

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
January 25-26, 2011**

TUESDAY, January 25, 2011

Ann Zweber, Board President, called the meeting to order at 8:35 AM.

The following Board Members were present:

Ann Zweber, President	Lee Howard
Larry Cartier, Vice President	Christine Chute
Dianna Pimlott	Ken Wells
Linda Howrey	

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

Gary Schnabel, Executive Director	Kim Oster, Compliance Assistant
Karen MacLean, Administrative Director	Tony Burt, Project Manager
Gary Miner, Compliance Director	Joe Ball, Chief Investigator
Gregg Hyman, Inspector	Michele Cale, Inspector
Meg Aulerich, Inspector	Katie Baldwin, Inspector
Annette Gearhart, Compliance Secretary	Loretta Glenn, Management Secretary

Thomas Cowan, Board Counsel

MOTION

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

Approve Consent Agenda*

1. NAPLEX Scores (none)
2. MPJE Scores (none)
3. Executive Director Report
4. Project Manager Report (none)
5. License/Registration Ratification (December 11, 2010-January 21, 2011)
6. NABP Memos
7. Approval of December 13-14, 2010 Board Meeting Minutes – *as revised*

MOTION

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

MOTION

Motion to enter Executive Session at 8:38 AM was made and unanimously carried (Motion by Cartier, second by Howrey).

MOTION

Motion to resume Open Session at 12:48 PM was made and unanimously carried (Motion by Cartier, second by Howrey).

ISSUES/ACTIVITIES

Reports:

Board President/Members

President Ann Zweber attended the Martin Luther King Breakfast hosted by former Board Member Bernie Foster's organization, The Skanner.

Vice President Larry Cartier attended a recent Pharmacy Professional Practice (PPR) Meeting, there were good topics for discussion. He plans to attend the next Pharmacy Coalition Meeting tonight.

Christine Chute, nothing to report.

Linda Howrey reported that she will also attend the Pharmacy Coalition Meeting and plans to attend the Immunization Practices Advisory Team (IPAT) meeting in February. She advised that she is currently the Board's representative on the IPAT and asked if they would like her to continue representing the Board after her Board term ends this June. The Board asked Linda to continue.

Dianna Pimlott reported that she had been involved in a system wide update the previous week at her hospital and the Joint Commission surprised them with a visit during the process. They got through it.

Lee Howard, nothing to report.

Ken Wells reported that he also planned to attend the Pharmacy Coalition Meeting.

Board Counsel Tom Cowan, nothing to report.

Compliance Director Gary Miner reported that 90% of the inspections were completed in 2010. This is good considering that we were two staff short the second half of the year. The biggest percentage of the pharmacies that are not completed are in Multnomah County because there are so many. The 2011 PIC Self-Inspection report is available. Staff highlighted some new topics this year that may be incorporated into the inspection process to speed things up. The hospital rules and Self-Inspection form are completely new this year. The recruitment continues for a pharmacy inspector to fill the vacant position. We hope to have someone hired before the April meeting.

Administrative Director Karen MacLean reported that she'd been busy preparing for the budget hearing and wearing a lot of hats covering for the Office Manager who has been on leave this past month. Licensing staff are currently wrapping up the non-prescription drug outlet renewals and pharmacy renewals are currently in progress. Karen reported the fingerprinting process is going into effect February 1st. There were some questions about how long the new process will add to the process of issuing a license. Based on information from other boards, it's said to be less than 21 days. We'll know more and report back at the Strategic Planning meeting. There was some discussion about needing to implement temporary licenses if the fingerprinting process takes too long, but we'll wait and see if there is a need to go there. An announcement has been on the website licensing page for all categories since mid-December. An updated cover sheet is being added to the Pharmacy Technician and Certified Pharmacy Technician applications to explain the process.

Board Meeting Dates for 2011

- March 8 - 9, 2011 Portland Strategic Planning
- April 5 - 6, 2011 Portland
- June 7 - 8, 2011 Portland
- August 9 -10, 2011 Portland
- October 11 -12, 2011 Portland
- December 13 - 14, 2011 Portland

Rulemaking Hearing Dates

- March 23, 2011 Portland
 - May 17, 2011 Portland
 - November 22, 2011 Portland
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2012 Board Meeting Dates to reconsider

- February 14-15, 2012 Portland (*revised*)
- March 13 -14, 2012 Portland Strategic Planning
- April 10 - 11, 2012 Portland
- June 5 - 6, 2012 Portland
- August 7 - 8, 2012 Portland
- October 9 -10, 2012 Portland
- December 11 - 12, 2012 Portland

MOTION

Motion to approve proposed meeting dates as revised for 2012 was made and unanimously carried (Motion by Chute, second by Cartier).

Committees/Meetings

NABP Meetings

Executive Director Schnabel provided an update on his NABP activities on behalf of the Executive Committee. His last official responsibility as the Chair of the Executive Committee will be at the NABP Annual Meeting will be held in San Antonio, TX May 21-24. The Board selected

Larry Cartier to attend as the Board's voting delegate. Gary Schnabel can be the alternate if necessary. NABP may have a travel grant that we can apply for; if so, we will apply. There was some discussion about participating in the Poster Session at the meeting. If there is time, the focus will be on the Board's successes. NABP covers all of Gary Schnabel's expenses for attend meetings on behalf of the NABP Executive Committee.

Board members reiterated the importance of having Board members participate in NABP meetings. As a member of NABP, the Board gleans a wealth of information about how the other states are dealing with common situations. Gathering information that is useful for Oregon and networking is essential to our success as an agency. Some members commented that it's especially helpful for new and public Board members to attend, it really helps them get ahead of the learning curve. The next opportunity will be the NABP District 7 meeting that will be held in Seattle, October 6-9, 2011.

Research Councils

Ann gave an update on the last meeting of the Technician Research Council. They discussed policies & guidelines, education, training and responsibilities. She thinks they've gathered a lot of information and that it is a lot for one group to fully develop & finish. She asked if the Board they wanted to have more groups. At this point, they need direction to prioritize what to do next.

Ann Zweber asked to have the topic of the Technician Research Council moved to the Strategic Planning meeting. She'd like to have a discussion about where the Board wants this Council to go and if the Board wants to consider additional educational requirements etc.

MOTION

Motion to adjourn at 2:33 PM was made and unanimously carried (Motion by Cartier, second by Wells).

WEDESDAY, January 26, 2011

Ann Zweber, Board President, called the meeting to order at 8:35 AM.

The following Board Members were present:

Ann Zweber, President
Larry Cartier, Vice President
Dianna Pimlott
Linda Howrey

Lee Howard
Christine Chute
Ken Wells

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

Gary Schnabel, Executive Director
Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Gregg Hyman, Inspector
Meg Aulerich, Inspector

Kim Oster, Compliance Assistant
Tony Burt, Project Manager
Joe Ball, Chief Investigator
Michele Cale, Inspector
Katie Baldwin, Inspector

Items for Disciplinary Action - please see Motions for Disciplinary Cases at the end of this document

President Ann Zweber asked students that were present to introduce themselves and thanked them for coming to the meeting.

Continue Issues/Activities

Board Member/Staff Presentations

Professional Practice Roundtable (PPR) scheduled meeting dates are: 1/12/11, 3/1/11, 5/3/11 Staff continue to participate in the PPR. Executive Director Gary Schnabel and Compliance Director Gary Miner reported the following about the meeting. Dan Kennedy is now chairing the PPR. At the January meeting, they discussed the Portland Police request to address fake prescriptions, Fingerprinting and Pop the Top, Best Practices and Counseling. Dan did a good job facilitating the discussion. Some thought Pop the Top was a good idea, some already do it, basically it was identified as a professional practice judgment call. As mentioned in Administrative Director Karen MacLean's report, there was some concern about the timing around fingerprinting and issuing licenses. Staff presented information to the PPR on the roll out plans. On the Portland Police fake prescription issue, some discussed HIPPA concerns, others agreed that something should be done, but it needed to be pursued cautiously.

- OSPA Lane County CE – 2/26-27/11 - *Inspectors*
- OSHP Annual Meeting 4/9-11/11
- PSOP Technician Law CE - 5/4/11 – *Cartier/Hyman*
- OSPA Spring CE - 5/15/10 – *Miner*
- OSPA Annual Convention 9/17-18/11 – *Miner*
-

Ken Wells reported that he'd been asked to have the Board present a law update at the fall OSPA meeting. Larry Cartier offered to present and Christine Chute is also willing to participate. The meeting will be held at the Salem Convention Center. It was also suggested that they may have a Technician track and ask for assistance.

GENERAL ADMINISTRATION

Discussion Items

Medication Error Reductions /Consumer Counseling Awareness

Ann Zweber discussed the Council's recommendation to increase awareness of consumer counseling and Pop the Top. It was suggested that additional signage in pharmacies might help make the consumer more aware of asking for counseling. There was some discussion about the limited space available for more signage and the cost associated with creating permanent signage. Also, with more signs, there is a perception that people won't look at them. However, there is support for Pop the Top, just not a specific requirement added in rule.

There was discussion that both of these suggestions need to be looked at with the associations and possibly highlighting them during Pharmacist Month. OSPA Past President Kathy Kelly commented that this is an ongoing issue and agreed that it is not just a Board issue. Pharmacist Kate Farthing is again heading up the Committee that is working on the Pharmacist Month advertising. Due to a lack of funding, the 2010 advertising did not happen. We should have more information about sponsorship within the next month. It's possible that future outreach may not be in print media as in the past. There was also discussion that the Board could work Medical Board and get prescribers to communicate about medications they prescribe.

Outlet Exception/Waiver Requests

Compliance Director Gary Miner led the discussion about the following outlet exception and waiver requests.

Clatsop Co. waiver of OAR 855-043-0310 (4) (a) for Drug Delivery and Control regarding immunizations. This is similar to requests that we've received from other counties.

MOTION

Motion to approve Clatsop County's request to waive OAR 855-043-0310 (4)(a) for Drug Delivery and Control regarding immunizations was made and unanimously approved (Motion by Cartier, second by Howrey).

Medco's Catalyst Mail – requests at Columbus Ohio and Las Vegas, Nevada to waive OAR 855-041-0040 (4) & (5) – Minimum equipment requirements for drugless pharmacies.

Medco has a few buildings at these facilities where they are adding a processing area. This area is separate from the pharmacy and is drugless. They are requesting a waiver from some of the equipment requirements. The Board has waived these requirements for other drugless pharmacies.

MOTION

Motion to approve Medco's Catalyst Mail outlets at Columbus OH and Las Vegas Nevada request to waive OAR 855-041-0040 (4) & (5) Minimum equipment requirements for drugless pharmacies was made and unanimously approved (Motion by Cartier, second by Pimlott).

Gary also asked for confirmation about what personnel should be licensed at drugless pharmacies? The Board has handled various drugless pharmacies differently than others depending on what is actually being done by the pharmacists and how records are accessed or kept. Some are simply processing centers, other are central fill, yet others are consulting outlets. In the manufacture and wholesale arena, the Board established Drug Distribution Agent rules/outlets that help clearly identify the intermediate role that is played by these individuals. Gary asked that the Board consider identifying rules to capture the growing and diverse business models with these unidentified roles.

There was discussion about the pharmacists working in for the various drugless outlets. Some are fulfilling the role of approving dispensing and evaluating a DUR. In this case, the outlet registration with a licensed Oregon PIC is acceptable. However, if the duties expand outside of this into the DRR and other cognitive functions and monitoring responsibilities, these individuals

should be Oregon licensed pharmacists. The decision was made to continue this discussion of evolving practice models and pharmacist licensure questions at the Strategic Planning meeting.

Applicant Extension Request

Administrative Director Karen MacLean highlighted the specifics of this request to extend the NAPB NAPLEX/MPJE authorization to test deadline. This type of request has been approved by staff prior to this, however given the specifics of this request, it was decided that the Board should make this decision. In some circumstances, especially those where medical issues of the candidate or their family, make taking the exam within the deadlines difficult. If an extension is not allowed, a candidate will have to re-apply to the NABP and pay the fees again as well as any other exam fees assessed by the Board.

In this particular situation, the candidate had received previous extensions.

MOTION

Motion to deny extension of NAPLEX and MPJE authorization to test request was made and carried (Motion by Cartier, second by Wells, Zweber abstained, Chute opposed).

The second part of this discussion was around whether the Board wants to see this type of request in the future. These are not driven by rule or law, administrative in nature and driven by NABP's established guidelines. After some discussion, the Board decided to see all requests for the time being.

FPGEC Waiver Request

Compliance Director Gary Miner presented a request for FPGEC waiver. This candidate is a Canadian educated pharmacist, currently licensed in Washington, license in good standing. The Board has approved FPGEC waiver requests with like criteria in the past.

MOTION

Motion to approve FPGEC waiver request was made and unanimously carried (Motion by Chute, second by Cartier).

Probationer Draft Policy Review

Compliance Director Gary Miner continued a discussion the Board started in December regarding the Probation Screening Program policy for impaired professionals. As the Board requested, Gary provided updated statistics about the issues being considered in the policy. Some probationers missed required phone calls to check in, others were late or had a diluted sample. The Compliance Staff have identified a process where individuals are notified the first time. The second time they are sent a letter which requires them to explain why in writing and depending on the situation, they are required to provide a written plan for how they will not violate probation in the future. After that, they are required to have a meeting with the Compliance staff and the case is brought back to the Board. The priority is accountability more than discipline. Board Counsel Tom Cowan provided recommendations to tighten this up. After an extensive discussion, there was general consensus that the Board agreed with the staff's guidelines for probationers with minimal revisions. The Board asked staff to revise the policy further and bring back another revision in April. In addition, the staff will identify a proposed delegation grid that reflects various steps for multiple offenses that staff can deal with in these probationary cases.

HPSP Update – Schnabel/Miner/MacLean

Executive Director Gary Schnabel and Administrative Director Karen MacLean provided specifics about the costs for the Health Professional Service Program (HPSP) and related impairment probationers previously mentioned. They provided a Power Point presentation on program cost comparative information. For the Board of Pharmacy, the HPSP program includes pharmacists. The Probationer program includes pharmacists, pharmacy technicians and interns, however the highest number of probationers are pharmacy technicians; the staff time, Attorney General expenses and hearings requests associated with these probationers is significant.

There was some discussion about the numbers and a request to have a discussion about the “value add” for the HPSP program.

Long Term Care Stakeholder Group Report

Compliance Director Gary Miner and Inspector Gregg Hyman provided a report on the progress of the Long Term Care (LTC) Stakeholder group. Stakeholder Jackson Leong also participated in the report. They are to a point that would make sense to begin developing rules for the Board to consider. The goal would be to write rules that reflect the practice to prevent rules from having to be rewritten regularly. They discussed the merits of LTC vs. Community Based Foster Care vs. LTC Traditional Nursing/Acute Care facilities and everything in between. There are some commonalities such as house and discharge orders, but depending on the setting, there may be a quantity prescribed or not. The new DEA guidelines have changed things profoundly for LTC and there is a need to update definitions for returns, satellite pharmacies, consultant pharmacy, DUR pharmacist, provider pharmacy etc.

Gary asked the Board if they would like this to occur. The Board asked him to begin drafting rules and get agreement with the Stakeholder group.

Importance of Immunizations Endorsement

Executive Director Schnabel presented a request from DHS to the Board, requesting the Board to endorse the DHS Open Letter supporting the importance of immunizations. OSPA and the Coalition have recently signed on. The Board agreed to support this campaign.

MOTION

Motion to endorse DHS Open Letter to Oregonians Supporting the Importance of Immunizations made and unanimously carried (Motion by Cartier, second by Chute).

Appearance & Discussion re: Forged Prescriptions

Executive Director Gary Schnabel reported on a meeting that staff had with Officer Stuart Palmiter, Portland Police, who has requested assistance from the Board to get pharmacies to report suspected and forged prescriptions.

Officer Palmiter and Sergeant James Morris from the Portland Police Drugs and Vice Division presented information about a current ring of offenders who are passing forged prescriptions, and concerns that pharmacies will not report due to corporate policies. Officer Palmiter asked

the Board to make rules requiring pharmacies to report fraudulent prescriptions or when they suspect forged prescriptions. These drugs are being sold on the street and other crimes like car prowlers and purse snatchers are increased due to drug seeking behavior. Within the last two months, there were two recent stops where over 700,000 tablets were found in cars. The police want to be able to address these situations quickly when they occur, but without cooperation from the pharmacies that have been scammed, they can not. Staff took this issue to the Professional Practice Roundtable (PPR) as previously mentioned. There was an extensive discussion about the extent of this problem including what if anything NAPB is doing on this issue, what other State Boards are doing, how e-prescribing will effect this, etc. Possible that we'll get a request to develop rules requiring pharmacies/pharmacists to report suspicion of forged prescriptions.

The Board decided to ask for another discussion with the PPR to consider a rule requirement or other alternatives. Staff will take this issue to the next meeting. Staff will also find out if there are rules/requirements in other states.

Rules Updates

Project Manager Tony Burt facilitated a discussion about rules.

Adoption of Temporary Rule

Tony discussed the progress on the Division 010 Fingerprinting for employees rules that started last year. Recently we were able to work with an Assistant Attorney General from the Labor and Employment section to finalize these rules. Because we'll be hiring new employees in the next two months, staff believes there is a need for this temporary rule.

MOTION

Motion to adopt OAR 855-010-0050 through 855-010-0086 as temporary rules and approve these rules for Division 010 rulemaking was made and unanimously carried (Motion by Chute, second by Cartier).

Administrative Director Karen MacLean reported there is Rulemaking Hearing scheduled March 23rd for Divisions 19,41,45,80. The hearing will start at 10:00. Board Members Larry Cartier and Linda Howrey plan to attend.

Executive Director Gary Schnabel reported on a recent meeting staff had with the Oregon State Police Forensics Crime Lab staff about the proposed rules for Division 080 relating to synthetic cannabis. The Crime Lab staff are concerned about the catch-all paragraph (h) that was included for yet to be identified compounds. They plan to provide testimony at the hearing that better meets their needs from a prosecution perspective and they believe will be a better rule in the long run.

Future Rulemaking & 5 Year Rule Review – The following are rules scheduled for review over the next eighteen months.

Future Rulemaking

- | | |
|---------------------------------------|------------------------|
| a. Long Term Care (workgroup) | <i>Rulemaking 6/11</i> |
| b. Pharmaceutical Manufacturers | <i>Rulemaking 6/11</i> |
| c. Pharmacist Exam Limits | <i>Rulemaking 6/11</i> |
| d. Fingerprinting-employee applicants | <i>Rulemaking 6/11</i> |

e. Consulting Pharmacies	<i>Rulemaking 12/11</i>
f. Drug Rooms	<i>Rulemaking 12/11</i>
g. Non-Prescription Drug Outlets	<i>Rulemaking 12/11</i>
h. Retail Drug Outlets	<i>Rulemaking 6/12</i>

5 Year Rule Review

a. Division 021 Pain CE	<u>Staff</u>	<u>Due</u>
b. Division 065 Wholesalers	Project Mgr	12/11
	Project Mgr	12/11

Financial/Budget Report

Administrative Director Karen MacLean reported that Board finances are on target. Executive Director Gary Schnabel and Karen presented the agency's request for additional funds at the December Emergency Board. All items except one were approved as there are some savings that have been realized to cover this item.

The Board had a brief discussion about the budget and questions the impact of this legislative session. At this time, there are many unknowns and Karen and Gary will provide updates as they are available.

2011 Legislative Session Update

Executive Director Gary Schnabel, Administrative Director Karen MacLean and Project Manager Tony Burt provided an update on bills that are being tracked. Board Members asked to have a list that is sorted by the Priority #1 bills.

Gary pointed out SB 107 and HB 2371 specifically because Linda Howrey was asked for the Board's position on these bills. The Board did not take a position on these bills.

Topics for future discussion – none

Strategic Planning Update & Topics for March 2011 Meeting

Project Manager Tony Burt and Administrative Director Karen MacLean provided an update on subject for consideration at the Strategic Planning meeting.

- Medication Error Reduction
 - Workflow/Workforce Staffing Issues / Pharmacy Design
 - Ongoing options to improve patient safety and reduce errors
- Internet Pharmacies
- Dispensaries
- Preceptor Ratio / Duties
- Homeopathic Drugs
- Review the Definition of OBOP Workgroups, Councils, Committees
- Effective Licensee and Public Communication
- Evolving Outlet Practice Settings
- Technician Issues
- Legislative Update

The meeting will be held at ODS like last year. ODS provided their Board Conference Room free of charge. Staff will be meeting with Board President Ann Zweber and Vice President Larry Cartier in the coming weeks to discuss the meeting plans. Information and instructions will follow.

OPEN FORUM –

President Zweber invited comments from the public. Ann asked if staff could add the National Drug Take Back day notice for April 30th to the Board's website.

Pharmacist Jackson Leong commented on costs for the HPSP program. He doesn't appreciate paying licensing fees that go towards paying for this program. In his opinion, they shouldn't be pharmacists if they have these issues and they should earn their licenses back. He'd rather have the money go towards Board staff.

Pharmacist Ed Schneider, former PRN Director gave an update on where he's at with the new Oregon PRN non-profit program. The PRN Committee is still in place. The focus is on recovery. They see a niche for OR PRN as people lose their licenses. He said they intend to continue using the 5 year contract. They still plan to have the annual CE program and suggests the Board require it for probationers. They are working with the other profession's associations to involve them and they also have group meetings around the state for support. He's there to be an advocate.

Adjourn

MOTION

Motion to adjourn at 2:26 PM was made and unanimously carried (Motion by Howard, second by Cartier).

Accepted by:



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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Ann Zweber, R.Ph., Presiding

Tuesday, January 25, 2011 @ 8:30 AM, Conference Room 1A
Wednesday, January 26, 2011 @ 8:30 AM, Conference Room 1A

An Executive Session of the Board to discuss Compliance was held on January 25, 2011, followed by Board motions on January 26, 2011.

Board Members present for all or part of compliance session:

Ann Zweber, R.Ph., President	Linda Howrey, R.Ph.
Larry Cartier, R.Ph., Vice President	Dianna Pimlott, R.Ph.
Christine Chute, Public Member	Kenneth Wells, R.Ph.
Lee Howard, Public Member	

Staff present for all or part of compliance session:

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

Case 2009-0482 Motion to deny reconsideration.

Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0543 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0504 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0484 Motion to impose \$1,000 civil penalty or six hours of CE in OSHA in lieu of discipline.

Motion by: Ken Wells; seconded by: Christine Chute. Motion was accepted with Linda Howrey abstaining due to conflict of interest.

Case 2010-0338 Motion to deny technician license application.

Motion by: Linda Howrey; seconded by: Lee Howard. Motion was accepted with Ann Zweber recused due to conflict of interest.

Case 2010-0525 Motion to deny technician application.

Motion by: Christine Chute; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0485 Motion to issue Letter of Concern to technician.

Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was accepted with Larry Cartier recused due to conflict of interest.

Case 2010-0521 Motion to grant Oregon pharmacist license.

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

Case 2010-0580 Motion to grant certified pharmacy technician license.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0511 Motion to impose \$5,000 civil penalty against outlet; and

- Case 2010-0571** **Motion to impose \$500 civil penalty against technician; and**
Case 2010-0572 **Issue letter of concern to Pharmacist-in-Charge.**
Motion by: Linda Howrey; seconded by: Dianna Pimlott. Motion was unanimously accepted.
- Case 2010-0562** **Motion to impose \$10,000 Civil Penalty per violation against outlet; and**
Case 2010-0573 **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu**
of discipline.
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was accepted with Linda Howrey abstaining due to conflict of interest.
- Case 2010-0559** **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of**
discipline.
Case 2011-0051 **Motion to impose \$10,000 Civil Penalty per violation against outlet.**
Motion by: Christine Chute; seconded by: Linda Howrey. Motion was unanimously accepted.
- Case 2010-0429** **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu**
of discipline; and in
Case 2010-0537 **Motion to impose \$1,000 Civil Penalty against technician; and 3 hours of CE.**
Case 2010-0538 **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of**
discipline.
Motion by: Ken Wells; seconded by: Linda Howrey. Motion was accepted with Dianna Pimlott abstaining due to conflict of interest.
- Case 2010-0437** **Motion to issue Letter of Concern to pharmacist.**
Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.
- Case 2010-0450** **Motion to impose \$1,000 Civil Penalty against pharmacist; or 3 hours of CE in lieu**
of discipline; and in
Case 2010-0523 **Motion to impose \$500 Civil Penalty against technician; or 3 hours of CE in lieu of**
discipline.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.
- Case 2011-0053** **Motion to suspend pharmacist license.**
Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.
- Case 2010-0362** **Motion to issue restricted pharmacist license on probation.**
Motion by: Christine Chute; seconded by: Ken Wells. Motion was unanimously accepted.
- Case 2007-0197** **Motion to reduce pharmacist's UA sanction to 18 per year**
Motion by: Lee Howard; seconded by: Ken Wells. Motion was accepted with Linda Howrey abstaining due to conflict of interest.
- Case 2007-0146** **Motion to grant early termination of pharmacist's probation.**
Motion by: Ken Wells; seconded by: Christine Chute. Motion was accepted with Linda Howrey and Dianna Pimlott opposed.
- Case 2009-0177** **Motion to deny request for early termination of probation and reduce UAs to 12 per**
year.
Motion by: Larry Cartier; seconded by: Christine Chute. Motion was unanimously accepted.
- Case 2010-0519** **Motion to issue Letter of Concern to pharmacy and pharmacist; CC: Pharmacist-in-**
Charge.
Motion by: Linda Howrey; seconded by: Ken Wells. Motion was unanimously accepted.
- Case 2010-0512** **Motion to issue Letter of Concern to pharmacy and CC: Pharmacist-in-Charge.**
Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.
- Case 2010-0554** **Motion to issue Letter of Concern to pharmacy and CC: Pharmacist-in-Charge.**
Motion by: Linda Howrey; seconded by: Christine Chute. Motion was unanimously accepted.

COMPLIANCE CONSENT AGENDA:

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

Motion to accept the items on the consent agenda with Letter of Concern cases 2010-0519, 2010-0512, and 2010-0554 moved out of Compliance Consent Agenda for discussion purposes.

Motion by: Linda Howrey; seconded by: Lee Howard. Motion was unanimously accepted.

DEFICIENCY NOTICES:

Cases 2010-0298, 2010-0454, 2010-0508, 2010-0509, 2010-0516, 2010-0527, 2010-0534, 2010-0535, 2010-0544, 2010-0545, 2010-0546, 2010-0547, 2010-0548, 2010-0549, 2010-0567, 2010-0582, 2010-0584 and 2010-0590.

UNABLE TO SUBSTANTIATE:

Cases: 2010-0402, 2010-0440, 2010-0479 and 2010-0483.

NO VIOLATION:

Cases: 2010-0389, 2010-0405, 2010-0417, 2010-0439, 2010-0520, 2010-0531, 2010-0541, 2010-0552, 2010-0565 and 2010-0579.

CPT C.E. AUDIT CASES:

Authority delegated to the Compliance Director by the Board [grant staff authority to revoke technician license to all technicians who did not respond to technician audit; and in regards all initial non-response technicians whose CE was unacceptable; and all other technicians that did not fulfill CE requirement in appropriate time period receive letters of concern.]

Case: 2010-0529

UNREGISTERED OUTLET CASES:

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

Case: 2010-0515

NSF CASES (misrepresentation of proper payment):

By authority delegated to Oregon Board of Pharmacy Staff by the Board, notices to revoke licenses issued under the misrepresentation of proper payment of fees via non-sufficient funds have been issued to:

Case: 2010-0530

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued CE in lieu of discipline letters:

Cases: 2010-0566 and 2010-0581.

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

By authority delegated to Oregon Board of Pharmacy Staff by the Board [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 per week starting with Day 6. (PIC gaps lasting two months - send to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:

Case: 2010-0555

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

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

Case: 2010-0583

DENIAL OF TECHNICIAN APPLICATION ORDERS:

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

Case: 2010-0513 and 2010-0532.

“SHORT COUNT” Letters of Concern :

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

Case: 2010-0517