exercise will address issues in public policy and strategy, including mobilization of systems that prevent

disasters, as well as those that respond to disasters when they occur. The exercises will enable federal, state, and local agencies to identify ways to improve their ability to save lives and protect property when any major public service emergency occurs. Paige shared that she will report back to the Board at the next Board Meeting to review the results of the exercise, and the Board's involvement.

Open Forum

No public comment.

MOTION

Motion to adjourn at 3:35 was made and unanimously carried. (Motion by Howrey, second by Foster)

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