

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
April 10-11, 2012**

TUESDAY, APRIL 10, 2012

Ken Wells, R.Ph. Board Vice President, called the meeting to order at 8:30AM.

The following Board Members were present

Ken Wells, Vice President

Christine Chute

Penny Reher

Ann Zweber

Larry Cartier, President – *excused absence*

Dianna Pimlott – *excused absence*

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

Gary Schnabel, Executive Director

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Chrisy Hennigan, Office Manager

Courtney Wilson, Project Manager

Joe Ball, Chief Investigator

Fiona Karbowicz, Inspector

Gregg Hyman, Inspector

Katie Baldwin, Inspector

Michele Cale, Inspector

Annette Gearhart, Compliance Secretary

Kim Oster, Compliance Assistant

Thomas Cowan, Board Counsel

Agenda Review and Approval

MOTION

Motion to approve the agenda as revised was made and unanimously carried (Motion by Chute , second by Zweber).

MOTION

Motion to enter Executive Session pursuant to ORS 192.660(1) (2) (f) (k) at 8:38 AM was made and unanimously carried (Motion by Zweber second by Reher).

Working Lunch – Open Session

APPEARANCE

Oregon Health Authority Presentation

Dagan Wright, Lisa Millet & Todd Beran from the Oregon Health Authority (OHA) appeared before the Board to provide an overview on how OHA collects, stores and reviews data for research purposes. They asked the Board if they would like to develop a partnership to analyze

data from the Board's Workforce Survey. The Board agreed to partner with OHA to analyze qualitative and quantitative data and determine how work relationships drive patient outcomes. Vice President Wells and Zweber expressed interest in participating in the process.

Executive Session pursuant to ORS 192.660(1) (2) (f) (k) resumed at 1:15 PM.

MOTION

Motion to enter Open Session at 3:40 PM was made and unanimously carried (Motion by Zweber second by Reher).

The Board briefly discussed planning for Wednesday's meeting.

MOTION

Motion to adjourn at 3:55 PM was made and unanimously carried (Motion by Zweber second by Reher).

WEDNESDAY, APRIL 11, 2012

Ken Wells, R.Ph. Board Vice President, called the meeting to order at 8:30AM

The following Board Members were present:

Ann Zweber

Christine Chute

Ken Wells, Vice President

Penny Reher

Larry Cartier, President – *excused absence*

Dianna Pimlott – *excused absence*

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

Gary Schnabel, Executive Director

Gary Miner, Compliance Director

Courtney Wilson, Project Manager

Fiona Karbowicz, Inspector

Katie Baldwin, Inspector

Annette Gearhart, Compliance Secretary

Karen MacLean, Administrative Director

Chrisy Hennigan, Office Manager

Joe Ball, Chief Investigator

Gregg Hyman, Inspector

Michele Cale, Inspector

Kim Oster, Compliance Assistant

Thomas Cowan, Board Counsel

Motions for Disciplinary Action - Please see Motions for Disciplinary Cases at the end of this document.

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. Project Manager Report
5. License/Registration Ratification (February 11, 2012-April 6, 2012)
6. Intern Extensions (1)
7. NABP Memos
8. Approval of Board Meeting Minutes
(February 14-15, 2012 & March 13-14, 2012)

MOTION

Motion to approve the consent agenda as revised was made and unanimously carried (Motion by Chute, second by Zweber.

Vice President Wells welcomed the pharmacy students that were present, asked them to introduce themselves and thanked them for attending the meeting.

Executive Director Gary Schnabel introduced Indiana Board of Pharmacy and National Association of Boards of Pharmacy (NABP) Executive Committee Member Bill Cover who was present for a meeting with Board staff this week.

ISSUES/ACTIVITIES

Reports:

Christine Chute shared that the Health Professionals Regulatory Boards Peer Review Committee has started their review process and that audit questionnaires have been mailed to participating Boards.

Ann Zweber reported that she participated in NABP's pilot program to take their PARE exam. She thought the program was user friendly and was pleased to provide feedback on how well it worked. Ann also has been accepted as an item writer for NABP and will be attending training. Ann shared that she was not able to attend the Governor's DUII meeting but had reviewed their minutes. She stated that law enforcement may begin sharing information with the Oregon Medical Marijuana Program if they issue a citation for someone who is impaired by marijuana.

Board Counsel Tom Cowan complimented the Board's investigative staff. He stated that they are very efficient and effective.

Compliance Director Gary Miner reported that 17 people are in the Health Professionals Services Program and that two are self referrals. Gary provided some statistical information from 2011. He shared that the compliance staff inspected 100% of pharmacies located in Oregon and that 79% were in compliance. He also indicated that 223 complaints were received. The top ten complaint categories include; dispensing errors, unprofessional conduct, grounds for discipline, theft, miscellaneous, diversion, patient counseling, customer service, unregistered drug outlets and fraud or misrepresentation. The Board asked staff to quantify the different types of dispensing errors. Gary stated that the average number of days from when a complaint is received until it goes before the Board is 106 days. He also shared that the compliance staff will

be conducting two Pharmacist-in-Charge classes for students. They will be held at Oregon State University and Pacific University.

Administrative Director Karen MacLean reported that the pharmacy renewal cycle ended on March 31st and that 97% of licensees renewed. She also stated that the pharmacist renewal notices were mailed on April 5th. She indicates that the renewal notices included a reminder about the required Continuing Education (CE) for medication errors. Karen shared that licensees continue to provide staff with feedback indicating that the reminder is helpful. The Board asked staff to include reminders relating to new CE requirements on the Board's website.

Karen provided a brief update on the Board's Operational Review. She reported that more staff meetings have occurred and that the licensing department is continuing to work on their desk manuals. Additional topics such as the Board's probationer policy were discussed during the meetings.

Karen reported that the first interviews have been completed for the vacant licensing position and that second interviews will be conducted later this week. Karen reported that staff is evaluating how to best utilize the vacant .75 position and hopes to open a recruitment soon.

Karen asked the Board if they would like to continue receiving exam statistics from the Pharmacy Technician Certification Board and the National HealthCareer Association. The Board agreed that they would like to continue receiving these statistics with the Ratification Notebook.

2012-2013 Board Meeting Dates

- May 24, 2012 Portland
- June 5 - 6, 2012 Portland
- August 7 - 8, 2012 Portland
- October 9 -10, 2012 Portland
- December 11 - 12, 2012 Portland
- February 12-13, 2013 Portland
- March 12 -13, 2013 Silverton Strategic Planning
- April 16 - 17, 2013 Portland
- June 11 - 12, 2013 Portland
- August 13 - 14, 2013 Portland
- October 15 -16, 2013 Portland
- December 17-18, 2013 Portland

2012 Rulemaking Hearing Dates

- May 24, 2012
- November 29, 2012

Board Member/Staff Presentations

Executive Director Gary Schnabel and Compliance Director Gary Miner attended the March 6th Professional Practice Roundtable (PPR) meeting. Discussion items included the Board's proposed rules on outlet conduct and practitioner dispensing, Coordinated Care Organizations and Pharmacy Benefit Managers.

Vice President Ken Wells attended the Oregon State Pharmacist Association (OSPA) Lane County Mid-Winter CE Seminar in February. Ken provided a presentation at the seminar which included topics such as Board activities as well as an overview on rules. Staff members from the compliance department attended the seminar and answered a variety of questions. Ken shared that the CE seminar was well attended.

The Board has been asked to speak at the OSPA Annual Convention in September. It has not yet been determined who will be speaking at the convention. Staff members from the compliance department will have a booth at the convention and will be available to answer questions. Pharmacist-in-Charge training classes will also be held.

OSPA will hold a Procrastinator's CE Day on May 19th. Todd Beran from the Prescription Drug Monitoring Program (PDMP) will be presenting an update on the program at the seminar.

Committees/Meetings

Executive Director Gary Schnabel and Vice President Ken Wells will be attending NABP's 108th Annual Meeting May 19-22 in Philadelphia. Gary will be attending as a member of NABP's EPIC Committee and Ken will attend as a member of the Resolutions Committee and will serve as the Board's voting delegate at the meeting. They will also participate in the poster session along with Oregon State University Intern Tiina Andrews. Most of Gary's travel costs will be covered by NABP. A grant from NABP will also cover most of the costs for Ken's attendance.

Inspector Michele Cale will be attending the University of Utah's School on Alcoholism and Other Drug Dependencies June 17-22. A NABP Foundation grant will cover the travel costs and registration for this meeting.

Research Councils – none

GENERAL ADMINISTRATION

Rules & Policy Discussion

Rules Updates

Compliance Director Gary Miner and Project Manager Courtney Wilson provided information on the following:

Review Rulemaking Hearing Report

Project Manager Courtney Wilson provided an overview of the Rulemaking Hearing Report. Comments and technical suggestions were received on Division 041 Drug Outlet Conduct and Technician Checking Validation Program (TCVP) proposed rules. There were no comments for the Division 041 Pharmacy Depot or Residential Drug Outlet name change proposed rules.

Board Counsel Tom Cowan provided an update on topics that emerged during public comment and testimony relating to drug outlet conduct. The primary issue makes challenges to the constitutionality of our outlet conduct rules. Tom provided suggested revisions to the language and advised that the rules should be re-noticed.

Board members expressed their appreciation for the quality of comments and testimony provided during the rulemaking process relating to patient safety.

Consider Adoption of Proposed Rules

Courtney and Gary led a discussion on the following final proposed rules and the Board determined which rules to permanently adopt.

- Division 041 Pharmacy Depot
- Division 041 Technician Checking Validation Program
- Division 041 Residential Drug Outlets (Name Change)

MOTION

Motion to adopt Pharmacy Depot rules in OAR 855-041-0095 was made and unanimously carried (Motion by Chute second by Reher).

The Board discussed the TCVP waiver clause and made minor revisions to clarify the Board's intent.

MOTION

Motion to adopt Technician Checking Validation Program rules as revised in OAR 855-041-5100 to OAR 855-041-5170 was made and unanimously carried (Motion by Chute, second by Reher).

MOTION

Motion to adopt Residential Drug Outlet Name Change and Renumbered rules in OAR 855-041-5005 to OAR 855-041-5015 was made and unanimously carried (Motion by Zweber, second by Chute).

Division 041 Drug Outlet Conduct

After further reviewing rulemaking comments, testimony and information from Counsel, the Board made revisions to the proposed rule and voted to resend the rules as revised to rulemaking and public hearing.

MOTION

Motion to resend Drug Outlet Conduct rules as revised to rulemaking was made and unanimously carried (Motion by Zweber, second by Reher).

Consider Sending Rules to Rulemaking

Executive Director Gary Schnabel and Project Manager Courtney Wilson provided information on the following and the Board determined which rules to send to rulemaking.

- Division 006 Definitions
- Division 043 Practitioner Dispensing
- Division 080 Animal Euthanasia
- Division 080 Positive ID for Controlled Substance
- Division 110 Fees

The Definitions rules were amended to add definitions that needed clarification for the Practitioner Dispensing rules.

MOTION

Motion to send proposed Definition rules in OAR 855-006 to rulemaking was made and unanimously carried (Motion by Chute, second by Reher).

The Practitioner Dispensing rules are required to implement 2012 SB 1565, which requires a Supervising Physician Dispensing Organization (SPDO) to be in place. This will allow the Oregon Medical Board (OMB) to implement their rules for this legislation that allows Physician Assistants (PA) to dispense prescriptions. The Board of Pharmacy and OMB will jointly adopt a training program for PA's.

MOTION

Motion to send proposed Practitioner Dispensing rules as revised in OAR 855-043-0002, and OAR 855-043-0405 through OAR 855-043-0455 to rulemaking was made and carried (Motion by Reher, second by Chute). *Reher, Chute & Zweber voted in favor; Wells opposed.*

MOTION

Motion to send proposed Animal Euthanasia rules in OAR 855-080-0100 to rulemaking was made and unanimously carried (Motion by Zweber, second by Chute).

The Fraud Group recommended adding a requirement to check ID on all Controlled Substance prescriptions prior to dispensing. The Board discussed this recommendation and decided to send it to rulemaking for comment.

MOTION

Motion to send proposed Controlled Substance ID requirement rules as revised in OAR 855-080-0094 to rulemaking was made and unanimously carried (Motion by Chute, second by Reher).

The fee rule implements a proposed fee for the SPDO.

MOTION

Motion to send proposed Fee rules in OAR 855-110 to rulemaking was made and unanimously carried (Motion by Zweber, second by Chute).

To meet the legislative requirements for implementation of the SPDO rules, the Board will meet on May 24, 2012 at 9:00am for a Rulemaking Hearing and a Board meeting will follow that to consider testimony and comments on these rules.

Rules Policy Decisions

None

Future Rulemaking & Policy Discussion

Compliance Director Gary Miner presented an overview on future rulemaking. It was noted that long term care rules are currently on hold until further information is available. There will be a policy discussion on Emergency Room Dispensing at the June meeting.

- Long Term Care
 - Emergency Room Dispensing
 - Reorganization *Rulemaking 12/12*
(Includes: Consulting Pharmacies, Central Fill, Drug Rooms and Retail Drug Outlets, etc.)
 - Non-Prescription Drug Outlets *Rulemaking 12/12*
 - Tech. Duties *Rulemaking 1/14*
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Discussion Items

Compliance Director Gary Miner and Administrative Director Karen MacLean presented one drug outlet waiver request, an NABP reciprocity application extension request and an FPGECC waiver request.

Outlet Waiver Request

MOTION

Motion to approve Murray Drug's request to waive OAR 855-041-0040(5) was made and unanimously carried (Motion by Zweber, second by Chute).

Extension Waiver Requests

MOTION

Motion to approve M. Blanchard's request for an extension for expired NABP application was made and unanimously carried (Motion by Reher, second by Chute).

FPGECC Waiver Request

MOTION

Motion to approve I. Anjum's request to waive FPGECC was made and unanimously carried (Motion by Chute, second by Zweber).

Forged Prescriptions/Abuse meeting Update

Project Manager Courtney Wilson reported that the next meeting is scheduled for May 17th. The proposed Controlled Substance rules were e-mailed to this group for consideration.

Medication Error Policy Discussion

The Board reviewed proposed medication error language for its Delegated Authority Grid. Final language will be available for annual review and approval in the June Board meeting.

MOTION

Motion to approve Delegated Authority Grid language for Medication Errors as revised was made and unanimously carried (Motion by Chute, second by Reher).

Probationer Policy Discussion

The Board discussed its probationer policy and its impact on workload. Staff was directed to develop language for the Board's Delegated Authority Grid to be reviewed at its June meeting. Recommendations will include direction from the Board for probation violations and for new applicants.

APPEARANCES

Multnomah County Health Department

Dr. Gary Oxman from the Multnomah County Health Department appeared before the Board to provide an update on public health challenges with prescription opiates in Multnomah County. He shared that Oregon's prescription opiate overdose death rate is at 6.8 per 100,000 compared to the national rate of 4.8. The Center for Disease Control and Prevention (CDC) has recommended implementing community-based opiate drug overdose prevention programs as part of a comprehensive prevention program. Such programs include training and providing naloxone to potential overdose witnesses.

Naloxone is a prescription drug. However, it is not a scheduled medication per the Drug Enforcement Administration. Naloxone (Narcan) is an opiate antagonist used for the complete or partial reversal of opiate overdose including respiratory depression. Naloxone can be used for diagnosis of suspected or known acute opiate overdose and can be administered IV, IM, SC or intra-nasally. As of October 2010, at least 188 local opiate overdose prevention programs distributed naloxone. During 1996-2010, these programs in 15 states and the District of Columbia reported training and providing naloxone to 53,032 people, resulting in 10,171 drug overdose reversals using naloxone. Dr. Oxman provided an overview of two projects that use naloxone in their overdose prevention programs. These programs are the San Francisco Drug Overdose Prevention and Education (DOPE) Project and Project Lazarus in North Carolina.

There was some discussion relating to the Board's rules and statutes and their effects on the access of naloxone. It was determined that there would need to be more discussion if Oregon's legal framework for prescribing naloxone were to change.

No action for the Board at this time.

Prescription Drug Monitoring Program (PDMP) Update

Todd Beran, PDMP Program Coordinator reported that the program is continuing to go well. 821 (97%) pharmacies are actively submitting data and the Indian Health Services will begin submitting data soon. There are currently 5.5 million prescriptions in the database and it is estimated that there will be between 8-10 million per year. PDMP has 3,500 system users. They are hoping to have 5,000 by the end of June. The program has received 115 self record requests and 100,000 requests for patient records have been requested by healthcare providers. PDMP has not received any requests from law enforcement at this time.

Oregon Physical Therapist Licensing Board

Jim Heider, Executive Director of the Oregon Physical Therapist Licensing Board (OPTLB) provided an overview on semi-independent agencies. The OPTLB has been semi-independent for over ten years. Jim reviewed some of their statutory requirements and exemptions. He also provided an outline of the fiscal, budget and administrative processes for semi-independent agencies. The Board discussed some of the advantages and disadvantages of semi-independence based on the known experiences of other semi-independent Boards.

At this point, the Health Professional Regulatory Boards (HPRB) are waiting to hear from the Governor's office on their policy decision whether other HPRB's will be allowed to move to semi-independent status and if the Board's can submit legislative concepts to initiate this legislative change in 2013.

Financial/Budget Report

Administrative Director Karen Maclean shared that the Board is on track with its expenditure expectations. Karen indicated that revenue estimates for the 2013/2015 Budget had been submitted and that staff is continuing to work on the development of the budget according to the schedule of deadlines.

Legislative Updates

Executive Director Gary Schnabel and Administrative Director Karen Maclean reiterated that Board members will review statutes for housekeeping issues. In addition to the semi-independent concept previously mentioned, other statutory changes that will be pursued include eliminating fee maximums and changing the definition of drug room.

Topics for Future Discussion

Vice President Ken Wells stated that the following topics will be discussed in the future.

- Best Practices for Retail Settings
 - Prescriptive Authority for OTC's
 - Rural Access to Pharmacy Services
 - Prescription Drug Abuse
 - Pharmacist roles in ACO/CCO organizations
 - Pharmacy Benefit Managers
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Strategic Planning Follow Up

Administrative Director Karen MacLean indicated that facilitator Ann Witsil is finishing her summary for the Board and that the location for next year's strategic planning meeting has been reserved at the Oregon Garden Resort.

Compliance Director Gary Miner provided an update on auto refills. Staff researched the history of the Board's auto refill rule and it was found that a portion of the rule was removed in 2001. There are no records about why the rule was changed; however, it may have been in error. As decided at Strategic Planning, Ken Wells will discuss this at the PPR in May and give a report to the Board at the June meeting.

OPEN FORUM

Vice President Ken Wells invited comments from the public.

There were no comments from the public.

Adjourn

MOTION

Motion to adjourn at 5:10 PM was made and unanimously carried (Motion by Zweber, second by Reher).

Approved 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' and 'S'.

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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Kenneth Wells, R.Ph., Presiding

Tuesday, April 10, 2012 @ 8:30 AM, 800 NE Oregon Street, Conference Room 1A, Portland
Wednesday, April 11, 2012 @ 8:30 AM, 800 NE Oregon Street, Conference Room 1A, Portland

Compliance Cases Review was held in Executive Session on April 10, 2012. Motions in reviewed Compliance Cases were held in Public Session on April 11, 2012.

Board Members present for all or part of compliance session:

Kenneth Wells, R.Ph., Vice President
Christine Chute, Public Member

Penny Reher, R.Ph.
Ann Zweber, R.Ph.

Board Members absent for all of the compliance session:

Larry Cartier, R.Ph., President

Dianna Pimlott, 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
Katie Baldwin, R.Ph., Board Inspector
Michele Cale, R.Ph., Board Inspector
Gregg Hyman, R.Ph., Board Inspector
Fiona Karbowicz, R.Ph., Board Inspector

Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant
Karen MacLean, Administrative Director
Courtney Wilson, Project Manager
Thomas Cowan, Senior AAG

Staff absent for all of the compliance session:

Meg Aulerich, R.Ph., Board Inspector

CONSIDERATION OF CONTESTED CASES:

Case 2011-0086 Motion to accept ALJ proposed final order.

Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0435 Motion to withdraw Default Order with receipt of signed consent order.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

ADMINISTRATIVE DISCUSSION:

Case 2011-0441 Motion to accept proposed ten year probation against pharmacist.

Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2010-0299 Motion to remove no Pharmacist-in-Charge sanction of pharmacist's probation.

Motion by: Ann Zweber; seconded by: Christine Chute. Motion unanimously carried.

Case 2009-0175 Motion to grant pharmacist early release from probation.

Motion by: Penny Reher; seconded by: Ann Zweber. Motion carried with Christine Chute opposed.

Case 2010-0428 Motion to deny request for early release from probation; in lieu, reduce technician's probation UA level to 18 per year.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2010-0338 Motion to release individual from probation.

Motion by: Penny Reher; seconded by: Christine Chute. Motion unanimously carried.

Case 2011-0407 Motion to accept HPSP's proposed action plan.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0076 Motion to deny reinstatement request.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0549 Motion to deny request, petitioner may request appearance to petition for reinstatement in person.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0100 Motion to approve petitioner's request with 3 year probation with conditions as stipulated in her Case No. 2010-0053 Consent Order.
Motion by: Ann Zweber; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0146: Motion to issue Letter of Concern to technicians in CE audit.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Cases 2012-0127 through 2012-0137 and cases 2012-0139 through 2012-0145: Motion to revoke licenses of technicians that did not respond to audit.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Cases 2012-0160 through 2012-0166, cases 2012-0168 through 2012-0188 and Case 2012-0214 and 2012-0215: Motion to impose \$1,000 civil penalty per violation against technicians that renewed/responded on time, but earned their CE outside the valid CE timeframe.
Motion by: Ann Zweber; seconded by: Christine Chute. Motion unanimously carried.

Cases 2012-0189 through 2012-0194: Motion to impose \$1,000 civil penalty per violation against technicians that earned their CE after October 1st deadline and renewed late.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Cases 2012-0195 through 2012-0197 Motion to revoke licenses and impose \$1,000 civil penalty to technicians that renewed on time, but CE unacceptable or not done, and national certificate had expired.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

CASE REVIEW:

Case 2010-0144 Motion to impose \$10,000 civil penalty per violation against outlet.
Motion by: Ann Zweber; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0015 Motion to impose \$10,000 Civil Penalty per violation against drug outlet.
Motion by: Ann Zweber; seconded by: Christine Chute. Motion unanimously carried.

Case 2012-0082 Motion to deny application to sit for NAPLEX in Oregon.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0043 Motion to deny Pharmacist application.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0049 Motion to deny technician license.
Motion by: Ann Zweber; seconded by: Christine Chute. Motion unanimously carried.

Case 2012-0050 Motion to deny technician application.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0058 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation;
Case 2012-0101 Motion to impose \$10,000 civil penalty per violation against outlet; and issue Letter of Concern to Intern.
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0167 Motion to impose \$10,000 civil penalty per violation against outlet;

Cases 2012-0036, 2012-0087, 2012-0088, 2012-0089 and 2012-0090 Motion to impose a \$1,000 civil penalty per violation and suspend the license of the Pharmacist-in-Charge and the four individual pharmacists

2012-0091, 2012-0092, 2012-0093, 2012-0094 and 2012-0095 Motion to impose a \$1,000 civil penalty per violation and suspend the license of the five individual technicians.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0554 Motion to suspend pharmacist license and impose a \$1,000 civil penalty per violation against pharmacist.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion carried with Penny Reher recused.

Case 2012-0062 Motion to impose \$1,000 civil penalty per violation against pharmacist.

Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0029 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0046 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0024 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0035 Motion to deny pharmacist probationer's request and issue Letter of Concern.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0098 Motion to issue Letter of Concern to pharmacist probationer.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0063 Motion to issue Letter of Concern to technician.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0007 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Penny Reher. Motion carried with Ann Zweber recused.

Case 2011-0612 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0039 Motion to impose \$1,000 civil penalty per violation against technician.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0499 Motion to issue Letter of Concern to technician recommending three hours of CE in ethics.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0523 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0045 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Penny Reher. Motion carried Ann Zweber recused.

Case 2012-0042 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion carried with Penny Reher recused.

Case 2011-0674 Motion to suspend technician license for 60 days.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0615 Motion to impose \$1,000 civil penalty per violation against pharmacy; and Letter of Concern to Pharmacist-in-Charge.

Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0557 Motion to issue Letter of Concern recommending CE in medication error prevention to technician; and Letter of Concern to Pharmacist-in-Charge and pharmacist; and impose \$10,000 civil penalty per violation against outlet.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0643 Motion to issue Letter of Concern to Pharmacist-in-Charge and to outlet.
Case 2012-0033 Motion to issue Letter of Concern recommending an additional 3 hours of error prevention CE to technician.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0068 Motion to issue Letter of Concern to pharmacist recommending 3 hours CE in patient safety/medication error prevention; and a Letter of Concern to the technician recommending 3 hours of CE in patient safety/medication error prevention.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0641 Motion to impose \$10,000 civil penalty per violation against outlet, and issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist; Letter of Concern recommending retraining on DUR;.

Case 2012-0005 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to technician, with reminder to call pharmacist with any questions.

Case 2012-0037 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to 2nd pharmacist, with recommendation for retraining on DUR.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2011-0348 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0004 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist and to Pharmacist-in-Charge. Letter to Pharmacist-in-Charge to include education of staff regarding procedures to handle errors, cc outlet.
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0001 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0027 Motion to impose \$1,000 civil penalty per violation against pharmacist.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion carried with Ken Wells recused.

Case 2012-0056 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention and pediatric dosing; cc outlet and Pharmacist-in-Charge.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

COMPLIANCE CONSENT AGENDA:

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

Motion to accept the items on the consent agenda with Case No. 2012-0056 moved to regular compliance agenda for discussion.
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

LETTERS OF CONCERN CASES:

Case: 2012-0021 Pharmacist: Letter of Concern recommending CE in patient safety/medication error prevention; cc outlet.

Case: 2011-0677 Pharmacist: Letter of Concern recommending CE in medication error prevention; **Pharmacist-in-Charge:** L

Case: 2012-0048 Pharmacist: Letter of Concern recommending CE in patient safety/medication error prevention.

Case: 2012-0032 Pharmacist: Letter of Concern recommending CE in patient safety/medication error prevention; cc: outlet.

Case: 2011-0697 Certified Pharmacy Technician: Letter of Concern; **Pharmacist-in-Charge:** CC Letter of Concern for CPT; **Pharmacist:** Letter of Concern recommending 5 hours of CE in patient safety/med error prevention.

Case: 2011-0624 Pharmacist: Letter of Concern recommending CE in patient safety/medication error prevention; **Pharmacist-in-Charge:** Letter of Concern recommending CE in patient safety/medication error prevention; **Certified Pharmacy Technician:** Letter of Concern recommending CE in patient safety/medication error prevention; **Drug outlet:** cc: Letter of Concern

Case: 2012-0014 Pharmacist-in-Charge: Letter of Concern; **Drug Outlet:** CC Letter of Concern

Case: 2012-0006 Pharmacist: Letter of Concern; **Certified Pharmacy Technician:** Letter of Concern

Case: 2012-0064 Pharmacist: Letter of Concern recommending CE in patient safety/medication error prevention; **Certified Pharmacy Technician:** Letter of Concern recommending CE in patient safety/medication error prevention.

DEFICIENCY NOTICES:

Case: 2011-0618, 2011-0630, 2011-0639, 2011-0664, 2011-0686, 2011-0688, 2011-0696, 2012-0060, 2012-0065, 2012-0066 and 2012-0079.

UNABLE TO SUBSTANTIATE:

Case: 2011-0675, 2012-0013, 2012-0044, 2012-0051, 2012-0052 and 2012-0080.

NO VIOLATION:

Case: 2011-0662, 2011-0663, 2011-0666, 2012-0010, 2012-0017, 2012-0020, 2012-0022, 2012-0023, 2012-0028, 2012-0055, 2012-0057, 2012-0069, 2012-0071 and 2012-0081.

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:

Cases: 2011-0694 and 2012-0012.

DENIAL OF TECHNICIAN LICENSE:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of technician licenses notices have been issued in:

Case: 2012-0070 and 2012-0072.

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: 2012-0085 and 2012-0086.