

**BOARD MEETING MINUTES**  
**Oregon Board of Pharmacy**  
**Salbasgeon Suites & OSU College of Pharmacy**  
**1730 NW 9th Street & 1601 SW Jefferson Avenue**  
**Corvallis, OR 97330**

<b>Tuesday, January 29, 2008 at 8:00 AM, Salbasgeon Suites/OSU</b> <b>Wednesday, January 30, 2008 at 8:00 AM, OSU</b>
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**Tuesday, January 29, 2008**

Ann Zweber, Board President, called the meeting to order at 8:00 AM.

**Roll Call**

The following Board Members were present:

Ann Zweber, President  
Cathy Lew, Vice President  
Bernie Foster  
Marc Watt  
Linda Howrey  
Lee Howard, attended by phone due to severe weather conditions

Dianna Pimlott was absent

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

Gary Schnabel, Executive Director  
Karen MacLean, Administrative Director  
Gary Miner, Compliance Director  
Annette Gearhart, Compliance Secretary  
Paige Clark, Pharmacist Consultant  
Gregg Hyman, Inspector  
Joe Ball, Chief Investigator  
Michele Cale, Inspector  
Meg Aulerich, Inspector  
Katie, Baldwin, Inspector  
Jennifer Zanon, Inspector

Tom Cowan, Board Counsel

**MOTION**

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

**MOTION**

**Motion to enter into Executive Session at 8:08 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Howrey, second by Foster).**

## **MOTION**

**Motion to exit out of Executive Session and resume Open Session at 3:36 PM was made and unanimously carried (Motion by Foster, second by Lew).**

Compliance Director, Gary Miner, read compliance cases for Motions.  
Please refer to Compliance Minutes for Motions.

At 3:50 PM, the Board adjourned the meeting and traveled to Oregon State University, College of Pharmacy to meet with the first year students at the Law Class from 4:30 to 5:45 PM.

## **Wednesday, January 30, 2008**

### **8:30 AM OPEN SESSION, Ann Zweber, R.Ph. Presiding**

Ann Zweber called the meeting to order at 8:30

#### Roll Call

The following Board Members were present:

Ann Zweber, President  
Cathy Lew, Vice President  
Bernie Foster  
Marc Watt  
Linda Howrey

Lee Howard attended by phone due to severe weather conditions.

Dianna Pimlott was absent.

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

Gary Schnabel, Executive Director  
Gary Miner, Compliance Director  
Karen MacLean, Administrative Director  
Tony Burt, Project Manager  
Annette Gearhart, Compliance Secretary  
Paige Clark, Pharmacist Consultant  
Gregg Hyman, Inspector  
Joe Ball, Chief Investigator  
Michele Cale, Inspector  
Meg Aulerich, Inspector  
Katie, Baldwin, Inspector  
Jennifer Zanon, Inspector

Tom Cowan, Board Counsel

Reports: Board President/Members

Board Member, Linda Howrey, participated in the Oregon Health Summit held at the Salem Convention Center on January 16, 2008. It was very interesting, the Governor and legislators were in attendance. The focus of the meeting was health care reform in Oregon. The IPAT Meeting was cancelled. Biopharmaceuticals and Pharmacists were asked to participate in the national add campaign to address "your drug safety information." Linda also attended The Scanner's annual MLK Breakfast which was a very good meeting.

Board Vice President, Cathy Lew, attended the Southern Oregon Chapter of Continuing Education meeting on January 16, 2008. She's seeing that it appears a bit challenging to get appropriate talks for Technicians and Registered Pharmacists (RPh). She plans to attend the OSPA dinner.

Board Member, Bernie Foster, raised a question about the Walmart \$4 prescription campaign. The Board will discuss this at a later time.

Board Member, Lee Howard, had nothing to report.

Board Counsel, Tom Cowan, was tentatively scheduled to participate in the Expedited Partner Therapy discussion but never heard back. Several cases have gone to contested case hearings. Investigator/Inspectors are doing a great job. Compliance Director, Gary Miner, is doing a very good job finding resolutions to cases.

Compliance Director, Gary Miner, reported that inspections were completed at 54% in 2007 of the 838 licensees. In 2007, 76% were in compliance with no warning notices. During 2007 three vacancies for pharmacy inspectors occurred and were filled. They hope to increase inspections and compliance in 2008 while expanding outreach efforts by offering PIC training classes.

Over 70 people have gone through the PIC training program; 5 District Managers and 1 non-pharmacist manager. The average number of years that individuals have been pharmacists is 16.7 years and they have filled the PIC role for 5.5 years. Thirteen have over 30 years of experience, 7 have more than 20 years of experience, and 35 individuals have less than 1 year experience as a PIC. The goal is to conduct this program in rural areas as Inspectors are out on extended inspection trips.

Administrative Director, Karen MacLean, reported on the Pharmacy Technician statistics for ICPT and PTCB. As of January 25, 2008, the OBOP website reflects we have 2,045 Certified Oregon Pharmacy Technicians (COPT) and 4066 Pharmacy Technicians out of a combined total of 6,111. This means that 33 ½ % of our technicians have converted to the COPT license.

ICPT currently has 321 nationally certified technicians and there is a new practice test available on line. PTCB currently has 2,245 nationally certified pharmacy technicians with Oregon as their state of residence. They are adding Pearson VUE as a "selected" site in distant, rural areas.

Pass rates continue to be relatively high. Overall, there are approximately 2,566 total nationally certified pharmacy technicians from Oregon, which means about 42% have completed the requirement but need to make the transition to the Certified Oregon Pharmacy Technician license.

Karen also reported that she had a one day strategic planning session with the licensing staff to review workload, address concerns about the upcoming 2008 renewal cycles and problem solving solutions to facilitate workload when everyone waits until the last minute to deal with the COPT transition. She reported back on options to facilitate future Board meetings with "Web Ex" online solutions. The staff has worked with licensees that were affected by the December storms as the Governor's Executive Order required; only a few licensees have needed assistance. The requested PRN report has been postponed until a later meeting. For recruitments, the Receptionist position was filled by Anjanette Diamonde in early January. There are two vacant positions for the Management Secretary and the part-time Compliance Assistant; both recruitments are in process. Finally, Karen discussed logistics for the upcoming Board's Strategic Planning meeting.

Pharmacist Consultant, Paige Clark, added the following to her written report: The ONDCP ad campaign "To Combat Teen Prescription Drug Abuse" which will air on Super Bowl Sunday.

#### Board Meeting Dates 2008

No changes were made to upcoming Board meeting dates.

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

#### Strategic Planning Meeting

- March 18 - 19, 2008                    Welches

Karen asked the Board for direction about the April meeting to be held at Pacific University. Board members want to meet on Tuesday at the Portland State Office Building for Compliance and all day Wednesday at the Pacific campus in Hillsboro. The 5<sup>th</sup> Floor conference room has been reserved, and the meeting will start at 8:00 AM.

Second, Board Member, Dianna Pimlott, has a conflict with the June Board meeting and would like to know if it would be possible to call in for part of the meeting. Staff was asked to find out the 2009 ASHP meeting dates for planning purposes. It was re-emphasized that it's important to be here as much as possible.

Compliance Director, Gary Miner, commented that the Board may want to reconsider traveling to each of the schools for formal Board meetings. Away meetings are disruptive to work flow and are costly. He suggested possibly going to each school every other year or have a "Student Day" in Portland with students from both schools as options to consider.

#### **MOTION**

**Motion to approve consent agenda was made and unanimously carried (Motion by Lew, second by Howrey).**

## Committees/Meetings

### NABP Meetings

Executive Director, Gary Schnabel, reported that he participated in two teleconference meetings, he will attend the NABP Executive Committee meeting in Scottsdale, Arizona on February 7-9, 2008, as the association's treasurer and at NABP's expense. Board Vice President, Cathy Lew, will also attend as the District VII Executive Committee member at NABP's expense. In addition, they will attend the NABP Annual meeting in Baltimore on May 17-20, 2008. Cathy recommends that Board President, Ann Zweber, attend as well as a compliance staff member. The Board supports Ann's attendance at this meeting. Additionally, the Compliance track will be related to USP 797 and this information would be very useful. The Board supports Gary Miner's attendance as well. Board staff will evaluate resources to see if two people can attend this meeting.

### Governor's Advisory Committee on DUII

Executive Director, Gary Schnabel reported that we've been invited to attend the Governor's Advisory Committee again. Board Member, Marc Watt, has volunteered to represent the Board in the past, but cannot attend this meeting. The Board considered finding someone else to represent the Board. It was suggested that the OSPA has a bigger stake in possible legislative issues and agrees that representation is good. If needed, we could get the agenda and the minutes. Board Member, Marc Watt, will monitor this Committee.

### Senate Interim Committee on Commerce and Labor, Subcommittee on Health Care Reform

Executive Director, Gary Schnabel, gave the Board information about the request for workforce data collection. Administrative Director, Karen MacLean, attended this meeting on Gary's behalf to give the Board's presentation. There is a Workforce hearing follow-up to the Committee on February 14, 2008. Vice President, Cathy Lew, asked guest, Rich Polombo if this is a national problem. He said that he hasn't really experienced this issue. Target representative, Dick Glatt, stated that Target always has staffing issues and more information would be useful.

### MPJE Review

Compliance Inspectors, Gregg Hyman and Joseph Ball travelled to Fort Lauderdale for the review which began with 1,666 questions. 997 questions were reviewed, 119 questions were deleted and 113 added. There are now more questions and it required a lot of work. The Board thanked Gregg and Joe for their work.

### Research Councils:

#### Medication Therapy Management Service

Board Member, Linda Howrey, reported on the recent meeting. A number of people have been participating to collect information and have formed a committee to begin a final report for Board consideration.

#### Medication Error / Patient Safety

Board Vice President, Cathy Lew, reported that 10 members on their council will have their first meeting on February 13, 2008. There may be some further outreach which will be a good opportunity.

### Intern

Board President, Ann Zweber, reported on the January meeting which discussed current rule and ACPE guidelines and hour requirements. They have another meeting next week and hope to have a report for the Board by the Strategic Planning meeting if Legislation is necessary.

### Emergency Planning

This topic was added to the agenda. Compliance Director, Gary Miner, Executive Director, Gary Schnabel, and Pharmacist Consultant, Paige Clark attended additional meetings on Emergency Planning. Three basic areas for discussion are: SNS, Immunizations, and Antivirals; what if anything should the Board consider for possible rule revisions. There will be a report in March and training will also be incorporated. Our database will be available to provide pharmacists information. We may consider adding a checkbox on the pharmacist license renewals for participation. There was a lengthy discussion on County, State Health Departments and Board involvement. Rich Polombo added that ongoing care prescriptions for people in the midst of an emergency should be considered. This is great need, especially when people are evacuated from other states to Oregon.

### Staff Policy Questions

Gary Miner asked the Board the following field questions:

1. Can billers be permitted to work at home to do billing functions?

Answer: They can do billing functions only – Security in place with Read-only for records no changes in data

2. Is it necessary for the staff to approve technician CE programs?

Currently the Board requires 1 hour of law annually for the technicians. Do we need to certify and/or distinguish between appropriate CE programs for pharmacists and technicians?

Answer: No

3. Do these Kaiser pharmacists need to be Oregon licensed pharmacists?

This is the proposed model Kaiser would use:

1) The medication order is created in the NW electronic medical chart and sent via electronic message to the CA pharmacy. The CA licensed pharmacist then contacts the patient, confirms lab monitoring has been completed via NW electronic medical chart, documents the patient consultation in the NW medical chart (from CA), dispenses and sends the medication to the patient in the NW.

2) The medication order is faxed to the CA pharmacy. The CA licensed pharmacist then contacts the NW patient, confirms lab monitoring has been completed via NW electronic medical chart, documents the patient consultation in the NW electronic medical chart (from CA), dispenses and sends the medication to the patient in the NW.

In both scenarios, the CA pharmacist will contact the NW prescriber via electronic medical chart and sometimes telephone. The NW patient will be contacting the CA pharmacy for refills and with questions. If an ADR is reported to the CA pharmacist, they will report it according to the appropriate path. At this time the CA pharmacists are not ordering labs or pending medication orders for the prescriber to sign, however, it may be (or may not be) part of the process in the future.

In addition, if there is an error, we would have recourse against the pharmacist. If both are licensed, both would be disciplined. We could turn it over to the California Board. The question was asked, "How is this different with maintenance orders?" The scenario provided is a much higher risk environment. Consensus was that licensure for both are necessary.

Answer: Yes – DUR plus monitoring is consulting and will require a license

4. We are asking for a clarification of the Board's position on the use of bar coding for hospitals?

We have recently visited a hospital and had a presentation on two different delivery systems. One uses robotics and the other uses dispensing cabinets. Based on our observations we would like you to discuss the following:

- Medications which are repackaged into the hospital's bar coding packaging must be verified by a pharmacist.
- Technicians can load the robotic machines
- Technicians can deliver and exchange individual patient medication boxes or medication envelopes
- Bar coding at the patient's bedside can not replace any required pharmacist verification.
- A technician can supply a dispensing cabinet using bar coding if the cabinet has only individual medication compartments. No additional oversight by the pharmacist is necessary.
- A technician can supply a dispensing cabinet using bar coding if the cabinet has an open matrix which does not restrict access to medications in the open cabinet drawer. If this system exists the pharmacy is must have an ongoing QA process which monitors the refilling of the cabinets and address any incorrect filling of the drawers and implement corrective action.

This last issue presented a significant discussion.

#### OSU Experiential Site Approval

Shannon Starwalt and Stacy Rameriz, Director's of Introductory Pharmacy Practice Experiences from Oregon State University, College of Pharmacy, appeared to discuss the request for Blue Mountain Hospital in John Day to be an approved rural internship site. The Board discussed this briefly and approved the site. Additionally, the Board was asked to approve the sites for the third year experiential internships.

#### **MOTION**

**Motion to approve OSU's third year experiential sites and the addition of Blue Mountain was made and unanimously carried (Motion by Watt, second by Howrey)**

#### Proposed Rulemaking Discussion

The Board continued their discussion from the December Board meeting on the Proposed Rules.

The Temporary rules relating Tamper Resistant Prescription Pads that were adopted in the fall for Division 06 and Division 41 need to be permanently adopted. There is no need to make any revisions.

**MOTION**

**Motion to adopt permanent rules OAR 855-006-0015 and 855-041-0061 was made and unanimously carried (Motion by Howrey, second by Lew)**

After some discussion on the issues of counseling and controlled substance inventories, the Board adopted rules in Division 19 and 41 as follows as follows:

**Division 19:**

**MOTION**

**Motion to renumber OAR 855-019-0005 to OAR 855-019-0120 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Watt).**

**MOTION**

**Motion to renumber OAR 855-019-0010 to OAR 855-019-0125 and amend as proposed was made and unanimously carried (Motion by Watt, second by Howrey).**

**MOTION**

**Motion to renumber OAR 855-019-0015 to OAR 855-019-0130 and amend as proposed was made and unanimously carried. (Motion by Watt, second by Lew).**

**MOTION**

**Motion to renumber OAR 855-019-0025 to OAR 855-019-0140 and amend as proposed was made and unanimously carried. (Motion by Watt, second by Lew).**

**MOTION**

**Motion to renumber OAR 855-019-0030 to OAR 855-019-0130 and amend as proposed was made and unanimously carried. (Motion by Howrey, second by Watt)**

**MOTION**

**Motion to renumber OAR 855-019-0040 to OAR 855-019-0170 and amend as proposed was made and unanimously carried. (Motion by Howrey, second by Watt).**

**MOTION**

**Motion to renumber OAR 855-019-0050 to OAR 855-019-0320 and amend as proposed was made and unanimously carried. (Motion by Watt, second by Howrey).**

**MOTION**

**Motion to renumber OAR 855-019-0055 to OAR 855-019-0310 and amend as proposed was made and unanimously carried. (Motion by Watt, second by Howrey).**

**MOTION**

**Motion to adopt OAR 855-019-0100 and with changes as proposed by staff was made and unanimously carried. (Motion by Watt, second by Lee).**

**MOTION**

**Motion to adopt OAR 855-019-0110 and with change as proposed by staff was made and unanimously carried. (Motion by Watt, second by Howrey).**

**MOTION**

**Motion to adopt OAR 855-019-0120, 855-019-0125, 855-019-0130, 855-019-0140, 855-019-150, 855-019-160 as proposed was made and unanimously carried (Motion by Howrey, second by Watt).**

**MOTION**

**Motion to adopt OAR 855-019-0170 and with change of title as proposed by staff was made and unanimously carried (Motion by Watt, second by Lew.)**

**MOTION**

**Motion to adopt OAR 855-019-0200 and with changes as discussed and as proposed by staff was made and unanimously carried (Motion by Watt, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0210 with changes as discussed and as proposed by staff was made and unanimously carried (Motion by Watt, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0220 as proposed was made and unanimously carried (Motion by Lew, second by Watt).**

**MOTON**

**Motion to adopt OAR 855-019-0230 and with changes as discussed and as proposed by staff was made and unanimously carried (Motion Watt, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0240 and with change as proposed by staff was made and unanimously carried (Motion by Lew, second by Watt).**

**MOTION**

**Motion to adopt OAR 855-019-0250 and with changes as discussed and proposed by staff was made and unanimously carried (Motion by Howrey, second by Lew.)**

**MOTION**

**Motion to adopt OAR 855-019-0260 and with change as proposed by staff was made and unanimously carried (Motion by Howrey, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0270 and with change as proposed by staff was made and unanimously carried (Motion by Howrey, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0280 as proposed was made and unanimously carried (Motion by Howrey, second by Lew).**

**MOTION**

**Motion to adopt OAR 855-019-0290 and with change as proposed by staff was made and unanimously carried (Motion by Watt, second by Lew).**

**MOTION**

Motion to adopt OAR 855-019-0300 and with changes as discussed and as proposed by staff was made and unanimously carried (Motion by Howrey, second by Watt).

**MOTION**

Motion to adopt OAR 855-019-0310 to OAR 855-019-0120 as proposed was made and unanimously carried (Motion by Watt, second by Lew).

**MOTION**

Motion to adopt OAR 855-019-0320 as proposed was made and unanimously carried (Motion by Watt, second by Lew).

**Division 41:**

**MOTION**

Motion to adopt OAR 855-041-0017 and with change as proposed by staff was made and unanimously carried (Motion by Howrey, second by Lew).

**MOTION**

Motion to adopt OAR 855-041-0020 as proposed was made and unanimously carried (Motion by Howrey, second by Lew).

**MOTION**

Motion to renumber OAR 855-019-0050 to OAR 855-041-0017 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Lew).

**MOTION**

Motion to amend OAR 855-019-0060 and with changes as proposed by staff was made and unanimously carried (Motion by Lew, second by Foster).

**MOTION**

Motion to renumber OAR 855-019-0063 to OAR 855-045-0240 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Lew).

**MOTION**

Motion to renumber OAR 855-019-0085 to OAR 855-019-0210 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Lew).

**MOTION**

Motion to amend OAR 855-019-0086 as proposed was made and unanimously carried (Motion by Lew, second by Howrey).

**MOTION**

Motion to renumber OAR 855-041-0100 to OAR 855-019-0230 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Foster).

**MOTION**

Motion to amend OAR 855-041-0300 as proposed and with changes proposed by staff was made and unanimously carried (Motion by Howrey, second by Watt).

**MOTION**

**Motion to renumber OAR 855-041-0400 to OAR 855-019-0260 and amend as proposed was made and unanimously carried (Motion by Howrey, second by Watt)**

**MOTION**

**Motion to renumber OAR 855-041-0500 to OAR 855-019-0270 was made and unanimously carried (Motion by Howrey, second by Lew).**

**MOTION**

**Motion to renumber 855-041-0510 to OAR 855-019-0280 was made and unanimously carried (Motion by Howrey, second by Lew).**

**MOTION**

**Motion to renumber OAR 855-041-0520 to OAR 855-019-0290 was made and unanimously carried (Motion by Howrey, second by Watt.)**

Disclosure of Disciplinary Records

The Board continued their ongoing discussion about the research that's being done related to the disclosure of disciplinary documents. Questions include: "What good reasoning is there to disclose?" "What is our motivation; is it a public safety issue?" "What is the value?" "Would it really be valuable information to consumers?" "How long do we want this information on the website?" "Is this disclosure to humiliate or is it public information?"

The Board discussed this in theory and decided that they needed more and different information to be gathered. They decided to continue this discussion in April with more information on hospital disclosure and whether there is evidence that disclosure serves the public or humiliates and damages the professional. Additionally, the Board asked for a template of ideas for what we might disclose and the way it's disclosed for future discussion.

State Corrections Security Policy Review

Compliance Director, Gary Miner, has a brand new security option for reviewing Security at the State Corrections sites. They are requesting a waiver statement on pilot projects. The Board will review this item in April.

Certified Pharmacy Technician transition update

Administrative Director, Karen MacLean, provided additional information on suggestions that the Licensing staff prepared for the Board to consider. This includes several mailings to pharmacy technicians that have not transitioned their licenses to the Certified Oregon Pharmacy Technician license and the option to complete the process now and have their license valid until September 30, 2009. The Board reviewed the materials and strongly supported the concept with some suggestions. Staff will send the first letter in February.

DEA Electronic Controlled Substance Prescription issue

Executive Director, Gary Schnabel, stated that we have received a lot of phone calls about this topic. Inspector, Jennifer Zanon has prepared a document that may be appropriate for the website to answer these questions. More questions were presented such as: Where does PE fall? The answer is, that it doesn't because it is not a federally controlled substance. Documents will be added to the web as available.

### Sale of Pharmacy – Patient Notification

In a continuation of an issue that came up at the December Board meeting, Paige Clark and Dick Glatt from Target reported on how records are dealt with in the sale of a pharmacy. These records are legal documents. They do not disappear upon the sale of a pharmacy. The complaint that came in was related to “should patients be notified of a records transfer prior to the sale of a pharmacy?” Paige Clark summarized the research that she’d conducted of nine states’ requirements. Five states have requirements about posting a sign or mailing something to customers with active refills and publication in local newspaper. If federal (Medicare) records are involved, records must be maintained for 10 years. There is a public education piece that needs to occur. Records are transferred, not sold. Board Counsel, Tom Cowan, asked if it would be helpful to have a rule about pharmacy records and what can happen to them upon a sale? It was suggested that something could be added to the website to educate the public or we could talk to the AARP for assistance. The Board clearly stated that they would not want to make it a huge expense to the seller. They would not be able to make their sale. Economic impact to the seller would be/could be huge and this is a long standing practice.

### Pacific University Immunization Training Program

The Board reviewed this information and decided that since the program they are considering using is already approved by rule, there is no need to approve separately.

### Financial Report

Administrative Director, Karen MacLean provided an update on the Board’s current spending level through December 2008. The current target is 25% and we are at 26%, as stated previously, this variance is acceptable because it includes some annual pre-paid items.

### Strategic Planning

Administrative Director, Karen MacLean asked the Board members if they wanted to have the facilitator, Sue, contact them for the recommended interviews prior to the upcoming meeting. The Board agreed that this was valuable last time. Staff will prepare a report on what’s been accomplished since the last plan.

### Legislation

Staff briefly discussed legislative concept ideas The Board directed staff to draft language for consideration at the strategic planning meeting and to meet with OSPA to consider their involvement in housekeeping statute revisions.

### Open Forum

Board Member, Linda Howrey reminded Compliance Director, Gary Miner that he wanted to discuss sending a letter to pharmacies regarding existing exception requests. Gary has been keeping track of all new exceptions the Board has approved and has been giving them expiration dates. The Board staff needs to review any old exceptions that pharmacies are currently relying on to make sure the laws and rules still apply. Some of these exceptions may be null and void. Either way, the Board wants them submitted for review and they may need to reapply. This information can go out with the pharmacy licenses next month.

Board Member, Marc Watt commented that he is getting a lot of comments on the Self Inspection form and there are a lot of concerns about the length of the form. Marc suggested possibly getting a group of PIC’s to help review; it has gotten long.

Board Member, Bernie Foster asked, “Are other pharmacies honoring the Walmart \$4 deal?” Board Members briefly discussed this and the answer is yes.

**MOTION**

**Motion to adjourn at 4:10 PM was made and unanimously carried. (Motion by Howrey, second by Foster)**

Motions for Disciplinary Action – See Compliance Minutes

Open Forum

No Public Comment

**Meeting adjourned at 4:11.**

Minutes Accepted by:

**SIGNATURE ON FILE**

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

**BOARD COMPLIANCE MEETING**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street #150**  
**Portland, OR 97232**

**Salbasgeon Suites Hotel**  
**Columbia Room**  
**1730 NW 9th Street**  
**Corvallis, OR 97330**  
**January 29, 2008 @ 8:00 a.m.**

**Ann Zweber, RPh. Presiding**

An Executive Session of the Board to discuss Compliance was held on January 29, 2008 at the Salbasgeon Suites Hotel in Corvallis, Oregon.

Board Members present for all or part of compliance session:

Ann Zweber, R.Ph., President  
Cathryn Lew, R.Ph., Vice President  
Bernie Foster, Public Member  
Linda Howrey, R.Ph.  
Marc Watt, R.Ph.  
Lee Howard, Public Member – present via phone for presentation of cases and discussion, absent for motions.

Board Members absent:

Dianna Pimlott, R.Ph.

Staff present for all or part of compliance session:

Gary Schnabel, Executive Director  
Gary Miner, Compliance Director  
Meg Aulerich, Board Investigator  
Katie Baldwin, Board Investigator  
Joe Ball, Board Investigator  
Michele Cale, Board Investigator  
Gregg Hyman, Board Investigator  
Jennifer Zanon, Board Investigator  
Annette Gearhart, Compliance Secretary

Karen MacLean, Administrative Director  
Paige Clark, Consultant Pharmacist  
Thomas Cowan, Senior AAG  
Ed Schneider, PRN Program Director  
Pam Aldersebaes, PRN Assistant

Working lunch held.

**BOARD APPEARANCES:**

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**Case 2006-0376, 2006-0609 and 2006-0610**

**Board directed Compliance Director to work with outlet to create a Quality Assurance plan acceptable to the Board.**

**Case 2007-0217**

**Motion to issue Letter of Concern to intern was unanimously accepted with Marc Watt abstaining due to conflict of interest. Motion by: Linda Howrey; Seconded by: Bernie Foster.**

**Case 2007-0333**

Motion to issue Letter of Concern was unanimously accepted with Marc Watt abstaining due to conflict of interest. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**CASE REVIEW:**

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**Case 2007-0321**

Motion to impose a civil penalty of \$10,000 per violation, with a minimum of \$50,000, against drug outlet; and in Case 2007-0419

revoke pharmacist license and impose \$1,000 per violation; and in

**Case 2007-0494**

issue Letter of Concern to technician and request one hour of continuing education; and in

**Case 2008-0011**

impose \$1,000 civil penalty per violation, with a minimum of \$10,000, against PIC and suspend PIC's license was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2007-0471**

Motion to impose \$1,000 civil penalty per violation and revoke pharmacist license was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Marc Watt.

**Case 2007-0461**

Motion to revoke outlet registration was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0399**

Motion to revoke pharmacist license and impose \$1,000 per violation civil penalty was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0481**

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation

**Case 2007-0482**

Motion to issue Letter of Concern against PIC; and in

**Case 2008-0007**

Motion to impose \$10,000 civil penalty per violation against outlet was unanimously accepted.

Motion by: Marc Watt; Seconded by: Cathryn Lew.

**Case 2006-0620**

Motion to accept proposed 5 year probation as signed by pharmacist was unanimously accepted.

Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0353**

Motion to revoke technician license was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Marc Watt.

**Case 2007-0311**

Motion to revoke technician license and impose \$1,000 civil penalty was unanimously accepted.

Motion by: Cathryn Lew; Seconded by: Linda Howrey.

**Case 2007-0312**

Motion to revoke technician license and impose \$1,000 civil penalty was unanimously accepted.

Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0491**

**Motion to revoke technician license and impose \$1,000 civil penalty per violation was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.**

**Case 2007-0431**

**Motion to deny pharmacist applicant was unanimously accepted. Motion by: Linda Howrey; Seconded by: Marc Watt.**

**Case 2007-0429**

**Motion to deny reciprocal pharmacist application was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.**

**Case 2007-0397**

**Motion to issue Letter of Concern against outlet; and in**

**Case 2007-0398**

**Motion to issue Letter of Concern against PIC was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.**

**Case 2007-0485**

**Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Marc Watt.**

**Case 2008-0029**

**Motion to impose \$1,000 Civil Penalty against Pharmacist-In-Charge; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes; and in**

**Case 2008-0030**

**Motion to request QA Plan on counseling was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.**

**Case 2007-0394**

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

**Case 2008-0009**

**Motion to impose \$500 Civil Penalty against technician; or earn 1 hour of CE in medication error prevention. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy was unanimously accepted with Marc Watt abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Linda Howrey.**

**Case 2007-0487**

**Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Marc Watt; Seconded by: Cathryn Lew.**

**Case 2007-0449**

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

**Case 2007-0468**

**Motion to suspend pharmacist license for 30 days; and in**

**Case 2008-0008**

Motion to impose \$500 Civil Penalty against technician; or earn 1 hour of CE in medication error prevention within 45 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted with Marc Watt abstaining due to conflict of interest. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0448**

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

**Case 2007-0495**

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

**Case 2007-0496, 2007-0497 and 2007-0498**

Motion to impose \$500 Civil Penalty against each individual technician; or earn 1 hour of CE in medication error prevention within 45 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted with Marc Watt abstaining due to conflict of interest. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

**Case 2007-0376**

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

**ADMINISTRATIVE DISCUSSION:**

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**Case 2006-0134, 0198 and 0222**

Motion to direct registrant to meet with staff to develop QA plan to address controlled substance distribution and licensing issues to be worked out with the staff and presented to the Board was unanimously accepted. Motion by: Marc Watt; Seconded by: Cathryn Lew.

**Case 2007-0078**

Motion to suspend pharmacist license and impose \$1,000 civil penalty was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Marc Watt; Seconded by: Cathryn Lew.

**Case 2006-0508**

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation was unanimously accepted. Motion by: Marc Watt; Seconded by: Cathryn Lew.

**Case 2007-0453**

Direct staff to inform petitioner that he can petition for reinstatement of pharmacist license in June 2008 or thereafter.

**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 was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.**

**WARNING NOTICES:**

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**Cases: 2007-0367, 2007-0368, 2007-0371, 2007-0422, 2007-0423, 2007-0424, 2007-0425, 2007-0428, 2007-0443, 2007-0459, 2007-0460, 2007-0463, 2007-0464, 2007-0467, 2007-0469, 2007-0474, 2007-0475 and 2007-0477.**

**UNABLE TO SUBSTANTIATE:**

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**Cases: 2007-0362, 2007-0484 and 2007-0486.**

**NO VIOLATION:**

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**Cases: 2007-0462 and 2007-0492.**

**UNREGISTERED OUTLET CASES:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 2/7/2007 and amended on 4/17/2007, notices to impose \$1,000 civil penalty notices have been issued to:

**Cases: 2007-0126 and 2007-0441.**

**UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 8/8/2006 and confirmed on 2/7/2007, the following applicants and licensees have been issued CE in lieu of discipline letters:

**Case: 2007-0361, 2007-0409 and 2008-0005.**

**TECHNICIAN LICENSES GRANTED WITH PROBATION:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on October 11, 2005 and confirmed on 2/7/2007, the following technician licenses have been granted with probation:

**Cases: 2007-0489 and 2007-0470.**

**UPDATES / For Your Information:**

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Open cases under investigation. Cases that have been opened and then "Closed Under Investigation" to preserve incoming complaint information should future action be necessary. Hearings Requested and Hearings Scheduled.

Compliance Director Miner