

## BOARD MEETING MINUTES

Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
December 16-17, 2015

*The mission of the Oregon State Board of Pharmacy is to promote, preserve and protect the public health, safety and welfare by ensuring high standards in the practice of pharmacy and by regulating the quality, manufacture, sale and distribution of drugs.*

### WEDNESDAY, DECEMBER 16, 2015

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

#### Roll Call

Roberto Linares, President  
Christine Chute  
Brad Fujisaki  
Ken Wells

Kate James, Vice President  
Penny Reher  
Heather Anderson

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

Marc Watt, Executive Director  
Chrisy Hennigan, Office Manager  
Joe Ball, Chief Investigator  
Cheryl Fox, Inspector  
Laura Elvers, Inspector  
Annette Gearhart, Compliance Secretary

Gary Miner, Compliance Director  
Courtney Wilson, Project Manager  
Fiona Karbowicz, Pharmacist Consultant  
Katie Baldwin, Inspector  
Brienne Efremoff, Inspector  
Kim Oster, Compliance Assistant

Tom Cowan, Sr. AAG Board Counsel

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Agenda Review and Approval

#### **MOTION**

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

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Contested Case Deliberation pursuant to ORS 192.690(1) - **Not Open to the Public**

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**EXECUTIVE SESSION – NOT OPEN TO THE PUBLIC, pursuant to ORS 676.175, ORS 192.660 (1) (2) (f) (k).**

- A. Items for Consideration and Discussion:
1. Deliberation on Disciplinary Cases and Investigations
  2. Personal Appearances
  3. Warning Notices
  4. Case Review

**MOTION**

**Motion to enter Executive Session at 8:35 AM was made and unanimously carried (Motion by Anderson, second by Wells).**

**MOTION**

**Motion to resume Open Session at 4:44 PM was made and unanimously carried (Motion by Reher, second by James).**

**OPEN SESSION - PUBLIC MAY ATTEND**

**Adjourn**

**MOTION**

**Motion to adjourn at 4:45PM was made and unanimously carried (Motion by Wells, second by James).**

**THURSDAY, DECEMBER 17, 2015**

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

Roll Call

Roberto Linares, President  
Christine Chute  
Brad Fujisaki  
Ken Wells

Kate James, Vice President  
Penny Reher  
Heather Anderson

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

Gary Miner, Compliance Director  
Courtney Wilson, Project Manager  
Fiona Karbowicz, Pharmacist Consultant  
Katie Baldwin, Inspector  
Brienne Efremoff, Inspector  
Kim Oster, Compliance Assistant

Chrisy Hennigan, Office Manager  
Joe Ball, Chief Investigator  
Cheryl Fox, Inspector  
Laura Elvers, Inspector  
Annette Gearhart, Compliance Secretary

Tory Hines, DS Consulting  
Tom Cowan, Sr. AAG Board Counsel

President Roberto Linares welcomed pharmacy interns as well as former Board members and staff that were in attendance.

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

## GENERAL ADMINISTRATION

Rules & Policy Discussion

### **Review Rulemaking Hearing Report & Comments:**

Project Manager Courtney Wilson provided the Board with a review of the Rulemaking Hearing Report from the November 24, 2015 public hearing at the Portland State Office Building. She noted that one individual provided oral testimony on proposed rules in the Division 006 Definitions and Division 019 Pharmacists rules. The Board received three written comments on proposed rules in Division 006 and Division 019. The individual who provided oral testimony also submitted comments in writing. Written comments received were summarized. The Board accepted the Rulemaking Hearing Report.

### **MOTION**

**Motion to accept Rulemaking Hearing Report was made and unanimously carried. (Motion by Anderson, second by Reher).**

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Consider Adoption of Temporary Rules – None

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Send Rules to Rulemaking Hearing – None

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Consider Adoption of Rules

### **Division 006 and 019 - Provider Status and Clinical Pharmacy**

Pharmacist Consultant Fiona Karbowicz noted that rule amendments seek to clarify pharmacist roles and responsibilities and incorporate shared service contract definitions. Other rule definitions are also pursuant to 2015 legislation. The Board adopted the proposed rules as noticed.

### **MOTION**

**Motion to permanently amend Definition rules in OAR 855-006-0005 as noticed was made and unanimously carried (Motion by Anderson, second by Wells).**

### **MOTION**

**Motion to permanently amend and adopt Pharmacist rules in OAR Chapter 855 Division 019 and Sections 0110, 0200 and 0264 as noticed was made and unanimously carried (Motion by Wells, second by Anderson).**

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### **Division 019 – Immunization Under Age Seven**

Pharmacist Consultant Fiona Karbowicz summarized rule amendments in Division 019. Proposed rule amendments allow pharmacists to immunize children who are age seven or older. She noted that no concerns or comments were expressed at the Rulemaking Hearing in regards to the proposed rule amendments. Board Member Christine Chute asked if there should be additional requirements or restrictions for immunizations other than age, for example smaller sized children.

Compliance Director Gary Miner noted that the training is provided for children as young as seven years of age. If a pharmacist wants to immunize younger children, the rules require a pharmacist to have additional training and a prescription. Fiona also stated that pharmacists are expected to exercise professional judgment when providing immunizations for undersized children. The Board adopted the proposed rules as noticed.

#### **MOTION**

**Motion to permanently amend Pharmacist rules in OAR Chapter 855 Division 019 and Sections 0270 and 0280 as noticed was made and unanimously carried (Motion by Fujisaki, second by Anderson).**

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#### **Division 025 – Renewal of Licensure as a Certified Pharmacy Technician**

Pharmacist Consultant Fiona Karbowicz noted that the temporary rule for Certified Oregon Pharmacy Technicians will expire on February 16<sup>th</sup>. The temporary rule being considered for permanent adoption indicates that a Certified Oregon Pharmacy Technician applying for the renewal of their first renewal license are not required to report Continuing Education hours if they have not been licensed by the Board for at least one year prior to October 1 of the renewal period. The Board permanently adopted the proposed rule as noticed.

#### **MOTION**

**Motion to permanently amend Certified Oregon Pharmacy Technician Continuing Education rules for new licensees in OAR 855-025-0015 as noticed was made and unanimously carried (Motion by Anderson, second by Fujisaki).**

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#### **Division 041 – Auto Refill**

Pharmacist Consultant Fiona Karbowicz noted that pursuant to direction given at the October Board Meeting the Board will need to make a motion to amend the effective date for the auto refill rules to allow more time for implementation. Board Member Ken Wells noted that the rule will go into effect on July 1, 2016 and that the effective date of these rules will not be addressed again. Board Member Heather Anderson asked if industry raised any concerns over the implementation date. Fiona stated that a concern may be that certain outlets will discontinue or turn off auto refill programs. Compliance Director Gary Miner noted that if an outlet turns off their auto refill program, the Board will review their system to ensure that it is non-operational.

#### **MOTION**

**Motion to permanently amend the effective date for Prescription Auto Refill rules in OAR 855-041-1120(5)-(8) to 7/1/16 as noticed was made and unanimously carried (Motion by Anderson, second by Wells). Note: The Board expects full compliance with these rules and all rules in Section 1120 by the effective date 7/1/16.**

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#### **Division 043 – Drug Delivery and Control**

Pharmacist Consultant Fiona Karbowicz provided an overview of proposed amendments to the Drug Delivery and Control rules. Proposed amendments add a waiver clause to these rules. The Board adopted the proposed rules.

## **MOTION**

**Motion to permanently amend Drug Delivery and Control rules in OAR 855-043-0130 as noticed was made and unanimously carried (Motion by Fujisaki, second by Anderson).**

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### **Division 062 – Drug Distribution Agents**

Pharmacist Consultant Fiona Karbowicz provided an overview of amendments to the Drug Distribution Agent Record Keeping rules. Amendments are currently a temporary rule. The Board permanently adopted the proposed rules.

## **MOTION**

**Motion to permanently amend Drug Distribution Agent Record-keeping rules in OAR 855-062-0040 as noticed was made and unanimously carried (Motion by Wells, second by Fujisaki).**

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### **Division 090 – Aerosol Sprays**

Pharmacist Consultant Fiona Karbowicz indicated that Division 090 Aerosol Spray rules are proposed to be permanently repealed. She continued that the Aerosol rules are outdated, received no public comments and that it appears that no one uses fluorocarbons as a delivery agent in medication. Once the rules have been repealed the title of Division 90, will be kept so that this Division may be used at a later time for rule writing. Board Member Heather Anderson asked whether there was any reason to believe Aerosol spray may come back into use in the future. Compliance Director Gary Miner stated that the industry has moved toward powder and Aerosol is viewed negatively by the Environmental Protection Agency because of its harmful environmental impacts. He noted that it was unlikely Aerosol will reemerge as a delivery agent. The Board voted unanimously to repeal the aerosol spray rules.

## **MOTION**

**Motion to permanently repeal Aerosol Sprays rules in OAR 855-090-0005 as noticed was made and unanimously carried (Motion by Reher, second by Anderson).**

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**Policy Issues for Discussion - None**

### **Discussion Items:**

Waiver/Exception/Extensions/New Application Requests

### **Medicine Shoppe Waiver Update**

Compliance Director Gary Miner stated that the five year requirement for renewing Medicine Shoppe Pharmacy's waiver from the sink requirement under rule OAR 855-041-1035 is approaching. He indicated that Medicine Shoppe is requesting an extension of a waiver previously granted by the Board and there have been no changes. The Board approved the extension of their waiver.

## **MOTION**

**Motion to approve Medicine Shoppe waiver request from the minimum equipment rules in OAR 855-041-1035 for five years was made and unanimously carried. (Motion by Wells, second by Anderson).**

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### **FPGEC Waiver Request**

Compliance Director Gary Miner presented an FPGEC waiver request for C. Jones. This individual took California's exam at a time when California was not a part of the National Association of Boards of Pharmacy. Therefore, California's exams were not accepted during that period. California had evaluated and accepted this individual's education during this time. The individual is currently licensed and in good standing within California and speaks excellent English. The National Association of Boards of Pharmacy verified that this individual's education is acceptable to FPGEC education standards. The Board voted to waive the FPGEC requirements for C.Jones.

### **MOTION**

**Motion to approve C. Jones FPGEC waiver request made and unanimously carried. (Motion by Chute, second by Reher).**

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### **Murray's Condon Waiver Request**

Compliance Director Gary Miner presented a waiver request for Murray's Condon. He noted that their model is similar to Len's Drug depot site which provides filled prescriptions in a rural area in which access to pharmacy services is limited by distance. The model submitted shows a locked cabinet in the practice location which will be secured and out of site to the general population. The proposal addresses security, HIPPA concerns and using a log in and out system for the tracking of prescriptions. The Board voted to approve the waiver request for Murray's Condon.

### **MOTION**

**Motion to approve Murray's Condon waiver request to prescription depot rules in OAR 855-041-1050 for five years was made and unanimously carried. (Motion by Chute, second by Anderson).**

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### **Veterinary Compounding**

Roadrunner Pharmacy submitted a request to the Board in October asking that the Board be mindful of changes in both Federal and state regulations and the challenges in the veterinary compounding arena. It appeared that the pharmacy is asking every state to take a position on proposed changes to the FDA's regulations and they discouraged Oregon from signing the Federal Memorandum of Understanding as it is in its present draft form. The Board indicated that Roadrunner Pharmacy provided them with a lot of good information and that many factors to consider for future compounding rule amendments. However, they would like to wait to see the changes the FDA will make to their regulations. Compliance Director Gary Miner stated that the National Association of Boards of Pharmacy may be trying to form its own Memorandum of Understanding with states. However, each state has its own complexities and because they are different there are challenges. The Board indicated that they will consider the Roadrunner Pharmacy's comments when they begin amending the compounding rules in 2016. The Board would like rules developed to work well with the Federal regulations. However, as a result of the many complexities in compounding that needs to be considered, there are many discussions that need to take place and is important not to go too quickly. The Board will be reconvening the compounding workgroup in 2016 to develop potential amendments to its compounding rules. Staff will work with Board Counsel Tom Cowan to consider the interplay of Federal regulations at that time.

Roadrunner Pharmacy appeared before the Board at their February meeting requesting that the Board keep in mind the unique medication requirements of the veterinary practice when reviewing

or writing regulations that relate to compounding. They were advised that they are not allowed to send in non-patient specific medications into Oregon without an Oregon Manufacturer Registration.

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### **Revised Probation Policy Review**

Compliance Assistant Kim Oster and Inspector Cheryl Fox gave a presentation on the probation policy and urine analysis testing concerns. Kim indicated that a large amount of diluted samples in 2015 were received and that it appeared that some of the licensees on probation were attempting to bypass urine analysis by consuming large amounts of water to cause diluted results. Cheryl stated that in 2015, 475 samples were obtained and that of those samples 44 were dilutes which is twice as many dilutes as 2014. She noted that the 44 diluted samples were provided by 14 individuals and 8 licensees provided diluted samples twice or more. The Board asked if there is any correlation between diluted samples and medical conditions. It was noted diluted samples may occur in individuals with diabetes or malnutrition.

Staff proposed revisions to the probation policy. After the first dilute, a letter is mailed to the licensee noting they provided a diluted sample and asking for an explanation. The letter also suggests ways to avoid diluted samples by providing a sample in the morning hours or avoiding caffeine. After a second diluted sample, a letter is sent asking for a medical evaluation. After a third diluted sample, a medical explanation will be required. On the 4th dilute, it will come to the Board.

Board Counsel Tom Cowan asked if it would be possible to require a blood sample after one or more positive urine analyses. Board Member Ken Wells agreed that blood testing is accurate, difficult to bypass and may diagnose any underlying conditions. Board Member Christine Chute asked whether blood testing is widely available or if it would create access issues for licensees. Compliance Assistant Kim Oster noted that the current order states that an individual may be subject to a hair or blood test in addition to a urine sample. She also noted that if the Board adopts the revised policy; licensees on probation will be mailed additional information. Compliance Director Gary Miner stated that if the revised policy is approved, probationers will have to sign it and send it back verifying they read the updated policy. Board Vice President Kate James requested that the policy also apply to licensees who have already provided diluted samples, indicating that the form of testing may include urine, hair or blood samples.

The Board approved the revised Probation Policy.

### **MOTION**

**Motion to approve revised Probation Policy was made and unanimously carried. (Motion by Chute, second by Anderson).**

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### **ISSUES/ACTIVITIES**

#### Reports:

Board Member Ken Wells reported he and Board Vice President Kate James attended training for contraceptives and reimbursement at Oregon Health & Science University. Board Member Penny Reher reported she attended an American Society of Health System Pharmacists (ASHP) Meeting which included Board members from twenty states. She noted that the major topic of conversation was marijuana and how states like Colorado and Oregon are handling legalization. Penny also sat down with CEO Paul Abramowitz to discuss Oregon's pioneering rule allowing

pharmacist to prescribe hormonal contraceptives. Additionally, they discussed the Pharmacy Technician Certification Board and the Oregon specific issues that arose over related to licensure earlier in the year. Finally, there was discussion around increased surveillance by the Drug Enforcement Agency and healthcare systems. A major concern is the lack of human intervention with automated healthcare systems; this is something the Board will be looking at in the near future. Board Member Christine Chute reported that she attended the Governor's Advisory Council on DUI and that there will be an Oregon Drug Education Conference in July. The focus will be educating children and the current status of marijuana in Oregon, Washington and Colorado. Christine also noted she read a reporting study that found an 18% increase in blood alcohol levels when alcohol is mixed with diet drinks.

Pharmacist Consultant Fiona Karbowicz stated that Executive Director Marc Watt met with Representative Buehler to discuss topics about the upcoming legislative session. Such topics included providing pharmacists with prescriptive authority for Naloxone, potential changes to the Prescription Drug Monitoring Program and bio-similars.

Compliance Director Gary Miner reported that inspectors have recently attended various training opportunities. He indicated that there are currently 19 individuals enrolled in the Health Professional Service Program (HPSP). All individuals are Board referrals. Gary stated that staff is developing FAQs on drug storage regulations. Gary noted that staff is looking for direction from the Board on how to regulate fully automated systems. He noted that if temperatures fall out of range an alarm will notify the pharmacy. Staff feels that if you run a fully automated system, the pharmacy does not need to log temperatures twice a day. Pharmacist Consultant Fiona Karbowicz noted that it is challenging to write a rule that is all encompassing when the equipment available to pharmacies varies greatly. Gary noted that if the pharmacy is not functioning with a fully integrated system, they are required to log and check temperatures throughout the day. One point of concern is setting alarm thresholds; if the range is too small, the alarm may never sound and then there is unsafe product. However, if the range is too broad, the alarm may sound continuously. Staff is receiving a lot of questions about this topic and pharmacies are seeking clear direction to stay in compliance. Staff feels that the FAQs will be a useful tool for pharmacies.

Pharmacist Consultant Fiona Karbowicz reported that there has been a substantial amount of media interest in 2015 House Bill 2879 and that staff has been reaching out and working with corporations on policies and procedures related to this measure. She noted that staff has been developing and adding to presentations for Pacific University and Oregon State University pharmacy students. In addition, the Pharmacist-in-Charge training class is being provided to the students at Pacific University and Oregon State University each Spring prior to graduation. This class is being restructured to emulate a law review course and training will be more focused on rules.

Office Manager Chrisy Hennigan stated that LED audits for renewed Certified Oregon Pharmacy Technicians were completed as of December 17<sup>th</sup>. The licensing staff is now in the middle of the Non-Prescription Drug Outlet renewal cycle which the postmark deadline of December 31<sup>st</sup> approaching. Supplemental information forms for the March 31<sup>st</sup> renewal cycle will be available in January.

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### **Board Member/Staff Presentations**

It was noted that the next Pharmacy Coalition Meeting is scheduled for January 12, 2016. The last Professional Practice Roundtable Meeting was held on November 12, 2015. Pharmacist Consultant Fiona Karbowicz highlighted the discussion at the meeting. She indicated that topics

discussed included, drug take back as well as the status of the Board's progression on the contraception rules. The National Transportation Safety Board continued their conversation of transportation safety for pharmacy patients. There is additional information on their website, but the overall discussion centered on pharmacists being mindful of patients who are traveling and how a drug may impair that individual.

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### **Committees/Meetings**

The Oregon State Pharmacy Association Fall Meeting is scheduled was held October 10<sup>th</sup>-11<sup>th</sup> in Portland.

Executive Director Marc Watt attended the National Association of Boards of Pharmacy (NABP) Executive Officers Forum October 13<sup>th</sup>-14<sup>th</sup> in Chicago, Illinois.

Pharmacist Consultant Fiona Karbowicz and Inspector Brianne Efremoff attended the Food and Drug Administration Invitation: Inter-Governmental Meetings on Pharmacy Compounding and Drug Supply Chain Security November 16-17 in Silver Springs, Virginia. Fiona reported that the fifty state meeting included a two day conversation on compounding and track & trace. It provided insight on the Memorandum of Understanding barriers and intentions. Brianne noted that Fiona provided an outstanding presentation during this meeting. The travel expenses for this meeting paid for by the FDA.

Pharmacist Consultant Fiona Karbowicz attended the National Association of Boards of Pharmacy Legal Counsel & Compliance Forum December 1-2 in Chicago, Illinois. Fiona indicated that the forum was outreach focused and on how NABP can best help each state. NABP paid for the travel expenses for this meeting.

Oregon State Pharmacy Association's Lane County Mid-Winter Meeting will be held February 27-28 in Eugene. Executive Director Marc Watt and Pharmacist Consultant Fiona Karbowicz will be presenters. Fiona Karbowicz reported that the meeting will explore topics such as medication reconciliation and federal compounding oversight. Marc and Fiona's presentation will be focused on House Bill 2879 and will also touch on Naloxone.

The Board discussed the use of the Board's list-serve for external surveys. A recent survey that was sent to licensees regarding House Bill 2879 was not endorsed by the Board and some were concerned that the questions might increase confusion to pharmacists about this new law in particular. The Board discussed reviewing future surveys and other list-serve messages for content and distribution via the Board's list-serve. Use of the list-serve is reserved for limited external communications. The Executive Director was not at the meeting and it would be helpful to discuss this further when he is present.

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### **Board Meeting Dates**

- |                         |          |                                     |
|-------------------------|----------|-------------------------------------|
| • February 10-12, 2016* | Portland | (3 day meeting)                     |
| • April 6-7, 2016       | Portland |                                     |
| • June 8-9, 2016        | Portland |                                     |
| • August 10-12, 2016*   | Portland | (3 day meeting)                     |
| • September 11-14, 2016 | Portland | NABP District VI-VII annual meeting |
| • October 5-6, 2016     | Portland |                                     |
| • November 2-3, 2016    | TBA      | (Strategic Planning)                |

- December 7-8, 2016                      Portland
- February 8-10, 2017\*                  Portland      (*3 day meeting*)
- April 5-6, 2017                          Portland
- June 7-8, 2017                          Portland
- August 9-11, 2017\*                    Portland      (*3 day meeting*)
- October 11-12, 2017                  Portland
- November 8-9, 2017                  TBA            (*Strategic Planning*)
- December 13-14, 2017                Portland

### **Rulemaking Hearing Dates**

- March 23, 2016
- May 24, 2016
- November 22, 2016
- May 25, 2017
- November 28, 2017

### **Financial/Budget Report**

Chrisy Hennigan reported that the financial plan is in the process of being finalized.

### **Legislative and Rules Update**

Pharmacist Consultant Fiona Karbowicz noted that rules in 2016-2017 will include amendments to compounding, long-term care, correctional facilities, volunteer pharmacists, and criminal records.

### **Strategic Planning Update**

The update and documents will be provided at the February meeting.

### **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. Project Manager Report – none
4. License/Registration Ratification (October 7, 2015-December 15, 2015)
5. Extension Requests
6. Approval of Board Meeting Minutes – *none available at this time*

### **MOTION**

**Motion to approve the consent agenda as revised was made and unanimously carried (Motion by Wells, second by Anderson).**

**OPEN FORUM** At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Board President Roberto Linares invited any comments from the public.

Paige Clark, Director of Alumni Relations and Professional Development at Oregon State University stated that she has been receiving questions about the pharmacist contraception training program. She indicated that a dashboard component has been implemented to show how pharmacists and students are moving through the training program. Paige indicated that there seems to be a balance between pharmacists in the Portland metro area and more remote areas throughout the state that have completed the training program. She believes that corporations as well as some of the independent pharmacies will publish on their website or advertise if their locations provide prescriptive contraceptive services. Oregon State University will be providing the Board with a list of pharmacists who have completed their training course every fifteen days. The Board thanked Paige and Oregon State University for all of their efforts.

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## **Adjourn**

### **MOTION**

**Motion to adjourn at 11:35 AM was made and unanimously carried (Motion by Anderson, second by Fujisaki).**

**Accepted by:**



**Marcus R. Watt, R.Ph.  
Executive Director**

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

Wednesday, December 16, 2015 @ 8:30 AM, Conference Room 1A  
Thursday, December 17, 2015 @ 8:30 AM, Conference Room 1A  
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on 12/16/2015 to discuss Compliance cases, followed by motions on 12/17/2015. Working lunch held 12/16/2015.

Board Members present for all or part of compliance session:

Roberto Linares, RPH, President  
Kate James, RPH, Vice President  
Heather Anderson, Public Member  
Christine Chute, Public Member

Brad Fujisaki, RPH  
Kenneth Wells, RPH  
Penny Reher, RPH

Staff present for all or part of compliance session:

Gary Miner, RPH, Compliance Director  
Joe Ball, RPH, Chief Investigator  
Katie Baldwin, RPH, Board Inspector  
Laura Elvers, RPH, Board Inspector  
Brienne [Cooper] Efremoff, RPH, Board Inspector  
Cheryl Fox, RPH, Board Inspector

Marcus Watt, R.Ph., Executive Director  
Chrisy Hennigan, Office Manager  
Courtney Wilson, Project Manager  
Fiona Karbowicz, R.Ph., Pharmacist Consultant  
Annette Gearhart, Compliance Secretary  
Kim Oster, Compliance Assistant  
Jennifer Hummel, Licensing Representative  
Arinda Wong, Licensing Representative  
Thomas Cowan, Senior AAG

Staff absent for all of the compliance session:

Karen MacLean, Administrative Director

**CONSIDERATION OF CONTESTED CASES deliberation under ORS 192.690(1):**

**Case 2015-0107 Motion to accept ALJ Webster's Ruling on Motion Summary Determination and Proposed Order, and to issue Final Order barring receipt of any acceptations.**

Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

**EXECUTIVE SESSION – NOT OPEN TO THE PUBLIC, pursuant to ORS 676.175, ORS 192.660 (1) (2) (f) (k).**

**Cases 2015-0248 and 2015-0376 Motion to not accept proposed Stipulated Agreement.**

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2014-0270 Motion to deny request.**

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion carried with Kate James and Roberto Linares recused.

**Case 2014-0328 Motion to deny request.**

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2012-0374 Motion to deny request.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2014-0089 Motion to deny request.**

Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2014-0128 Motion to grant request and reduce to 18 UAs per year.**

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2014-0195 Motion to grant request to work at one additional site and can work up to 40 hours per week.**

Motion by: Heather Anderson; Seconded by: Penny Reher. Motion unanimously carried.

**Case 2012-0322 Motion to grant request to eliminate Saturday testing.**

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion carried with Kate James recused.

**Case 2014-0072 Motion to remove sanctions 1a-b of probation.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Cases 2015-0010; 2015-0011; 2015-0014; 2015-0032; 2015-0034; 2015-0035; 2015-0059; 2015-0061; 2015-0065; and 2015-0066. Motion to close cases with Board direction.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0524 Motion to grant technician license contingent on positive fit for duty evaluation.**

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2015-0557 Motion to revoke pharmacist license and impose \$1,000 Civil Penalty per violation.**

Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0442 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0492 Motion to impose \$1,000 civil penalty per violation and revoke technician license.**

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2015-0381 Motion to revoke technician license and impose \$1,000 Civil Penalty per violation.**

Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0532 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0498 Motion to revoke technician license and impose \$1,000 Civil Penalty per violation.**

Motion by: Penny Reher; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0452 Motion to close case with Board direction.**

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

- Case 2015-0509**            **Motion to impose \$1,000 Civil Penalty per violation and suspend pharmacist license.**  
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2015-0488**            **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2015-0521**            **Motion to deny technician license and impose \$1,000 Civil Penalty per violation.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2015-0441**            **Motion to deny technician license.**  
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.
- Case 2015-0393**            **Motion to revoke pharmacist license and impose \$1,000 Civil Penalty per violation.**  
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion carried with Heather Anderson and Christine Chute opposed.
- Case 2015-0495**            **Motion to grant technician license.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2015-0499**            **Motion to grant pharmacist license.**  
Motion by: Brad Fujisaki; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2015-0540**            **Motion to deny technician license and impose \$1,000 Civil Penalty per violation.**  
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion carried with Kenneth Wells opposed.
- Case 2015-0593**            **Motion to grant technician license.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2015-0481**            **Motion to revoke technician license and impose \$1,000 Civil Penalty per violation.**  
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.
- Case 2015-0454**            **Motion to deny pharmacist license and impose \$1,000 civil penalty per violation.**  
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2015-0475**            **Motion to close with Board direction.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.
- Case 2015-0476**            **Motion to close with Board direction.**  
Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.
- Case 2015-0477**            **Motion to close with Board direction.**  
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.
- Case 2015-0480**            **Motion to deny technician license and impose \$1,000 civil penalty per violation.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0565 Motion to deny technician license and impose \$1,000 Civil Penalty per violation.**  
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0541 Motion to deny technician license.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0585 Motion to grant technician license.**  
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2015-0490 Motion to impose \$1,000 civil penalty per violation and suspend pharmacist license and Board direction regarding outlet and second pharmacist.**  
Motion by: Heather Anderson; Seconded by: Penny Reher. Motion unanimously carried.

**Case 2015-0573 Motion to impose \$1,000 Civil Penalty per violation against pharmacist.**  
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0538 Motion to close case with Board direction.**  
Motion by: Heather Anderson; Seconded by: Christine Chute. Motion carried with Kenneth Wells opposed.

**Case 2015-0568 Motion to impose \$10,000 Civil Penalty per violation against outlet and close with Board direction.**  
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2015-0424 Motion to impose \$1,000 Civil Penalty per violation against pharmacist.**  
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2015-0528 Motion to impose \$10,000 Civil Penalty per violation against outlet; close with Board direction.**  
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2015-0507 Motion to impose \$1,000 Civil Penalty per violation against the Pharmacist-in-Charge; and close case with Board direction.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0489 Motion to close case with Board direction.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0594 Motion to revoke outlet license and impose \$10,000 Civil Penalty per violation.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0425 Motion to revoke outlet license and impose \$10,000 civil penalty per violation.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2015-0433 Motion to impose \$10,000 Civil Penalty per violation against outlet; and close cases 2015-0217 and 2015-0434 with Board Direction.**  
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Motion to accept the items on the consent agenda with case 2015-0429 pulled for discussion.**

Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

**CASES CLOSED WITH BOARD DIRECTION:**

Cases: 2015-0467; 2015-0543; 2015-0544; 2015-0545; 2015-0546; 2015-0547; 2015-0548; 2015-0549; 2015-0550; 2015-0551; 2015-0552; 2015-0554; 2015-0584; 2015-0468; 2015-0553; 2015-0563, 2015-0397, 2015-0399, 2015-0401, 2015-0403, 2015-0413, 2015-0426, 2015-0451, 2015-0457, 2015-0460, 2015-0462, 2015-0465, 2015-0466, 2015-0472, 2015-0483, 2015-0484, 2015-0485, 2015-0486, 2015-0504, 2015-0505, 2015-0514, 2015-0516, 2015-0517, 2015-0519, 2015-0520, 2015-0525, 2015-0534, 2015-0535, 2015-0567, 2015-0373 and 2015-0440. 2015-0378, 2015-0439, 2015-0448, 2015-0471, 2015-0482, 2015-0537, 2015-0539, 2015-0555, 2015-0556, 2015-0569, 2015-0574, 2015-0463, 2015-0487 and 2015-0590.

**C.E. AUDIT CASES:**

Close with Board direction: 2015-0503, 2015-0512, 2015-0513, 2015-0558, 2015-0559, 2015-0560, 2015-0561, 2015-0562.

**UNSWORN FALSIFICATION:**

Issue Notice to deny initial license, or revoke current license, and impose \$1,000 civil penalty per violation.

Cases: 2015-0479, 2015-0500, 2015-0522, 2015-0530, 2015-0531, 2015-0577.

**DENIAL OF APPLICATION ORDERS:**

Issue Notice to deny license and impose \$1,000 civil penalty per violation.

Case: 2015-0523

**SHORT COUNT:**

Close case with Board direction.

Case: 2015-0529

**UNREGISTERED OUTLET:**

Issue Notice to impose \$10,000 civil penalty per violation.

Case: 2015-0501

**CASES CLOSED UNDER INVESTIGATION:**

Cases: 2015-0421, 2015-0438, 2015-0461, 2015-0510 and 2015-0518.

**SURRENDERED LICENSE:**

Case: 2015-0506

**CASES CLOSED:**

Board motions with report of case conclusions for the previous 12 months.

**UPDATES / REPORTS:**

Open cases under investigation.

Hearings Spreadsheet

Historical Data