

BOARD MEETING MINUTES
January 20-21, 2009

Tuesday, January 20, 2009 @ 9:30, PSOB AM, Room 445 Wednesday, January 21, 2009 @ 8:30 AM, Tuality Education Center
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Tuesday, January 20, 2009

Cathryn Lew, Board President, called the meeting to order at 9:44 AM.

Roll Call

Board members present:

Cathryn Lew, President
Lee Howard, Vice President
Ann Zweber
Larry Cartier
Dianna Pimlott
Linda Howrey

Board member excused:

Bernie Foster

Staff present for all or part of the session:

Gary Schnabel, Executive Director
Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Joe Ball, Chief Investigator
Annette Gearhart, Compliance Secretary
Jennifer Pickens, Compliance Assistant
Michele Cale, Inspector
Jennifer Zanon, Inspector

Meg Aulerich, Inspector
Katie Baldwin, Inspector
Paige Clark, Pharmacist Consultant
Tom Cowan, Board Counsel
Ed Schneider, PRN Director
Pam Aldersebaes, PRN Assistant
Loretta Glenn, Management Secretary

MOTION

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

MOTION

Motion to enter Executive Session was made and unanimously carried at 9:46 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 (Motion by Cartier, second by Zweber).

MOTION

Motion to exit Executive Session and enter Open Session was made and unanimously carried at 3:15 PM (Motion by Howard, second by Zweber).

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

ISSUES/ACTIVITIES

Reports

PRN Director, Ed Schneider stated that the Urine Analysis (UA) vendor's work performance has declined. Pharmacy Recovery Network (PRN) staff will meet monthly with the vendor to evaluate performance and keep the Board informed. There are 95 clients in the PRN program and 25 are Pharmacy Technicians.

Executive Director, Gary Schnabel reported on legislation for consideration this Session. The Board discussed HB 2056 which relates to the make up of the Board that would modify the Board from five professional members and two public to four and three. The Committees goal is to have more public representation on boards. The Board recognizes the value of their public members, however does not believe reducing the professional representation on the Board would be advantageous for the public or the profession. Public member, Lee Howard presented testimony in opposition by telephone to the House Health Committee.

The Board also discussed the proposed language change to HB 2059, referred to as the "Snitch Law." It would require pharmacists to report a licensee violation from another profession to the Board. The Bill does not include a requirement to investigate these incidents. There is a significant fiscal impact potential for the Board where individuals may not comply with the rule. If they don't "snitch" on other professionals, it becomes a Board enforcement/compliance issue. The Board has current statutory authority to address this issue within the pharmacy profession.

Lastly, the Board discussed HB 2345 that repeals the PRN program.

MOTION

Motion to adjourn at 5:00 PM was made and unanimously carried (Motion by Howard, second by Cartier).

Wednesday, January 21, 2009

Cathryn Lew, Board President, called the meeting to order at 8:40 AM.

Roll Call

Board members were present:

Cathryn Lew, President
Lee Howard, Vice President
Ann Zweber
Larry Cartier
Dianna Pimlott
Linda Howrey

Board member was excused:

Bernie Foster

Staff present for all or part of the session:

Gary Schnabel, Executive Director
Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Joe Ball, Chief Investigator
Annette Gearhart, Compliance Secretary
Jennifer Zannon, Inspector

Michele Cale, Inspector
Meg Aulerich, Inspector
Paige Clark, Pharmacist Consultant
Tom Cowan, Board Counsel
Loretta Glenn, Management Secretary

The Board reviewed agenda items and moved agenda item #VI, A. 5. Online Reference Materials to Topics for future discussion in April. An additional item regarding ACPE Accreditation was added to the General Administration portion of the agenda.

MOTION

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

ISSUES/ACTIVITIES (continued)

President, Cathryn Lew discussed meeting dates for next year. Administrative Director, Karen MacLean informed the Board and staff of changes made to meeting locations.

Board Meeting Dates

- | | | |
|-------------------------|----------|--------------------|
| ▪ March 3 - 4, 2009 | Florence | Strategic Planning |
| ▪ April 7 - 8, 2009 | Portland | |
| ▪ June 9 - 10, 2009 | Portland | |
| ▪ August 11 - 12, 2009 | Portland | |
| ▪ October 13 - 14, 2009 | Portland | |
| ▪ December 1 - 2, 2009 | Portland | |
| ▪ January 26 - 27, 2010 | Portland | |

2009 Rulemaking Hearing Dates

- | | |
|--------------------|----------|
| ▪ May 6, 2009 | Portland |
| ▪ November 3, 2009 | Portland |

Reports (continued)

President, Cathryn Lew reported that she had a short meeting with Executive Director, Gary Schnabel in Eugene.

Member, Linda Howrey attended the Coalition and IPAT meetings. At the IPAT meeting a student presented to physicians about how pharmacists do immunizations and billing. The State is getting ready to roll out the Lifespan registry. Linda was the preceptor for a student who worked with state representatives to interface pharmacy with the registry. Good progress was made and another student will continue that work.

Member, Larry Cartier attended the Coalition and Roundtable meetings on January 6, 2009. he asked Pharmacist Consultant, Paige Clark to report on these meetings during her report. Larry plans to attend the next Roundtable meeting on February 23, 2009 and other Coalition meetings as well.

Member, Ann Zweber presented the Prescription Monitoring Program (PMP) at the December DUII meeting and received positive support.

Member, Dianna Pimlott attended the American Society of Health-Systems Pharmacists (ASHP) meeting in December. She met with members of the Institute of Safe Medication Practices (ISMP), National Boards of Pharmacy (NABP) and others. Priority meeting topics were discussed for the coming year. It was very interesting and well attended.

Counsel, Tom Cowan worked closely with Compliance Director, Gary Miner to resolve a couple large cases for the Board, under favorable terms. He thanked Gary for including him in book reviews for Board meetings which are very helpful. Tom conducted a training session for the Compliance staff to assist them with refining the process of using the PRN program. He explained how to prepare investigations more efficiently, resulting in fewer frustrations for investigators.

Compliance Director, Gary Miner reported that 742 pharmacy inspections were completed in 2008, 90%; 93% were done for all counties except 40-50 in Multnomah which should be finished

by the end of February. Overall it was a pretty successful inspection year. Gary plans to present a PIC class at Oregon State University (OSU) in Corvallis with Inspectors Meg Aulerich and Katie Baldwin. Oregon State University and Pacific University faculty also asked PRN Director, Ed Schneider to give a class with Board Counsel, Tom Cowan. Jerry Geisvold from Serenity Lane gave a valuable class on alcohol and drug evaluations in Portland.

Administrative Director, Karen MacLean reported exam pass and failure rates for the Institute for the Certification of Pharmacy Technicians (ICPT) and the Pharmacy Technician Certification Board (PTCB). ICPT had a passing rate of 83%. The national benchmark passing rate is 78% and the fourth quarter yielded 84%. PTCB had an Oregon passing rate of 80%. Their national overall passing rate is 70%. PTCB will have their online exam available in April 2009. The Board decided that these statistics in the future may be added to the Ratification book for view along with other Consent Agenda items.

Karen also reported that as of January 5, 2009, 601 people have signed up to receive the electronic newsletter from NABP. Employers are also being encouraged to disseminate this information to their Pharmacists and Pharmacy Technicians.

Staff has worked with IT Consultant, Grant Moyle, to create a first draft of the compliance disciplinary actions web-page. We have successfully scanned and connected the public records to the database for public viewing. Staff expects to have a final draft for the Board to review by the end of February. The Board would like to view the information before it goes live.

Pharmacist Consultant, Paige Clark reported that the annual OSPA Lane County Mid-Winter CE Seminar is scheduled for February 21-22. President, Cathryn Lew will present a CE and Rob Bovett will also speak for a law CE on drug diversion in Oregon. Member, Larry Cartier will present a CE at the OSPA Spring CE Day on March 8, 2009 and a booth has been provided for the Inspectors. Gary Miner and staff will conduct a PIC training class for 15 people. OSPA representatives requested the Board consider conducting breakout sessions at the OSPA Convention and Annual Meeting that will be held September 11-13, 2009. On SB 355 the PMP legislation, Paige reported that Executive Director, Gary Schnabel has been doing outreach to other Boards and President, Cathryn Lew has met with Representative Barnhart. Paige continues to facilitate outreach with physicians and pharmacists and Pharmacy students to further this legislation. Paige attended the Statewide Pharmacy Coalition meeting on behalf of the Board. The Board of Pharmacy budget and housekeeping legislation were discussed. Linda Howrey also attended and spoke about proposed licensing fee increases.

Executive Director, Gary Schnabel reported that ACPE is conducting their accreditation review for Pacific University School of Pharmacy on March 10 -12, 2009 and they've requested a member of the Board of Staff participate. He recommended a Board member attend and President, Cathryn Lew volunteered.

The Board and staff had lunch with Pacific University School of Pharmacy faculty and then met with the first year students. Executive Director, Gary Schnabel defined the Board's mission and differences between the roles of the Oregon State Pharmacy Association and the Board of Pharmacy. He also discussed pharmacy law, who must be licensed and the process to become a Board member. President, Cathryn Lew and Gary discussed the Board newsletter and encouraged students to sign up for the electronic newsletter. Gary also informed students that rules are reviewed semi-annually and described how the Board's authority is defined by statute.

Committees/Meetings

National Association of Boards of Pharmacy (NABP)

President, Cathryn Lew and Executive Director, Gary Schnabel attended the NABP Fall Symposium in Tucson, Arizona on behalf of the NABP Executive Committee, which was attended by approximately 125 people. The two main topics discussed were counterfeit drugs and behind-the-counter class of drugs with 26 speakers including panel discussions and break out sessions. She and Gary will also go to a quarterly NABP Executive Committee meeting in St. Petersburg, Florida on February 5-6, 2009. They also received training on the NABP portal for secure sharing of information, email and documents. All Executive Committee travel costs are covered by NABP.

Oregon Health Care Workforce Initiative (OHWI) Committee

Administrative Director Karen MacLean reported that OHWI Committee meetings have been discontinued until further notice as the legislation moves through Session. Depending on the outcome, these meetings may resume.

Statewide Pharmacy Coalition Meeting

Pharmacists Consultant Paige Clark and members Larry Cartier and Linda Howrey attended the meeting on January 6, 2009. Paige and Larry described the purpose and responsibilities of the Coalition which is to discuss pharmacy related legislation. Six people direct the funds spent for campaigning and legislative day, not for lobbyists who contract with OSPA /OHSP. Former Board member, Marc Watt is Chairing the Coalition. Linda was impressed with the large group size and number of pharmacy students who attended.

PMP Symposium, 12/5/08

Administrative Director Karen MacLean and Board member, Linda Howrey reported the meeting had a large attendance. Jennifer Wagner, from the Pain commission did a very good job coordinating the administrative activities for 174 attendees. Pharmacists Consultant, Paige Clark also assisted with facilitating and planning the event. Chrisy, Loretta and Courtney from the Board staff also helped at the registration desk.

Senator Morse Meeting, 1/6/09

Executive Director Gary Schnabel and Chris Gibson from the Oregon HIDTA (High Intensity Drug Trafficking Area) were invited to meet with Senator Morse about the Medical Marijuana program. Key concerns include how the program is being run and how little accountability is required for growers. The Board discussed it's potential role being considered and expressed hesitancy due to the conflict between state and federal law. The Board and Compliance staff discussed whether it would be reasonable to inspect medical marijuana growers. Oregon has approximately 20,000 Medical Marijuana Program card holders. The Board will track any proposed legislation closely.

Research Councils

Medication Safety & Error Sub-Committee

Member Ann Zweber stated that their first Sub-Committee meeting will be in February.

Technician Training, CE & Duties

Member Linda Howrey asked the Board for clarification on the expectations for this Council and what tasks they would like the Council to do. The Board discussed a need to learn more about what roles there are for advancing duties for Pharmacy Technicians. Member Larry Cartier has assumed Ann Zweber's position as Co-Chair for the Council.

OHSU Pilot Project Update Appearance

Gae Ryan from OHSU and staff members, Colleen Shipman, Jennifer Chen and Neil Edillo presented the OHSU Pilot Project update which went live on January 2, 2009. Beginning January 12, 2009, only technicians staffed the sites. Start up went smoothly and the following unexpected implementation issues slowed processes during the first week:

Technician issues:

- There were many bar code formulary updates.
- Cameras needed to be refocused more often than anticipated.
- Occasional printing issues occurred.

Other non related pharmacist and technician issues:

- Transition to OHSU patient registration was difficult.
- Wholesaler drug delivery drivers had challenges with new routes.

Jennifer demonstrated the process steps and how pictures are taken of the live product and labels to include product lot numbers and expiration dates. The Board asked questions to clearly understand the technical issues. Gae said the workload had been higher than anticipated so a pharmacist was added. The Board was pleased to hear they added an additional pharmacist. Gae described their rejection definitions and explained any process errors they encountered. Other challenges included communication issue that are now resolved.

Their conclusions are the technology and processes were effectively implemented. There are ongoing issues not associated with the technology implementation that they continue to work on such as, the workload volume and data collection which will be reviewed regularly. Gae asked the Board a number of questions about the Pilot project and report expectations. The Board discussed these later in the meeting as noted below.

As a follow up to Gae Ryan's earlier questions about the OHSU Pilot Project, the Board discussed the possible requirement for OHSU to have a video surveillance by web camera installed at the sites. That will allow an additional level of supervision. The Board asked what the plan was for backup staffing. Gae said that they were only "one deep," and planned to address the issue. The Board determined that OHSU will report monthly to the Compliance Staff and staff will review consolidated reports with the Board at regularly scheduled meetings. The reports need to include what went wrong, right and actual error(s). The Board decided real-time surveillance was necessary for the pilot project to continue. Gae was asked about the amount of controlled substances handled at the sites. She said there are only two controlled substances at low volumes, Ativan and morphine which are inventoried by the drug room requirements.

MOTION

Motion was made to continue the OHSU Pilot Project for one year. OHSU will provide monthly reports to staff and staff will compile them for the Board at each meeting to include what went right and what went wrong and unanimously carried (Motion by Howard, second by Howrey).

Wellpartner remote pharmacists' procedures appearance

Kent Blair, PIC at Wellpartner, presented a request that would allow two/three of their pharmacists to perform job functions via a secure, remote network from their homes. They believe it would lower their costs and improve patient outcomes with fewer distractions.

Compliance Director, Gary Miner described similar requests that the Board has approved in the past. There will be no records retained on their personal computers as the information is accessed through a secure network for review purposes. The Board asked questions about the electronic process. The script is scanned, the pharmacist reviews it, a DUR screen occurs and insurance billing is done. The script goes back to the pharmacist for fill and another pharmacist do the final check and dispensing. The Board had concerns about the rejection process, confidentiality and document security issues. The system would be paperless with VPN access to data.

The Board later discussed this request. President, Cathryn Lew said that the Board did not need to take action as this fits within existing regulations. Kent was asked a few additional questions. Staff expects to include a few changes during the Division 41 rule revision to clearly identify everything that needs to be addressed in these situations. Wellpartner has policies and procedures in place and plans to start within the next month.

General Administration

Discussion Items:

Staff Policy Questions

Compliance Director, Gary Miner received a wholesaler waiver request. Butler Animal Hospital missed the deadline for their first VAWD request and submitted a second extension request. Gary asked the Board if they would grant second extensions to wholesalers. The Board asked what the option is if they do not. If their renewal is not complete, the wholesaler must stop doing business in Oregon. The Board approved for staff to allow these extensions in the future unless they have questions for the Board.

Gary also received a request regarding the new requirement to have PIC's in out-of-state pharmacies. The staff has been receiving comments from out-of-state pharmacies that send a few prescriptions into Oregon. These pharmacies do not see the cost effectiveness of having a PIC. Gary checked with Licensing Representative, Michael Hunt and the cost to reciprocate to Oregon for a pharmacist is about \$800. These pharmacies would like waivers for this requirement. The current rule does not have a waiver clause and they will need to request a rule change. In addition, a number of outlets did not recognize the April 2009 deadline applied to them and asked if they could have an extension. The Board decided that if there is a pharmacist in place working on the reciprocity process, they can have until October 1, 2009 to complete this process. This would also apply to any new outlet licensees.

Manufacturer/Wholesaler licensing update

Project Manager, Tony Burt reported on ideas pertaining to licensing of manufacturers and wholesalers. He wanted to give the Board time think about the concepts and plans to discuss this further at the April meeting for decisions. Tony summarized the issues on his handout of questions and waiver requests that were submitted during the last renewal cycle.

Board/OSPA/OSHP relationship - impact

Executive Director, Gary Schnabel discussed distinctions that should be made between what the Board handles verses the pharmacy associations and the respective roles. It is not appropriate for Board staff to be in leadership roles at coalition meetings that discuss legislation topics. The Board recognizes they as individuals should be careful not to make statements on behalf of the Board. This topic will be added to the March Strategic Planning meeting for further discussion.

Out-of State RPh licensure

Compliance Director, Gary Miner explained the handout which described various out-of-state drug outlet settings to include their functions and licensing requirements as follows:

1. Traditional Retail Pharmacy (Mail order) - currently required by rule to be licensed with Oregon and have an Oregon licensed PIC.
2. Central Fill Pharmacy - receives requests for prescriptions through a primary pharmacy. Together they make the determination as to who is responsible for critical dispensing functions and this individual must be an Oregon licensed pharmacist.
3. Long-term Care Pharmacy - may choose to operate under either the Traditional or Central Fill Pharmacy model and is required to follow that particular licensing model. If the out-of-state Long-term Care Pharmacy provides pharmacy consulting services to the Long-term Care facilities, the pharmacist consultant must be an Oregon pharmacist licensee.
4. Consulting Pharmacy Services - provide after pharmacy hours consultations for Oregon hospital patients. These consulting pharmacists must be licensed with the Oregon Pharmacy Board.
5. Central Processing Pharmacy - has an out-of-state central processing center for order entry. If the entry is done by a technician, the technician must be licensed in Oregon.

Gary asked Board members if they would like to keep this model. Board members decided they would like staff to continue with this model.

Pacific University out-of-state clerkship site/hours approval

Administrative Director, Karen MacLean reported that a request from Pacific University to review and approve their 2008 Out-of-State Clerkship/Rotation Sites, intended for the April 2008 meeting was missed last spring due to the format it was received in at the office. This recently came to staff's attention. The Board reviewed the list and approved the site.

MOTION

Motion was made to approve the 2008 Pacific University Out-of-State-Rotation Sites in full and unanimously carried (Motion by Howrey, second by Cartier).

The Board reviewed a request to accept the six-week (240-hours) rotation that Pacific University student, Rachael Renfrew completed with Hy-Vee Pharmacy at Ottumwa, Iowa. The Iowa Board does not certify clerkship hours to another Board and therefore it is up to the Oregon Board to accept these hours. The Board approved this clerkship.

MOTION

Motion was made to approve Rachael Renfrew's request to accept out of state clerkship hours and unanimously carried (Motion by Howrey, second by Cartier).

Legislative Issues

ALJ authority legislative concept

Executive Director Gary Schnabel and Project Manager, Tony Burt gave an update of current legislative bills that are being tracked. The Board opposes HB 274. Administrative Director Karen MacLean reported the Board's Budget Hearing will be on February 9, 2009.

MOTION

Motion was made to take a position to oppose HB 274 and unanimously carried (Motion by Cartier, second by Howrey).

Tony asked the Board how they would like to see the bills of interest. The Board agreed to see them on weekly. They would also like to receive a weekly report from Pharmacist Consultant, Paige Clark on legislative activities.

Topics for future discussion

CE Requirement review - April

Conflict of Interest - April

Manufacturer/Wholesaler licensing - April

Online Reference Materials - April

Strategic Plan

Administrative Director, Karen MacLean and President, Cathryn Lew discussed proposed agenda items for the Strategic Planning Meeting on March 3-4, 2009. Member, Dianna Pimlott coordinated the site and staff reserved lodging. Dianna proposed a 1-hour law CE and the Board agreed. Dianna will send out a flyer. Karen gave each Board Member a copy of Tom Rath's, Strengths Finder book in preparation for the Board's discussion. Member, Ann Zweber announced that attendees are to read the book and give their top five strengths to Karen by February 19, 2009.

MOTION

Motion was made to approve the Consent Agenda and December 1-2, 26, 2008 Board Meeting Minutes/Special Meeting Minutes as corrected and unanimously carried (Motion by Howrey, second by Cartier).

Open Forum

A pharmacy student in attendance asked, "What is an ALJ?" The answer is an Administrative Law Judge. Oregon regulatory agencies are required to use ALJ's from the state's Central Hearing Officer Panel for contested case hearings.

MOTION

Motion was made to adjourn the meeting at 4:00 PM and unanimously carried (Motion by Cartier, second by Howrey).

Minutes accepted by:



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

January 20, 2009 @ 9:30 a.m.
800 NE Oregon Street, Conference Room 445
Portland, OR 97232
Cathryn Lew, R.Ph., Presiding

An Executive Session of the Board to discuss Compliance will be held on January 20, 2009 at 800 NE Oregon Street Conference Room 445 in Portland.

Board Members present for all or part of compliance session:

Cathryn Lew, R.Ph., President
Lee Howard, Vice President, Public
Member
Larry Cartier, R.Ph.
Linda Howrey, R.Ph.
Dianna Pimlott, R.Ph.
Ann Zweber, R.Ph.

Absent:

Bernie Foster, Public Member

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive
Director
Gary Miner, R.Ph., Compliance Director
Joe Ball, R.Ph., Chief Investigator
Meg Aulerich, R.Ph., Pharmacy Inspector
Katie Baldwin, R.Ph., Pharmacy Inspector
Michele Cale, R.Ph., Pharmacy Inspector
Gregg Hyman, R.Ph., Pharmacy Inspector
Jennifer Zanon, R.Ph., Pharmacy Inspector
Annette Gearhart, Compliance Secretary
Jen Pickens, Compliance Assistant

Karen MacLean, Administrative Director
Paige Clark, R.Ph., Consultant Pharmacist
Loretta Glenn, Administrative Secretary
Thomas Cowan, Senior AAG
Ed Schneider, R.Ph., PRN Program
Director
Pam Aldersebaes, PRN Assistant

CASE REVIEW:

Case 2008-0598

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation. Issue a Letter of Notification to PIC and CC: pharmacy.

Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Lee Howard.

Case 2008-0605

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

Case 2008-0606

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

Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber

Case 2008-0599

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

Case 2008-0604

**Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion was unanimously accepted. Motion by: Lee Howard; Seconded by: Ann Zweber.**

Case 2008-0608

**Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation against technician.
Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.**

Case 2008-0469

**Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion was accepted with Linda Howrey and Ann Zweber abstaining due to conflict of interest.
Motion by: Lee Howard; Seconded by: Dianna Pimlott.**

Case 2008-0526

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

Case 2009-0021

Motion to deny certified pharmacy technician application and impose \$1,000 civil penalty per violation; and in

Case 2009-0022

Motion to impose \$10,000 civil penalty per violation against pharmacy; and in

Case 2009-0023

Motion to issue Letter of Concern to PIC.

Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Lee Howard.

Case 2008-0477

**Motion to deny technician application and impose \$1,000 civil penalty per violation.
Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

Case 2008-0279

**Motion to impose \$10,000 civil penalty per violation against outlet.
Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**

Case 2008-0367

**Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation; and in
Case 2008-0645**

Motion to impose \$10,000 civil penalty per violation against pharmacy.

Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Lee Howard.

Case 2008-0578

**Motion to impose \$10,000 civil penalty per violation against pharmacy; and in
Case 2008-0652**

Motion to impose \$1,000 civil penalty per violation against pharmacist.

Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.

Case 2008-0273

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

Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

Case 2008-0644 and 2007-0037, 2008-0502

Motion to impose \$10,000 civil penalty per violation against pharmacy; Letter of Concern to pharmacist.

Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.

Case 2008-0539

Motion to issue Letter of Concern to pharmacy along with a request for a QA plan.

Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

Case 2008-0480

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

Case 2008-0523

Motion to impose \$500 Civil Penalty against technician; *or* earn 1 hour of CE in medication error prevention 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: Ann Zweber.

Case 2008-0525

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

Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

Case 2008-0517

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 2009-0008

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.

Motion was unanimously accepted. Motion by: Lee Howard; Seconded by: Dianna Pimlott.

ADMINISTRATIVE DISCUSSION:

Cases: 2006-0134, 2006-0198, 2006-0222, 2008-0636, 2008-0637, 2008-0638, 2008-0639, 2009-0003 and 2009-0017.

Motion to impose \$10,000 (\$1,000 before change in OAR) civil per violation. Gary will negotiate and then bring dollar amount to the Board.

Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.

Case 2008-0338

Direction to Compliance Director to offer licensee the following three choices (1) He can surrender license while case is under investigation, and it will be reported to NABP that way; (2) the Oregon Board of Pharmacy will notice him for falsification; or (3) he can take and pass the MPJE.

Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by Larry Cartier.

Case 2008-0391

Direction to amend consent order to allow pharmacist to come in April to petition reinstatement of his license.

Motion was unanimously accepted. Motion by: Lee Howard; Seconded by Larry Cartier .

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 as printed. Motion was unanimously accepted.
Motion by: Linda Howrey; Seconded by: Lee Howard.**

LETTERS OF CONCERN CASES:

Cases: 2008-0617 and 2008-0518.

DEFIENCY NOTICES:

Cases: 2008-0398, 2008-0413, 2008-0449, 2008-0475, 2008-0509, 2008-0527, 2008-0528, 2008-0533, 2008-0536, 2008-0543, 2008-0559, 2008-0560, 2008-0585, 2008-0591, 2008-0603, 2008-0616, 2008-0632 and 2008-0633.

UNABLE TO SUBSTANTIATE:

Cases: 2008-0204, 2008-0416 and 2008-0572.

NO VIOLATION:

Cases: 2008-0466 and 2008-0507.

"PRODUCT IDENTIFICATION LABEL" CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on 6/10/2003 and amended on 10/11/2005, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty if more than 5% sampling of labels is missing the PIL] and confirmed on 12/1/2008, the following notices with Historical orders have been issued:

Case: 2008-0472

"NO PIC" CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board on Jan. 26, 2005 and amended on 8/9/2005 and confirmed on 12/01/2008, [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 civil penalty for first month, additional \$1,000 civil penalty per week thereafter up to \$5,000. (PIC gaps lasting more than two months are to be presented to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:

Case: 2008-0522

"NO PIC SELF INSPECTION" CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 9, 2005 and confirmed on 6/11/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-041-0020(1)(f) 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: 2008-0588

"NO CS INVENTORY" CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 9, 2005 and confirmed on 6/11/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-080-0070 for three years when controlled substance inventory not completed or not available as required] the following notices with Historical orders have been issued:

Case: 2008-0586

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board and confirmed on 12/1/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:

Case: 2008-0442, 2008-0531, 2008-0532, 2008-0550, 2008-0551, 2008-0564, 2008-0565, 2008-0566, 2008-0567, 2008-0573, 2008-0611 and 2008-0612.

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on October 11, 2005 and confirmed on 12/1/2008, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

Case: 2008-0562

“SHORT COUNT” Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board on December 7, 2005 and confirmed on 6/11/2008, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

Cases: 2008-0369 and 2008-0482.

DEFAULT ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 12, 2004 and confirmed on 6/11/2008, the following default orders have been issued:

Cases: 2007-0236, 2008-0361 and 2008-0419.