

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
August 7-8, 2012**

TUESDAY, AUGUST 7, 2012

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

The following Board Members were present

Ken Wells, President	Dianna Pimlott
Christine Chute, Vice President	Penny Reher
Brad Fujisaki	Roberto Linares

1 Vacant Public Member position

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
Gregg Hyman, Inspector	Fiona Karbowicz, Inspector
Michele Cale, Inspector	Meg Aulerich, Inspector
Katie Baldwin, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

Installation of New Board Members Brad Fujisaki and Roberto Linares

Board President Ken Wells introduced Brad and Roberto and read the Board's installation speech. Brad is a pharmacist on the faculty at Pacific University College of Health Professions School of Pharmacy. He completed a general residency at the Portland VA Medical Center in 2001 and a specialty residency at the Oregon Health and Science University Hospitals and Clinics in 2002. Brad held the position of Information Systems Pharmacist at OHSU where he was actively involved in piloting new programs designed to improve patient medication reconciliation prior to taking his current full time position as Assistant Dean at Pacific University in 2006. He has served on the Oregon Society of Health Systems Pharmacists (OSHP) Board of Directors as well as the American Association of Pharmacy Educations Technology Task Force.

Roberto is on the faculty at Oregon State University College of Pharmacy and has extensive experience in community retail pharmacy practice. He has worked for Bi-Mart in Cottage Grove and in Monmouth. In 2004 he accepted the position of Pharmacy Practice Instructor at Oregon State University. Roberto has continued his community practice part time doing relief staffing for several community pharmacies and medical clinics. He is also active in the community and has attended local rotary events, joined community outreach committees, participated in health fairs and continues to participate in numerous outreach events with students. Roberto is a member of the American Pharmacists Association (APhA) and the American Association of Colleges of

Pharmacy (AACP) where he served as OSU College of Pharmacy's delegate to last year's annual conference. He is also a member of the Oregon State Pharmacy Association and has served on the Continuing Education Committee.

Agenda Review and Approval

MOTION

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

MOTION

Motion to enter Executive Session at 8:41 AM was made and unanimously carried (Motion by Pimlott second by Fujisaki).

MOTION

Motion to resume Open Session at 4:01 PM was made and unanimously carried (Motion by Chute second by Reher).

MOTION

Motion to adjourn at 4:03 PM was made and unanimously carried (Motion by Chute, second by Fujisaki).

WEDNESDAY, AUGUST 8, 2012

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

The following Board Members were present

Ken Wells, President	Dianna Pimlott
Christine Chute, Vice President	Penny Reher
Brad Fujisaki	Roberto Linares

1 Vacant Public Member position

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
Gregg Hyman, Inspector	Fiona Karbowicz, Inspector
Michele Cale, Inspector	Meg Aulerich, Inspector
Katie Baldwin, Inspector	Annette Gearhart, Compliance Secretary
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 (September 1, 2011 - April 30, 2012)
2. MPJE Scores (September 1, 2011 – April 30, 2012)
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (June 1, 2012 - August 3, 2012)
6. Intern Extensions (none)
7. Approval of Board Meeting Minutes (June 5-6, 2012)

MOTION

Motion to approve the consent agenda was made and unanimously carried (Motion by Reher, second by Chute).

President Wells introduced new Board Members Brad Fujisaki and Roberto Linares.

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

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

ISSUES/ACTIVITIES

Reports:

President Wells reported that he had attended the orientation for new Board Members and commented that it went very well.

Vice President Christine Chute reported that she had attended the Governor's Advisory Committee on DUII. She indicates that they are preparing Legislative Concepts for the upcoming Legislative Session. Legislative Concepts include expanding the definition of intoxicants to include all drugs that cause impairment. The Committee is interested in having the Board support this Concept and have offered to send a Drug Recognition Expert (DRE) to come to a future Board Meeting. Executive Director Gary Schnabel stated that in the past the Board hasn't taken a position on this issue, however, the Oregon State Pharmacists Association (OSPA) has formally opposed it.

Roberto Linares reported that he had attended the Self Care Institute for healthcare educators in June.

Board Members Dianna Pimlott, Brad Fujisaki and Penny Reher had nothing to report.

Board Counsel Tom Cowan had nothing to report.

Compliance Director Gary Miner reported that 17 people are in the Health Professionals Services Program and that one is a self referral. He indicates that 485 or 54% inspections have been completed so far this year. Gary also shared that Inspectors Gregg Hyman and Fiona Karbowicz recently provided a pharmacy technicians Continuing Education (CE) presentation for OSPA. About 400 technicians attended the CE presentation. This was the first time that the Board was able to provide this opportunity for technicians only. Gary and Inspector Katie Baldwin visited a combination family planning and county health clinic. Gary thought it was a great experience and enjoyed seeing how they operated. Gary also shared that the Division 041 re-organization work-group met on July 25th and had their first meeting. Their second meeting has been scheduled for sometime in September.

Administrative Director Karen MacLean reported that the Agency has been experiencing challenges with its website over the past few months as the State transitions to its new website platform. Unfortunately, this had interfered with the technician renewal cycle. Karen expressed her appreciation for everyone's patience and asked that if people find broken links to please let us know and staff will troubleshoot any issues.

Karen reported that renewal notices for technicians, drug distribution agents, manufacturers and wholesalers were mailed on July 6th. 474 technician renewal notices were returned. To date, 28% of technicians have renewed their licenses and 25% of outlets have renewed their registrations. Over the last several weeks Karen had multiple phone conversations with the National Health Career Association (NHA). Since 2010 NHA had only been sending notices to technicians to renew their national certification to those that had provided them with an email address. They are trying to rectify the problem to help those technicians who didn't renew their national certification as a result of not receiving a renewal notice, in order to bring their national certification back to an active status. Brad Fujisaki suggested adding a field on to next year's technician renewal that asks the technician when their national certification expires to help remind them to keep the certification active.

In July Karen attended the National Association of Boards of Pharmacy (NABP) Annual Program Review and Training Session. She indicated that it was an invaluable training experience and that it provided a great opportunity to network with other board of pharmacy staff. All travel expenses associated with the training session were paid by NABP.

Karen shared that staff continues to evaluate how to best utilize the vacant .75 Office Specialist II position and hopes to open a recruitment for it this fall.

A brief update on the Board's Operational Review was provided. Karen reported that members of the Management team have visited the Board of Nursing as well as the Oregon Medical Board to review their licensing management and responsibility structure.

2012-2013 Board Meeting Dates

- | | | |
|--------------------------|-----------|---------------------------|
| • October 9 -10, 2012 | Portland | |
| • December 11 - 12, 2012 | Portland | |
| • February 12-14, 2013 | Portland | |
| • March 12 -13, 2013 | Silverton | <i>Strategic Planning</i> |
| • April 16 - 17, 2013 | Portland | |
| • June 11 - 12, 2013 | Portland | |
| • August 13 - 14, 2013 | Portland | |
| • October 15 -17, 2013 | Portland | |
| • December 17-18, 2013 | Portland | |

President Ken Wells suggested the Board add a third half day to the February and October 2013 meetings to allow more time for rulemaking discussions and the Board concurred.

2012-2013 Rulemaking Hearing Dates

- November 29, 2012
- May 30, 2013
- November 21, 2013

The Board concurred that the rulemaking hearing dates for 2013 are acceptable.

Board Member/Staff Presentations

The next Professional Practice Roundtable is scheduled for September 11, 2012. OSPA's Annual Convention will occur September 28th through the 30th. Board Members Ken Wells and Penny Reher will present with Pharmacy Inspector Gregg Hyman. Executive Director Gary Schnabel will also participate in a panel discussion with directors from the other Oregon Health Professional Boards. Compliance Director Gary Miner and Pharmacy Inspector Fiona Karbowicz will be conducting a Pharmacist-in-Charge Training Class.

Committees/Meetings

Penny Reher confirmed that she will be attending NABP's Interactive Forum. She indicates that there are a lot of timely topics on the agenda and that she is looking forward to attending the event.

Executive Director Gary Schnabel presented an opportunity to attend the first Tri-Regulator Symposium to be held October 16th through the 18th in Washington D.C. Tri-Regulators include the Federation of State Medical Boards (FSMB), the National Council of State Boards of Nursing (NCSBN), and NABP. Brad Fujisaki commented on the importance of these bodies working together and thinks it would be good to have Executive Director Gary Schnabel attend. President Ken Wells agrees and thinks that this will be an excellent opportunity for the Board.

MOTION

Motion to approve Executive Director attending the Tri-Regular Symposium was made and unanimously carried (Motion by Pimlott, second by Linares).

Executive Director Gary Schnabel and Dianna Pimlott confirmed that they will be attending the NABP District VI, VII and VIII Meeting in Little Rock, AK, October 21st through the 24th. Gary will also be attending the NABP Executive Director's Forum November 13th-14th in Chicago. NABP will satisfy all travel expenses for this event.

Inspector Michele Cale attended the University of Utah School on Alcoholism and Other Drug Dependencies Annual Session in June. She stated that it was an intense and wonderful experience. She learned information about why addiction is a disease which was later modeled by comparing addiction to diabetes. The session also described expected trends to be evaluated in the future concerning controlled substances. It is estimated that 15% of the population has addictive brain chemistry and researchers are beginning to focus on brains not drugs. Michelle indicated that other Boards of Pharmacy attended this event and that they are also dealing with addiction issues amongst their licensees. She commented that most Boards are dealing with addiction and impairment issues on a three strikes you're out basis.

President Ken Wells provided a brief overview of the 2012 NABP Resolutions. He indicates that the Board is looking at many of the same issues identified in the resolutions.

Research Councils – none

GENERAL ADMINISTRATION

Rules & Policy Discussion

Compliance Director Gary Miner presented an overview on the draft rules for emergency room dispensing machines. These rules were drafted based on feedback from the Board during its June meeting. The Board provided additional direction and changes to the proposed language. Staff will make revisions to the proposed rules and bring them back to the Board in October for further review.

Compliance Director Gary Miner also provided an overview of the Division 041 re-organization proposed rules. He reminded the Board of the new structure as well as suggested revisions made by the Division 041 re-organization work-group. Board members provided feedback on the proposed rules. Staff will make revisions to the proposed rules and they will be reviewed by the work-group in September before going to the October Board meeting for consideration.

Rulemaking Hearing Report

None

Consider Sending Rules to Rulemaking Hearing

None

Future Rulemaking & Policy Discussion

Compliance Director Gary Miner presented an overview on future rulemaking.

- Long Term Care *drafting in process*
- Reorganization/renumbering *Rulemaking anticipated 12/12*

(Includes: Consulting Pharmacies, Central Fill, Drug Rooms and Retail Drug Outlets, etc.)

- Non-Prescription Drug Outlets *Rulemaking anticipated 12/12*
 - Technician Duties *Rulemaking anticipated 1/14*
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Discussion Items

Compliance Director Gary Miner presented nine drug outlet waiver requests and Administrative Director Karen MacLean presented one NABP reciprocity application extension request.

MOTION

Motion to approve INVESCO Pharmacy's request to waive OAR 855-041-0040(5) for five years was made and unanimously carried (Motion by Chute, second by Fujisaki).

MOTION

Motion to approve PETNET Solutions request to waive OAR 855-041-0026 for a period of five years was made and unanimously carried (Motion by Fujisaki, second by Reher).

MOTION

Motion to deny Traux Patient Services request to waive OAR 855-041-0300(3) for a period of five years was made and unanimously carried (Motion by Pimlott, second by Chute).

Multnomah County Health Department requested a waiver from OAR 855-044-0030(2)(a) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to dispense a drug with a pharmacy prescription label attached that includes the current dosage directions as ordered by the prescribing medical provider. The Board concurred that this is allowed under the current charitable pharmacy rules. Therefore the waiver required no action by the Board.

Multnomah County Health Department requested a waiver from OAR 855-044-0030(2)(a) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to repackage/re-label medications with the correct dosage directions after verifying the content through visual inspection and the accuracy of the donor form.

MOTION

Motion to deny Multnomah County Health Department's request to waive OAR 855-044-0030(2)(a) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to repackage/re-label medications with the correct dosage directions after verifying the contents through visual inspection and the accuracy of the Donor Form for a period of five years was made and unanimously carried (Motion by Pimlott, second by Linares).

Multnomah County Health Department requested a waiver from OAR 855-044-0030(2)(b) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to dispense the drugs contained in the manufacturer's sealed foil packaging to the patient.

MOTION

Motion to deny Multnomah County Health Department's request to waive OAR 855-044-0030(2)(b) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to dispense drugs contained in the manufacturer's sealed foil packaging to the patient for a period of five years was made and unanimously carried. (Motion by Pimlott, second by Fujisaki).

Multnomah County Health Department requested a waiver from OAR 855-044-0030(2)(b) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to dispense drugs contained in the manufacturer's original, sealed, tamper-evident packaging to the patient. The Board concurred that it would be allowed so long as the drugs sent to the pharmacy are not patient specific. The Board took no action on the waiver.

Multnomah County Health Department requested a waiver from OAR 855-044-0030(2)(b) and OAR 855-044-0050(1)(c) to allow their charitable pharmacies to put drugs into a separate "MAP overstock" section to be dispensed to a different, qualifying uninsured patient if needed. The Board concurred that this was not a Board issue, but one that would be determined by the purchasing contract or by the manufacturer of the drug if sent directly to the pharmacy. The Board took no action on the waiver.

Multnomah County Health Department requested a waiver from OAR 855-044-050(1)(j) to allow their charitable pharmacies to dispense donated refrigerated medications.

MOTION

Motion to approve Multnomah County Health Department's request to waive OAR 855-044-0050(1)(j) to allow their charitable pharmacies to accept refrigerated drugs if properly stored prior to delivery to the pharmacy for a period of five years was made and unanimously carried (Motion by Pimlott, second by Reher).

MOTION

Motion to approve C. Halverson's Official NABP Application extension request for 90 days was made and unanimously carried (Motion by Chute, second by Reher).

Outlet Conduct Follow Up Discussion

The Board received a question which asked, "Can a pharmacy offer incentives to bring in a new prescription that is not a transfer from another pharmacy?" The Board concluded that this would be allowed.

The Board discussed conducting an additional workplace survey in a few months to get feedback on the pharmacy workplace since the new rules have gone into effect.

The Board will also look at how other states are handling breaks and lunches for pharmacists at a future meeting.

Medication Errors Discussion

Compliance Director Gary Miner led a brief discussion on medication errors. He indicated that he is developing a matrix for the Board to consider that highlights what mitigating and aggravating factors are important to them. This would be a helpful tool for inspectors as they provide recommendations relating to proposed disciplinary actions. Board Counsel Tom Cowan suggested the Board focus first on establishing expectations and criteria for medication errors. Gary will send a questionnaire to Board members that will help develop the matrix for the Board to review in October.

Technician Checking Validation Program (TCVP) Request

Compliance Director Gary Miner presented a TCVP proposal from Rogue Valley Medical Center for the Board's consideration. Jeff Feyerharm from Rogue Valley Medical Center appeared for any questions the Board might have. The Board reviewed Rogue Valley Medical Center's TCVP proposal, as well as the written training materials to be used to train technicians and technician checkers, policies and procedures, and how TCVP will improve patient safety. The Board asked that Rogue Valley Medical Center include a list of lookalike sound alike drugs as well as more inpatient literature in their training program. Mr. Feyerharm indicated that these materials will be incorporated into the training program. The Board also asked how they determined which medications will not be included in their program because they have been identified as high risk. Mr. Feyerharm indicated that their management team looked at nationally identified high risk drugs and that they will continue to review the list annually.

Rogue Valley Medical Center has identified six high level technicians that they would like to begin training this Fall. Their TCVP start date is anticipated to be January 1, 2013. The Board requires Rogue Valley Medical Team to report back after one year from the date of TCVP implementation.

MOTION

Motion to approve Rogue Valley Medical Center's TCVP proposal for five years was made and unanimously carried (Motion by Reher, second by Fujisaki).

Failure to Cooperate

Due to time constraints the Board decided to discuss this topic at its October meeting.

New EMS Rules

Inspector Fiona Karbowicz provided an update on the Oregon Health Authority's (OHA) Emergency Medical Services (EMS) quarterly meeting that she attended. She indicated that the primary discussion for this meeting was regarding the ability for ambulances to carry and use expired medications under certain limited circumstances. OHA adopted temporary rule OAR 333-250-0051, effective July 1, 2012 through December 27, 2012, relating to drug shortages and the use of expired pharmacological and medical supplies in ambulance services. The intent of the temporary rule is to provide that an ambulance service will not be subject to discipline for retaining expired pharmacological or medical supplies when certain standards are met. By adopting the temporary rule an ambulance service may carry expired pharmacological and medical supplies and use them, at the direction of a medical director, if not providing the drug would adversely affect patient care or if necessary to potentially save a patient's life.

PA Dispensing Training Program

Executive Director Gary Schnabel discussed the PA Dispensing Training Program that was developed with the Oregon Medical Board. The program has been available since June. Zoomcare representatives contacted Gary with some proposed edits to the program. Gary reviewed the proposed edits and additional changes that he identified with the Board and the Board accepted the changes as suggested.

MOTION

Motion to approve original Physician Assistant Dispensing Training Program with modifications was made and unanimously carried (Motion by Reher, second by Fujisaki).

Practitioner Dispensing

Executive Director Gary Schnabel asked the Board if they are interested in considering regulating practitioner dispensing outlets. The Board agreed that regulating practitioner dispensing outlets is something that they would like to consider and would like to develop a stakeholder group. Gary will begin developing a stakeholder group.

APhA – 3rd Class of Drugs Discussion

Due to time constraints at this meeting, the Board decided this topic required further monitoring on a national level and it will be discussed at a future meeting.

Appropriate Registration for Compounding Outlets

Compliance Director Gary Miner led a brief discussion on compounding outlets. He indicates that there is some concern about small compounding pharmacies that are out-of-state and are difficult to regulate because of their distant locations. The Board directed staff to send an email to hospital pharmacies to inquire as to where they are getting their compounded medications. Further discussion surrounding compounding outlets will be held at a later time.

APPEARANCES

Reliant Behavioral Health, Health Professionals' Services Program (HPSP)

Dr. Jessica Gregg, Kate Manelis and Niaz Larsen appeared before the Board to provide an update on the HPSP program. They indicate that as of June 30, 2012 there are 20 participants for the Board of Pharmacy. This is an increase of three enrollees in comparison to the previous year of the program. Seven of those enrolled are Board Referrals, one individual has successfully completed the program and three individuals have been terminated from the program. On average, 76% of Board of Pharmacy enrollees have been non-compliant with the program. Reasons for non-compliance include missed IVR call, missed test, hospitalization associated with mental health issues, positive toxicology test and failure to participate. Board members asked for the rationale for considering hospitalization for mental health issues as non-compliance. Dr. Gregg explained that it was written into law. However, there is discussion around changing it.

Dr. Gregg provided a brief overview of what her position entails as the Medical Director for the program. She indicated that she is responsible for reviewing every evaluation of an enrollee. In addition she reviews all positive toxicology tests as well as negative with warning results. Negative with warning results appear when a prescribed medication has been consumed. Dr. Gregg indicates that the program is going well and that enrollees are now attending regular meetings with Ed Schneider of Oregon PRN.

Oregon Narcotics Enforcement Association (ONEA)

Rob Bovett, Legal Counsel for the ONEA provided a presentation on Oregon drug abuse trends and an update on drug policy. He indicated that violent crimes as well as property crime rates have decreased in Oregon and that Oregon has lower crime rates in comparison with national trends. According to the Oregon Criminal Justice Commission it is estimated that 78% of all crimes in Oregon are committed by addicts stealing to pay for their addiction. Oregon drug treatment admissions show that in 2011 35.16% were admitted for marijuana abuse, 27.95% were admitted for meth abuse, 21.46% were admitted for heroin abuse, 11.92% were admitted for prescription drug abuse and 2.85% were admitted for cocaine abuse. Rob indicated that Oregon treatment admissions for methamphetamine have decreased since the Board scheduled pseudoephedrine as a controlled substance. He also indicated that scheduling derivatives of cathinone and methcathinone as well as all cannabinoid receptors that are not FDA approved has made a significant impact in the prevalence of designer drugs throughout the State. Conversely, research is showing that prescription drug abuse is now leading to heroin abuse. Rob hopes that Governor Kitzhaber will form a Governor's Prescription Drug Abuse Task Force to address the growing public health and safety issues of and surrounding prescription drug abuse.

A brief overview on Measure 80 was provided. This Measure proposes to establish the Oregon Cannabis Tax Act and will allow for personal marijuana, hemp cultivation and use. A commission will also be established to regulate commercial marijuana for cultivation and sale. According to an Oregonian Public Policy Polling released on July 5, 2012, 43% think marijuana usage should be legal, 46% think usage should be illegal and 11% are not sure.

Rob indicates that the ONEA will not be proposing any legislation association to drug policy this Legislative Session.

Financial/Budget Report

Administrative Director Karen MacLean shared the financial reports for May and June and indicated that as of June, the Board is at 63% of its expected revenue. Karen indicated that staff has been working on documents for the Board's 2013-15 budget. She shared three policy packages for the Board to consider. Policy Package 100 relates to personnel and restores the consultant pharmacist position, reclassifies two positions and increases one position from 0.75 to full time. Policy Package 101 would implement phase II of the Board's fee increases assuming 2012 LC 321 removes the fee maximums from statute. Policy Package 102 proposes to implement paperless records retention part 1, beginning by scanning active licensee files.

MOTION

Motion to approve 2013-15 Board Policy Packages was made and unanimously carried (Motion by Reher, second by Fujisaki).

Legislative Update

Executive Director Gary Schnabel shared that he attended the Pharmacy Benefits Manager's (PBM) third workgroup meeting. Lobbyists from PBM's were in attendance and they provided the workgroup with an overview of the things that PBM's do. A Legislative Concept is currently being drafted for the next Legislative Session. The next workgroup meeting is scheduled for August 20th.

Topics for Future Discussion

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

- Best Practices for Retail Settings
- Prescriptive Authority for OTC's
- Pharmacist roles in ACO/CCO organizations
- Pharmacy Benefit Managers
- Impaired Professionals Policy Discussion
- Tramadol
- Ongoing participation in the HPSP program

Strategic Planning Update

Project Manager Courtney Wilson provided a brief update on the Board's Strategic Planning initiatives. She indicates that the Board's multi-cultural translation project and prescription fraud group is on track. Research relating to auto-refill has been completed and will be continued to be monitored as needed.

VIII. OPEN FORUM

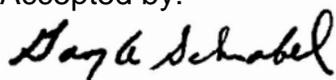
President Ken Wells invited comments from the public.

Pharmacist Jackson Leong suggested the Oregon Patient Safety Commission could help with the medication error topic. As a pharmacist who pays fees to the Board, he also recommends that the Board opt out of participating in the HPSP program. It's an expensive program that the licensees have to pay for.

MOTION

Motion to adjourn at 4:53 PM was made and unanimously carried (Motion by Reher, second by Pimlott).

Accepted by:



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

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

Tuesday, August 7, 2012 @ 8:30 AM, Conference Room 1A
Wednesday, August 8, 2012 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on 8/7/2012 to discuss Compliance cases, followed by motions on 8/8/2012. Working lunch was held on 8/7/2012.

Board Members present for compliance session:

Kenneth Wells, R.Ph., President	Brad Fujisaki, R.Ph.
Christine Chute, Vice President, Public Member	Roberto Linares, R.Ph.
Dianna Pimlott, R.Ph.	Public Member – vacant
Penny Reher, R.Ph.	

Staff present for all or part of compliance session:

Gary Miner, R.Ph., Compliance Director	Gary Schnabel, R.Ph., R.N., Executive Director
Joe Ball, R.Ph., Chief Investigator	Karen MacLean, Administrative Director
Meg Aulerich, R.Ph., Board Inspector	Courtney Wilson, Project Manager
Katie Baldwin, R.Ph., Board Inspector	Thomas Cowan, Senior AAG
Michele Cale, R.Ph., Board Inspector	Annette Gearhart, Compliance Secretary
Gregg Hyman, R.Ph., Board Inspector	Kim Oster, Compliance Assistant
Fiona Karbowicz, R.Ph., Board Inspector	

**Case 2012-0346 Motion to grant intern license pursuant to stipulated agreement.
Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.**

**Case 2011-0397 Motion to accept pharmacist's signed order to surrender license.
Motion by: Christine Chute; seconded by: Roberto Linares. Motion unanimously carried.**

**Case 2009-0177 Motion to grant technician's request for early termination of probation.
Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.**

**Case 2012-0305 Motion to deny revoked technician's request.
Motion by: Christine Chute; seconded by: Dianna Pimlott. Motion unanimously carried.**

**Case 2011-0594 Motion to deny reciprocal pharmacist application.
Motion by: Dianna Pimlott; seconded by: Christine Chute. Motion unanimously carried.**

**Case 2012-0241 Motion to reinstate intern license with 5 year probation with conditions.
Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion carried with Christine Chute opposed.**

**Case 2012-0296 Motion to impose \$10,000 civil penalty per violation against the outlet;
Case 2012-0399 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.
Motion by: Roberto Linares; seconded by: Penny Reher. Motion unanimously carried.**

**Case 2012-0266 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Dianna Pimlott; seconded by: Penny Reher. Motion unanimously carried.**

**Case 2012-0302 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Brad Fujisaki; seconded by: Roberto Linares. Motion unanimously carried.**

- Case 2012-0322** **Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Dianna Pimlott; seconded by: Penny Reher. Motion unanimously carried.
- Case 2012-0220** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0304** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Roberto Linares; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0284** **Motion to revoke technician license and impose \$1,000 civil penalty.**
Motion by: Dianna Pimlott; seconded by: Roberto Linares. Motion unanimously carried.
- Case 2012-0264** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0265** **Motion to revoke technician license and impose \$1,000 civil penalty per violation,**
issue case conclusion letter to PIC, CC: outlet.
Motion by: Dianna Pimlott; seconded by: Penny Reher. Motion unanimously carried.
- Case 2012-0288** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; seconded by: Roberto Linares. Motion unanimously carried.
- Case 2012-0083** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Christine Chute; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0262** **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Dianna Pimlott; seconded by: Penny Reher. Motion unanimously carried.
- Case 2012-0295** **Motion to impose \$1,000 civil penalty per violation against technician license.**
Motion by: Penny Reher; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0261** **Motion to deny intern license.**
Motion by: Dianna Pimlott; seconded by: Roberto Linares. Motion unanimously carried.
- Case 2012-0313** **Motion to deny intern license.**
Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion carried with Kenneth Wells opposed.
- Case 2012-0309** **Motion to deny technician license.**
Motion by: Dianna Pimlott; seconded by: Christine Chute. Motion unanimously carried.
- Case 2012-0205** **Motion to deny technician license and impose \$1,000 civil penalty.**
Motion by: Roberto Linares; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0342** **Motion to deny technician license.**
Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0320** **Motion to grant technician license.**
Motion by: Christine Chute; seconded by: Roberto Linares. Motion unanimously carried.
- Case 2012-0084** **Motion to impose \$10,000 civil penalty per violation against outlets.**
Motion by: Penny Reher; seconded by: Dianna Pimlott. Motion unanimously carried.
- Case 2012-0257** **Motion to impose \$10,000 civil penalty per violation against outlet; and**
Case 2012-0323 **Motion to impose \$1,000 civil penalty per violation against pharmacist; and**
Case 2012-0324 **Motion to impose \$1,000 civil penalty per violation against technician.**

Motion by: Christine Chute; seconded by: Roberto Linares. Motion unanimously carried.

Case 2012-0229 Motion to impose \$10,000 civil penalty per violation against outlet; issue Letter of Concern to PIC.

Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2012-0310 Motion to impose \$10,000 civil penalty per violation against outlet; and

Case 2012-0386 Motion to impose \$1,000 civil penalty per violation against pharmacist.

Motion by: Christine Chute; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0247 Motion to impose \$10,000 civil penalty per violation against outlet; and

Case 2012-0317 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 2012-0260 Motion to impose \$1,000 civil penalty per violation against pharmacist; and issue Letter of Concern recommending CE to technician, with Letter of Concern to outlet.

Motion by: Brad Fujisaki; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0297 Motion to impose \$1,000 civil penalty per violation against pharmacist, issue Letter of Concern to outlet; and in

Case 2012-0349 Motion to issue Letter of Concern recommending 3 hours of CE to technician.

Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2012-0272 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist; and Letter of Concern to Pharmacist-in-Charge regards to staff following policies and procedures. CC: letters to outlet.

Motion by: Roberto Linares; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0287 Motion to impose \$10,000 civil penalty per violation against outlet, issue Letter of Concern to PIC recommending 6 hours of CE in medication error prevention, and issue Letter of Concern to staff pharmacist recommending additional CE in medication error prevention.

Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion carried with Christine Chute opposed.

Case 2012-0274 Motion to impose \$10,000 civil penalty per violation against outlet, issue Letter of Concern to Pharmacist-in-Charge; and

Case 2012-0326 Motion to impose \$1,000 civil penalty against pharmacist, and issue Letter of Concern recommending 3 hours of CE in patient safety/medication error prevention to technician.

Motion by: Christine Chute; seconded by: Roberto Linares. Motion unanimously carried.

Case 2012-0306 Motion issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist.

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

Case 2012-0097 Motion to Letter of Concern to pharmacist.

Motion by: Penny Reher; seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2012-0291 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist and technician.

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

Motion to accept the items on the consent agenda with 2012-0097, 2012-0291 and 2012-0306 pulled out for discussion.

Motion by: Brad Fujisaki; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0216 Letter of Concern to pharmacist, CC: Pharmacist-in-Charge.

- Case 2012-0067** Letter of Concern to pharmacist and outlet.
- Case 2012-0235** Letter of Concern to Pharmacist-in-Charge, technician and outlet.
- Case 2012-0233** Letter of Concern to outlet.
- Case 2012-0303** Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist, CC: outlet.

DEFICIENCY NOTICES:

Cases: 2012-0112, 2012-0147, 2012-0199, 2012-0200, 2012-0213, 2012-0222, 2012-0237, 2012-0240, 2012-0246, 2012-0248, 2012-0249, 2012-0250, 2012-0251, 2012-0252, 2012-0253, 2012-0254, 2012-0255, 2012-0256, 2012-0258, 2012-0267, 2012-0268, 2012-0269, 2012-0270, 2012-0277, 2012-0278, 2012-0279, 2012-0283, 2012-0285, 2012-0318, 2012-0327, 2012-0330, 2012-0332, 2012-0333, 2012-0334, 2012-0336, 2012-0341, and 2012-0344.

UNABLE TO SUBSTANTIATE:

Cases: 2012-0078, 2012-0217, 2012-0230, 2012-0236, 2012-0238, 2012-0271, 2012-0289, and 2012-0308.

NO VIOLATION:

Cases: 2012-0209, 2012-0231, 2012-0299, 2012-0307, and 2012-0328.

UNREGISTERED OUTLET CASES:

By authority delegated to Oregon Board of Pharmacy Staff by the Board notices to impose \$10,000 civil penalty notices have been issued to: (includes unregistered wholesalers, manufacturers and out-of-state pharmacies)

Case: 2012-0244

TECHNICIAN LICENSES: DENY APPLICATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following technician licenses have been denied:

Case: 2012-0314

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:

Case: 2012-0276

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations for three years when PIC Self Inspection Form not completed or not available as required] the following notices with Historical orders have been issued:

Case: 2012-0335

“SHORT COUNT” Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

Case: 2012-0259

Surrendered licenses:

1. Case: 2012-0204
2. Case: 2011-0407