

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
June 8-9, 2016**

1891- Celebrating 125 Years of Excellence - 2016

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

WEDNESDAY, JUNE 8, 2016

Roberto Linares, R.Ph, Board President, called the meeting to order at 8:40AM.

Roll Call

Roberto Linares, President
Christine Chute
Brad Fujisaki
Ken Wells
Cyndi Vipperman

Kate James, Vice President
Penny Reher
Heather Anderson
Dianne Armstrong

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

Marc Watt, Executive Director
Karen MacLean, Administrative Director
Courtney Wilson, Project Manager
Joe Ball, Chief Investigator
Victoria Wallace, Inspector
Laura Elvers, Inspector
Annette Gearhart, Compliance Secretary

Gary Miner, Compliance Director
Chrisy Hennigan, Licensing Program Supervisor
Fiona Karbowicz, Pharmacist Consultant
Cheryl Fox, Inspector
Katie Baldwin, Inspector
Brienne Efremoff, Inspector
Kim Oster, Compliance Assistant

Tom Cowan, Sr. AAG Board Counsel

Agenda Review and Approval

MOTION

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

Compliance and Delegated Grid Processes

Compliance Director Gary Miner provided information regarding his transition later this year. Staff has worked with Board Counsel Tom Cowan to develop clearly defined minimum and maximum guidelines to negotiate pre-specified ranges for components such as civil penalties/duration of probations/CE, etc. on cases for the new Compliance Director. This system is designed to be more transparent. Executive Director Marc Watt plans to review the orders going forward for a second review on all negotiations. Tom stated that he wants to make sure that the Board is comfortable with the concept of a range. He also commented that the Board needs to provide

parameters for negotiation otherwise it makes it difficult for staff to get the job done. He stated that the Board will be asked to give parameters to resolve cases in the near future. Board Member Christine Chute expressed strong reservations about this plan. Board Member Heather Anderson stated that on a case by case basis, it is okay for staff to handle each case. However, if staff has concerns regarding a negotiation, the Board should hold further discussion on such cases.

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

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

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

MOTION

Motion to enter Executive Session at 9:05AM was made and unanimously carried (Motion by Wells, second by James).

MOTION

Motion to resume Open Session at 4:59PM was made and unanimously carried (Motion by James, second by Anderson).

Adjourn

MOTION

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

THURSDAY, JUNE 9, 2016

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

Roll Call

Roberto Linares, President
Christine Chute
Brad Fujisaki
Ken Wells
Cyndi Vipperman

Kate James, Vice President
Penny Reher
Heather Anderson
Dianne Armstrong

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

Marc Watt, Executive Director
Karen MacLean, Administrative Director

Gary Miner, Compliance Director
Chrisy Hennigan, Licensing Program Supervisor

Courtney Wilson, Project Manager
Joe Ball, Chief Investigator
Victoria Wallace, Inspector
Laura Elvers, Inspector
Annette Gearhart, Compliance Secretary

Fiona Karbowicz, Pharmacist Consultant
Cheryl Fox, Inspector
Katie Baldwin, Inspector
Brienne Efremoff, Inspector
Kim Oster, Compliance Assistant

Tom Cowan, Sr. AAG Board Counsel

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

GENERAL ADMINISTRATION

Rules

Review Rulemaking Hearing Report and Comments

Project Manager Courtney Wilson presented the Rulemaking Hearing Report. She reported that 20 people attended the hearing on May 24, 2016 regarding proposed rules in Divisions 006, 025, 041, 043 and 110. No one presented oral testimony on the proposed rules at the hearing. The Board received three written comments in relation to the Division 041 Epinephrine rules and the Pharmacy Technician and Certified Oregon Pharmacy Technician rules. Staff reviewed recommendations and incorporated some of the changes into the proposed Epinephrine rules for Board consideration. The Board accepted the Rulemaking Hearing Report.

MOTION

Motion to accept May 24, 2016 Rulemaking Hearing Report was made and unanimously carried. (Motion by Anderson, second by Chute).

Consider Adoption of Temporary Rules - None

Send Rules to Rulemaking Hearing – None

Consider Adoption of Rules

Division 006 – Definitions

Pharmacist Consultant Fiona Karbowicz presented proposed amendments to the Division 006 Definitions rules. The proposed amendments add a definition for Quality Assurance Plan and establish a new section for Unprofessional Conduct to eliminate future re-numbering confusion. The definition for Quality Assurance Plan had been in rule years ago. However, it had since been repealed. Staff requested that the definition be added back into rule as they receive many questions from licensees on how it is defined. It is reported that no fiscal impact is anticipated for licensees or the public. The Board permanently amended and adopted the Division 006 Definitions rules.

MOTION

Motion to permanently amend and adopt Definitions rules in OAR Chapter 855, Division 006, Sections 0005, 0015 and 0020 as presented was made and unanimously carried (Motion by Anderson, second by Fujisaki).

Division 025 – CPT Biennial Licensure and Housekeeping

Pharmacist Consultant Fiona Karbowicz presented proposed amendments to the Division 025 Pharmacy Technicians and Certified Oregon Pharmacy Technicians rules. The proposed amendments convert the Certified Oregon Pharmacy Technician (CPT) annual license to a biennial license. In addition, a new expiration date is established; that being June 30th in even numbered years. The Board initially approved the concept of biennial licensure for CPTs in 2015. In order to implement biennial licensure such amendments to rules are required. Amendments will have a favorable fiscal impact on CPTs, as they will be able to obtain a biennial license for the price of the annual license for 2016 the renewal. Other amendments include updates to transition CPT continuing education requirements to biennial, reinstatement rules and clarify rules for the Pharmacy Technician (PT) license. The Board permanently adopted amendments to the Division 025 Pharmacy Technicians and Certified Oregon Pharmacy Technicians rules.

MOTION

Motion to permanently amend Pharmacy Technicians and Certified Oregon Pharmacy Technicians rules in OAR Chapter 855, Division 025, Sections 0001, 0005, 0010, 0012, 0015, 0060 was made and unanimously carried (Motion by Fujisaki, second by Wells).

Division 041 – Epinephrine

Pharmacist Consultant Fiona Karbowicz presented proposed amendments to the Division 041 Epinephrine rules. The proposed amendments establish requirements to allow entities to acquire epinephrine by prescription. Amendments also state how the medication is to be labeled. The Board received a written comment during the Rulemaking Hearing that provided language recommendations from the Oregon Health Authority. Staff incorporated their changes into the proposed rules. However, it was determined that the changes to the rules were substantial. Therefore, staff recommends re-noticing the proposed rules and sending them to Rulemaking for July and for consideration to adopt in August. Board Member Penny Reher asked staff for clarification on what types of entities the rule would be most applicable to. Compliance Director Gary Miner stated that such entities include but are not limited to schools, restaurants and other businesses. The Board sent the proposed Division 041 Epinephrine rules to rulemaking.

MOTION

Motion to send rules in OAR 855-041-2320 as revised to Rulemaking in July was made and unanimously carried (Motion by Chute, second by Anderson).

Division 041 – Remote Distribution Facilities

Pharmacist Consultant Fiona Karbowicz presented amendments to the Division 041 Remote Distribution Facilities rules. The proposed amendments are minor housekeeping changes and update an outdated reference to a rule number. It is reported that no fiscal impact for licensees or the public is anticipated as a result of these amendments. The Board permanently adopted amendments to the proposed Division 041 Remote Distribution Facilities rules.

MOTION

Motion to permanently amend Remote Distribution Facilities rules in OAR Chapter 855, Division 041, Section 4200 was made and unanimously carried (Motion by Anderson, second by Fujisaki).

Division 043 – Community Health Clinics

Pharmacist Consultant Fiona Karbowicz presented proposed rules for Division 043 Community Health Clinic Drug Outlets (CHC). The new rules combine elements of the former Family Planning Clinic rules and County Health Clinic rules, they also combine the formularies and eliminate requirement the for a Consultant Pharmacist. The new rules also provide minimum requirements of operation and define requirements for personnel, policies and procedures, security, drugs, and recordkeeping. The CHC rules also establish a new license type; “Community Health Clinic Drug Outlet.” This new license type eliminates the requirement for clinics to register as both a Family Planning Clinic and County Health Clinic because they are using formularies listed in both sets of rules. Establishing the Community Health Clinic Drug Outlet registration streamlines the registration process and has a favorable fiscal impact to clinics that have maintained dual licensure as a Family Planning and County Health Clinic. Fiona also stated that the Division 043 County Health Clinics and Division 043 Family Planning Clinics rules are proposed to be repealed, as they would no longer be necessary with the adoption of the Community Health Clinic rules. The Board repealed the Division 043 County Health Clinics and Division 043 Family Planning Clinics rules. The Board permanently adopted the Division 043 Community Health Clinic Drug Outlet rules. Staff will be providing outreach to clinics impacted by these rules. Outlets that currently hold a Family Planning or County Health Clinic License will follow the Community Health Clinic rules upon adoption and new applicants will be issued a CHC outlet registration. However, they will not be issued a new Community Health Clinic registration until their renewal period in 2017.

MOTION

Motion to permanently adopt Community Health Clinic Drug Outlet rules in OAR Chapter 855, Division 043, Sections 0700, 0705, 0710, 0715, 0720, 0725, 0730, 0735, 0740, 0745, 0750 as presented was made and unanimously carried (Motion by Anderson, second by Vipperman).

MOTION

Motion to repeal County Health Clinics rules in OAR Chapter 855, Division 043, Sections 0110 and 0130, was made and unanimously carried (Motion by Anderson, second by Wells).

MOTION

Motion to repeal Family Planning Clinics rules in OAR Chapter 855, Division 043, Sections 0300 and 0310, was made and unanimously carried (Motion by Anderson, second by Fujisaki).

Division 110 – Update CPT Biennial /Workforce Data Collection Fees, etc.

Pharmacist Consultant Fiona Karbowicz presented proposed amendments to the Division 110 Fee rules. Amendments change the fee structure for Certified Oregon Pharmacy Technicians (CPT) to biennial licensure and change the fee amounts for certain CPT licenses issued within

180 days of expiration. Amendments reflect that the CPT license is valid for up to two years; however, the fee continues to be \$50. New CPTs that are issued a license within 180 days of expiration obtain their license at a reduced fee. The Workforce Data Collection fee has been reduced for Pharmacists and CPTs as a result of changes made by the Oregon Health Authority. Other changes include the renaming of the County Health Clinic fee to Community Health Clinic license fee and correcting the name of the Remote Distribution Facility fee. There are favorable fiscal impacts as a result of the CPT biennial licensure, the reduced workforce data collection fee, and the fee reduction for new CPTs that are issued a license within 180 days of expiration. The Board permanently adopted amendments to the Division 110 Fee rules.

MOTION

Motion to permanently amend Fees rules in OAR Chapter 855, Division 110, Sections 0003, 0005, 0007 and 0010 was made and unanimously carried (Motion by Chute, second by Wells).

Policy Issues for Discussion

Naloxone Legislation Rule Discussion

Pharmacist Consultant Fiona Karbowicz reported that staff has been working with the Oregon Health Authority (OHA) taskforce on the development of rules for Naloxone. These rules are required as a result of 2016 House Bill 4124. This measure allows pharmacists to prescribe and distribute unit-of-use packages of Naloxone to individuals who conduct or complete OHA approved training. House Bill 4124 allows a trainer to possess and distribute Naloxone to trainees, and allows trainees to possess and administer Naloxone to an individual experiencing an opiate overdose. Fiona stated that the proposed Naloxone rules will be presented to the Board in August and will likely be considered for adoption in January 2017. Staff has shared this timeline with OHA and it aligns with their timeline. Staff indicated that OHA still needs to address the training component.

Harvard Avenue Drug Question

Compliance Director Gary Miner presented a request from the Harvard Avenue Drugs in Roseburg. They asked if a “clerk” can perform technician duties without a Pharmacy Technician license. Their request explained that their clerks are trained to work specifically in the pharmacy and not in other areas of the store. Board Member Cyndi Vipperman stated that she was not comfortable with non-licensed personnel performing technician’s duties. Board members discussed this request and had a variety of concerns, including the clerk’s scope of training and their knowledge of protecting personal health information. In addition, allowing a clerk to perform technician duties without a Pharmacy Technician license would impact clerks throughout the state. The Board denied Harvard Avenue Drug’s request and recommended that their clerks become licensed as technicians. Gary stated that he would reach out to the pharmacy with this recommendation.

MOTION

Motion to deny Harvard Avenue Drug’s request was made and unanimously carried (Motion by Anderson, second by Armstrong).

Update on New Rules Being Prepared for August Meeting

Pharmacist Consultant Fiona Karbowicz stated that rules are being prepared for the August Board Meeting regarding the following topics: Schedule I Controlled Substances, Naloxone, Drug Take Back, Non-Pharmacy Dispensing, Volunteer Liability, Drug Room, Charitable Pharmacy/(REMS), Criminal Records, Class C, and In State PIC gap. Fiona discussed rules regarding drug take back. She stated that staff originally thought that existing rules would allow for this. However, there is confusion amongst licensees regarding whether or not drug take back is permissible in Oregon. Staff is developing permissible language to help alleviate confusion. Board members indicated that drug take back is a great service to the community. Board Member Heather Anderson asked staff to consider putting a drug take back box in the lobby. Executive Director Marc Watt stated that the Board of Pharmacy lobby could not have a drug take back box because the Board of Pharmacy does not have the DEA Registration that is needed in order to possess the take back box.

Discussion Items

Waiver/Exception/Extensions/New Application Requests

Kaiser Permanente Sink Waiver Request

Compliance Director Gary Miner presented a waiver request from Kaiser Permanente. Kaiser Permanente requests a waiver from 855-041-1035(5) which requires a sink with hot and cold water. They indicate that their compounding functions have been moved to their Home Infusion Pharmacy. Therefore there is no longer a direct need for a sink. Kaiser notes that other sinks are available to the pharmacy if it is needed. Gary shared that historically the Board has granted similar waivers to pharmacies. Staff recommended approving the waiver for five years. The Board approved Kaiser Permanente's waiver request.

MOTION

Motion to approve Kaiser Permanente Mail Order Pharmacy's waiver request from Minimum Equipment Requirements rules in OAR 855-041-1035(5) for five years was made and unanimously carried. (Motion by Anderson, second by Fujisaki).

Walgreens Waiver Request

Compliance Director Gary Miner presented a waiver request from Walgreens. Walgreens would like to begin putting collection boxes in their buildings located outside of the pharmacy department. Keys that access the collection containers will be with the pharmacy and the containers will be locked and not accessible when the pharmacy is closed. Their program will meet DEA requirements. Staff does not believe that their program conflicts with Board rules. Board Member Penny Reher asked if Walgreens has developed a system to monitor these boxes. Staff stated that Walgreens addressed how they will be monitoring the boxes in their letter. Staff does not believe that their collection boxes will conflict with existing rules and recommends that a waiver is not necessary. Board members agreed with Staff's recommendation.

Technician Discussion

Pharmacist Consultant Fiona Karbowicz and Board Counsel Tom Cowan led a discussion on pharmacy technicians and their functions; the goal being how to maximize the role of pharmacy technicians in the pharmacy realm. Staff recently sent two surveys to Board members. The first

survey asked whether or not the Board would want to consider an unlicensed model for technicians. This structure would allow pharmacists to delegate tasks to technicians. The Board indicated that they would not like to consider such a structure, but needed something in between. The second survey was composed of four structures; stratification, bifurcation, codification and delegation. Stratification entails tiered licensure i.e. Technician I and Technician II. Bifurcation consists of practice setting i.e. hospital or retail. Codification would be adding more to the “can and cannot do” list via rule writing. This is often a reactionary measure. Delegation is a hybrid of multiple systems. Board members were asked to rank each structure. The majority of the Board selected stratification as the best option. Tom stated that he envisioned the technician I and technician II stratification model being defined by education, experience and additional training. Board Member Ken Wells stated that health systems would be beneficial to look at with regards to stratification. Tom asked Board Members and staff to forward him examples of health systems that are exemplary.

Board Member Ken Wells stated that looking at these models and functions creates an opportunity for technicians to grow and increases their job satisfaction. Pharmacists are also able to grow as they will have time to perform cognitive professional tasks. Ken thanked staff for their work on this. Board Counsel Tom Cowan stated that it is his hope to create a model that is great for technicians and equally as great for pharmacists. Staff will bring back a model for further discussion at a future meeting, likely Strategic Planning in November.

Requests for Immediate Inspection Fee Discussion

Staff has received requests from pharmacies to be inspected ASAP as other states will not allow them to be licensed and ship product into their state without Oregon’s inspection. Does the Board want staff to build an expedited inspection fee? Board Member Heather Anderson likes the idea and thinks it should be a flat fee. Board Member Dianne Armstrong stated that she thought \$200 is too low, suggested that the fee should be \$500. Board Member Christine Chute asked where this gets us. Staff stated that this fee will make the outlet incentivized to plan. This fee will require rules and DAS approval.

Staffing Levels and Impact on Patient Safety Position Statement /Workplace Survey

Executive Director Marc Watt asked if the Board wants to establish a Position Statement on the issue of “Staffing Levels & Impact on Patient Safety”. He asked the Board if staff should draft this statement. He suggested that staff could send out a survey again to measure current workplace environments. He asked if there should be any new questions: such as how long have you practiced and are things worse/better since last survey in 2013. Board Member Heather Anderson expressed concern about another survey and stated there was no point sending it if people are surveyed out. Board Member Ken Wells agreed to send the survey and noted it was last done in 2013. Board Member Christine Chute expressed concerns that continually sending out surveys but not making changes undermines the Board’s credibility. She also stated that she did not think the Board has an effective way of handling this issue. Board Member Ken Wells stated that the Board did do something, but some people thought it was not enough. Vice President Kate James stated that she did not realize that Technicians were not part of the survey. It’s always been done in July, should it be done in July this year? Executive Director Marc Watt stated that staff will make it happen, with addition of possibly two new questions, in July for two weeks to comparison in the same time frame as prior surveys.

Contraceptive Prescribing Survey

Executive Director Marc Watt reported that OHSU and OSU are requesting that a RPh listserve be sent out with the same survey as last fall related to contraceptive prescribing. They would like to measure the attitude of contraceptive prescribing over time and as the program continues to evolve. They would like to resend this survey in July 2016 and January 2017 to compare. In the past, the Board had asked staff to bring survey requests for use of the listserve for approval and this is such a request. Board members unanimously agreed they did not want to use the agency listserve for external surveys like this. Staff will advise OSU and OHSU about the Board's decision and how to request a list of public email addresses for licensees.

Schedule of Fees

Executive Director Marc Watt stated that staff is requesting to add a new, lower cost "basic" list that includes minimal information like the "public" email addresses that licensees have made available for public use on list requests. This fee will be \$25 for a basic list and be added to the Schedule of Fees, as it's easier to pull a simple list from our database than it used to be. Our rules allow us to change this schedule with Board review and approval. Board members concurred.

MOTION

Motion to add Basic List fee of \$25.00 to OBOP Schedule of Fees was made and unanimously carried (Motion by James, second by Vipperman).

State Opioid Standards

Executive Director Marc Watt reported that the Oregon Health Authority had sent an email requesting the Board endorse using the "**CDC Guideline for Prescribing Opioids for Chronic Pain**" as adopted by the Oregon Opioid Prescribing Guidelines Task Force. The Task Force further encourages more discussion at state, regional and organizational levels regarding how these guidelines will be disseminated, communicated to patients and providers, and implemented. Board members briefly discussed this issue. Board Counsel Tom Cowan stated that Pharmacists are at the crossroads of what's going wrong (re: opioid abuse). Watt stated that this will evolve and these are guidelines; the Board will not have to adopt rules.

MOTION

Motion to endorse use of the "CDC Guideline for Prescribing Opioids for Chronic Pain" as the foundation for opioid prescribing for Oregon was made and unanimously carried (Motion by Chute, second by Anderson).

ANNUAL BOARD BUSINESS MEETING

Election of New Officers

Ken Wells made the nomination for Kate James to be the next Board President; Heather Anderson seconded that nomination. Ken also nominated Penny Reher for Vice President of the Board; Kate James seconded the nomination. There were no other nominations.

MOTION

Motion to appoint Kate James as Board President and Penny Reher as Vice President for 2016-17 was made and unanimously carried (Motion by Anderson, second by Wells).

Approval of ACPE accredited schools & colleges of pharmacy

Approval of ACPE Continuing Education Process

MOTION

Motion to approve the list of ACPE accredited schools & colleges of pharmacy along with the current ACPE Continuing Education Process was made and unanimously carried (Motion by Wells, second by James).

Update on Board Appointments

Executive Director Marc Watt reported that Board Member Roberto Linares was reappointed, effective 7/1/16 and Rachael DeBarmore has also been appointed, effective 7/1/16.

Marc Watt introduced incoming Board Member Rachael DeBarmore. Rachael stated she is excited for the opportunity and looks forward to serving.

Review Other Committee/Council Appointments

Rural Health Coordinating Council

The Board reviewed the resumes of the six people who applied and they appointed Leanne Yantis to the Rural Health Coordinating Council.

The Board asked staff to thank Mike Patrick, former Board Member, for serving on this Council since 2004. The Board also asked staff to thank all of the applicants for this Council and encourage them to apply again when another opportunity presents itself.

MOTION

Motion to appoint Leanne Yantis to the Rural Health Coordinating Council for two years was made and unanimously carried (Motion by Chute, second by Reher).

Council on Optometric Non-Topical Formulary

The Board reviewed the resume of Christopher de Guzman and appointed him to the Council.

The Board asked staff to thank Bill Boyce for serving on this Council since 2001, and best wishes in retirement.

MOTION

Motion to appoint Christopher de Guzman to the Council on Optometric Non-Topical Formulary for two years was made and unanimously carried (Motion by Chute, second by Reher).

Overview of Oregon Ethics and Conflict of Interest

Executive Director Marc Watt asked Board Counsel Tom Cowan to make this topic an Annual Business meeting refresher. Tom presented an overview of Oregon Ethics and Conflict of Interest law. He stated that common sense keeps you on the high ground, but pay attention to

potential financial benefits that could be a conflict of interest. Methodology is to declare a conflict and recuse yourself from voting. You represent the Board and should avoid the appearance of impropriety.

Approve current version of Federal List of Controlled Substances

MOTION

Motion to approve the current version of 21 CFR Part 1300-end (February 2016) of Federal List of Controlled Substances was made and unanimously carried (Motion by Wells, second by Anderson).

Review the TOEFL NABP updates - None

Affirm Use of July 2014 Attorney General's Model Rules of Procedure

MOTION

Motion to affirm the use of July 2014 Attorney General's Model Rules of Procedure was made and unanimously carried (Motion by Anderson, second by Armstrong).

Delegation of Board Authority Update

Staff proposed adding the Licensing Program Supervisor to authority to grant technician extensions to incorporate the new position. This is the only change for consideration at this time.

MOTION

Motion to approve the Delegation of Board Authority to Staff as revised was made and unanimously carried (Motion by Chute, second by Fujisaki).

Review and Approve Board Per Diem Policy

The Oregon Board of Pharmacy Per Diem & Expense Reimbursement Policy was reviewed. The Board does have the option of adding a rule through the normal rulemaking process to increase the \$30.00 daily per diem for service up to the government per diem rate. Board Member Heather Armstrong requested that staff research the federal rate and report back to the Board. Board Member Brad Fujisaki advocated for an increase because employers may not pay employees for their time spent at Board meetings or for members who own their own business. Vice President Kate James stated that a higher per diem would get more people to apply and from different practice settings.

MOTION

Motion to set Board Per Diem Policy at \$100 per day was made and unanimously carried (Motion by Chute, second by Anderson).

Board Best Practices Performance Measure Review

Administrative Director Karen MacLean passed out the “Best Practices Self-Assessment Guidance” form to complete and return. This information will be used to provide data for the Board’s Annual Performance Progress Report that is legislatively required.

Recognition of Outgoing Board Member Brad Fujisaki

Board President Roberto Linares thanked Board Member Brad Fujisaki for his service from July 2012 thru June 2016 to the Board and noted his accomplishments as well as his faithful involvement and attendance at meetings and hearings. Board Member Ken Wells shared that he appreciated Brad’s statistical and analytical views and that he is a leader in this profession. Board Member Penny Reher shared that she appreciates Brad’s brain. Roberto presented Brad with an engraved plaque and gavel. Brad expressed that it has been a pleasure.

ISSUES/ACTIVITIES

Reports:

Board President Roberto Linares reported that he recently took the health care provider CPR training and recommended that to the other members. Vice President Kate James reported on the NABP Annual meeting she attended in May; she enjoyed meeting a lot of people from all over the country while she was at the District Meeting table display. She also said that there were requests to include DQSA on the District Meeting agenda. She described other items from that meeting including the resolutions, technicians filling the void, the model practice act, and who is doing what various states. Board Member Penny Reher submitted her application to participate on a 2016-17 NABP Taskforce or Committee. Board Member Christine Chute reported the Governor’s DUII Taskforce is seeing an increase in marijuana related traffic fatalities; two recently in Portland. They also provided training was great. As of June 2, 2016, edibles and dabs are now legally available for sale in the recreational marijuana outlets.

Executive Director Marc Watt reported that he will be attending the morning sessions at the Board of Nursing Board meeting next week to get a perspective of how another health board operates their meetings. He also reported that he, Fiona Karbowicz, and Brianne Efremoff met with Representative Greenlick regarding moving forward with the non-pharmacy dispensing rules. He reported that he, Fiona Karbowicz, Lorinda Anderson and Paige Clark had a good meeting with Planned Parenthood who is unhappy that PBM’s are not paying for continuing education. He also reported that he attended Legislative Days and heard a presentation on medication adherence. He thinks we will see a big push for this next session. He also stated that Fiona is identifying the stakeholders for the auto refill rules. Marc also reported that as Gary Miner’s retirement gets closer, OBOP can hire his replacement three months before hand, so the new person can get up to speed. Marc reported that he recently met with the new executive director for the Oregon Patient Safety Commission (OPSC), Gwen Cox. They are going to start working with the CCO’s, but they don’t think they will get legislative approval for mandatory reporting.

Board Counsel Tom Cowan reported on the use of RAC’s, workgroups, and stakeholder groups. He stated that well informed boards have lots of input, transparency and efficiencies. He noted that this Board has used stakeholder groups, not rule advisory committees (RACs). Something like the Technician topic might be good for a stakeholder group. Tom also thanked everyone for the increased contact time and appreciates this agency’s use of DOJ resources.

Compliance Director Gary Miner reported on HPSP participation. There are currently 17 enrolled and there have been no self referrals. He did ask the Board about a HPSP participant that wanted to be on a fishing boat in Alaska, which would prevent him from making random UA's possible. The Board authorized staff to establish a monitoring program for the duration of this trip. Gary also reported that the PIC Training Class roster is just past the 2000 attendee mark.

Administrative Director Karen MacLean reported on the planning for the District Meeting in September, working on budget development with Marc and meeting with CIO Strategic Technology Officer in Salem regarding the IT project.

Pharmacist Consultant Fiona Karbowicz reported that the interns are registering for the Prescribing Contraceptives Training. The Board members discussed this issue. She asked the Board if the students have to wait until they are licensed RPh's to take this training. Some of the Board members expressed concerns regarding students taking this training and thought they should wait until licensed. The rules indicate that the training is for pharmacists and there was consensus that they should wait until they are licensed to complete it.

Licensing Program Supervisor Chrisy Hennigan reported that the online PIC change form is active, the office remodeling project is underway, the annual pharmacist LEDS review has not been completed yet due to unexpected leaves and vacations; and the end of the fiscal year is here and to please turn in any expenses from the meeting in ASAP.

Project Manager Courtney Wilson reported working on the February and April draft minutes, RPM report, the DEA exception letters project, and the retention forms.

Board Member/Staff Presentations

Pharmacy Coalition, June 8, 2016 – Vice President Kate James, Board Member Ken Wells and Executive Director Marc Watt attended. They heard a recap of 2016 legislation and ideas for 2017.

Professional Practice Roundtable, May 10, 2016 – Keynote speaker's topic was Telehealth and Technicians.

Health System Outreach Meeting, April 19, 2016 – Marc reported that the attendance wasn't as high as the first meeting, but that it is proving to be a good forum for meaningful discussions.

Committees/Meetings

OSHP Annual Seminar, April 22-24, 2016, Sunriver, OR -- Pharmacist Consultant Fiona Karbowicz attended and reported on what she learned about ambulatory care from the hospital perspective and goals to advance the practice of pharmacy. She reported that OBOP provided two separate programs – one on prescribing contraceptives and the other was a panel that focused on hospital laws and rules. Executive Director Marc Watt and Pharmacy Inspector Vickie Wallace also attended and participated on the panel.

NABP 112th Annual Meeting, May 14-17, 2016, San Diego, CA -- Vice President Kate James and Executive Director Marc Watt attended. They brought back information about some of the

resolutions. They attended the Poster Session where we had a table for the 2016 Portland Joint NABP/AACP District 6, 7 & 8 Meeting to share information about the meeting we're hosting for NABP District 7.

NABP Districts 6, 7 & 8 Meeting – September 11-14, 2016, Portland, OR – Administrative Director Karen MacLean provided an update on progress made regarding the upcoming District meeting.

CAC/CLEAR Meeting, September 17-18, 2016, Portland, OR – The Citizen Advocacy Center's Annual Meeting theme is "Modernizing the Regulatory Framework for Telehealth". There was a brief discussion whether anyone was available or interested in attending this meeting that will be held in Portland the same week as our District meeting. No Board Members were available.

OSPA Annual Meeting, October 21-23, 2016, Clackamas, OR -- Pharmacist Consultant Fiona Karbowicz will attend and have a booth

OSHP Meeting, November 5, 2016, Portland, OR – OBOP booth

OSPA Lane Co. Mid-Winter Meeting, February 17-19, 2017, Eugene, OR

Board Meeting Dates

- | | | |
|-------------------------|-----------|-------------------------------------|
| • August 10-12, 2016 | Portland | (3 day meeting planned) |
| • September 11-14, 2016 | Portland | NABP District VI-VII annual meeting |
| • October 5-6, 2016 | Portland | |
| • November 2-3, 2016 | Silverton | (Strategic Planning) |
| • December 7-8, 2016 | Portland | |
| • February 16-17, 2017 | Eugene | revised |
| • April 5-6, 2017 | Portland | |
| • June 7-8, 2017 | Portland | |
| • August 9-11, 2017 | Portland | (3 day meeting) |
| • October 11-10, 2017 | Portland | |
| • November 8-9, 2017 | TBA | (Strategic Planning) |
| • December 13-14, 2017 | Portland | |
-

Rulemaking Hearing Dates

Proposed Rulemaking Hearing dates for 2016 and 2017 are as follows:

- November 22, 2016
 - May 25, 2017
 - November 28, 2017
-

Financial/Budget Report

Administrative Director Karen MacLean reported on the March/April Financials and comparisons and the 2017-19 budget preparation.

Legislative Update – None

Strategic Planning

Administrative Director Karen MacLean and Pharmacist Consultant Fiona Karbowicz provided a status review for the 2014 and 2015 OBOP Pharmacy Strategic Plan. Fiona reported on Technician licensure duties being reviewed and the goal is to provide the Board with an update at their November Strategic Planning meeting. Fiona also discussed workplace environment and its impact on patient safety, strategies to insure critical drug shortages are avoided, and non-pharmacy dispensing issues. Administrative Director Karen MacLean reported on the progress of using the consensus building tool, the NABP/AACP District Meeting planning progress, and the 125th OBOP Celebration plans. Karen and Fiona discussed the 2017 Legislative policy concepts. Fiona also reported on prescription errors, interns/preceptors practice, applicant's marijuana issues, and medication reconciliation issues. The Board agreed to combine the 2014 and 2015 plans and ultimately merge the remaining goals into the 2016 plan.

Approve Consent Agenda*

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

1. NAPLEX Scores – none
9. MPJE Scores – none
3. License/Registration Ratification - April 6, 2016 – June 7, 2016
4. Extension Requests March 15, 2016 – May 12, 2016
5. Approval of Board Meeting Minutes – February 10-12, 2016
6. Approval of Board Meeting Minutes - April 6-7, 2016

MOTION

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

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

Board President Roberto Linares invited comments from the public:

Jackson Leong thanked Board Member Brad Fujisaki for his four years of service, being well prepared and that he cared about people.

Batoul Saad a third year student at Pacific University told the Board that it would be beneficial if students could take the contraceptive training prior to licensure.

Jeffrey Nguyeh, a third year student at Pacific University also told the Board that it would be beneficial if students could take the contraceptive training. He is doing his first rotation at Costco.

Adjourn

MOTION

Motion to adjourn at 3:41PM was made and unanimously carried (Motion by Fujisaki, second by James).

Accepted by:

A handwritten signature in black ink, appearing to read 'Marcus Watt', with a stylized flourish at the end.

Marcus Watt, R.Ph.
Executive Director

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

Wednesday, June 8, 2016 @ 8:30 AM, Conference Room 1A
Thursday, June 9, 2016 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on June 8, 2016 to discuss Compliance cases, followed by motions on June 9, 2016. Working lunch held.

Board Members present for all or part of compliance session:

| | |
|---------------------------------|-----------------------|
| Roberto Linares, RPH, President | Kenneth Wells, RPH |
| Kate James, RPH, Vice President | Penny Reher, RPH |
| Heather Anderson, Public Member | Dianne Armstrong, CPT |
| Christine Chute, Public Member | Cyndi Vipperman, CPT |
| Brad Fujisaki, RPH | |

Staff present for all or part of compliance session:

| | |
|--|---|
| Gary Miner, RPH, Compliance Director | Marcus Watt, R.Ph., Executive Director |
| Joe Ball, RPH, Chief Investigator | Karen MacLean, Administrative Director |
| Katie Baldwin, RPH, Board Inspector | Fiona Karbowicz, R.Ph., Pharmacist Consultant |
| Laura Elvers, RPH, Board Inspector | Chrisy Hennigan, Licensing Program Supervisor |
| Brianne Efremoff, RPH, Board Inspector | Annette Gearhart, Compliance Secretary |
| Cheryl Fox, RPH, Board Inspector | Kim Oster, Compliance Assistant |
| Victoria Wallace, RPH, Board Inspector | Thomas Cowan, Senior AAG |

Case 2015-0512 Motion to grant request for testing accommodations.

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

Motion to ratify signed Consent Orders in Cases 2015-0629 and 2016-0176.

Motion by: Kenneth Wells; Seconded by: Kate James. Motion unanimously carried.

Case 2014-0089 Motion to reduce to 12 UAs per year.

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

Case 2014-0328 Motion to deny request but reduce to 16 UAs per year.

Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion carried with Roberto Linares recused.

Case 2015-0077 Motion to grant request for reduction of UAs to 18 per year.

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

Case 2015-0080 Motion to grant request to reduce UAs to 18 annually.

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

Case 2015-0109 Motion to accept proposed Stipulated Agreement and Consent Order.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion carried with Christine Chute opposed and Brad Fujisaki recused.

Case 2016-0216 Motion to accept signed Stipulated Consent Order.

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

Case 2015-0429 Motion to close case with Board direction.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion carried with Brad Fujisaki recused, and Kenneth Wells opposed.

Cases 2014-0394 and 2015-0493 Motion to Amend Amended Notice.

Motion by: Kate James; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2015-0449 Motion to impose \$10,000 civil penalty per violation against outlet.

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

Case 2016-0039 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

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

Case 2016-0040 Motion to deny technician license and impose \$1,000 civil penalty.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0115 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

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

Case 2015-0636 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0169 Motion to deny technician license.

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

Case 2016-0114 Motion to deny technician license and impose \$1,000 civil penalty.

Motion by: Brad Fujisaki; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2016-0209 Motion to grant technician license.

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

Case 2016-0049 Motion to grant technician license

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

Case 2016-0212 Motion to deny technician license and impose \$1,000 civil penalty

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

Case 2016-0064 Motion to deny technician license and impose \$1,000 civil penalty per violation.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0119 Motion to grant intern license.

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

Case 2015-0648 Motion to deny technician license and impose \$1,000 civil penalty per violation.

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

Case 2016-0168 Motion to deny technician license and impose \$1,000 civil penalty per violation.

Motion by: Dianne Armstrong; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2015-0533 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Case 2016-0201 Motion to impose \$10,000 civil penalty per violation against outlet.
Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion carried with Kate James recused.

Case 2016-0210 Motion to close with Board direction.
Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0203 Motion to close with Board direction.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2016-0124 Motion to revoke technician license and impose \$1,000 civil penalty per violation; close case with Board direction; and in

Case 2016-0163 Motion to impose \$1,000 civil penalty against pharmacist.
Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion carried with Kate James recused.

Case 2015-0372 Motion to impose \$1,000 civil penalty per violation and revoke technician license, and close case with Board direction.
Motion by: Heather Anderson; Seconded by: Kate James. Motion carried with Kenneth Wells opposed and Cyndi Viperman recused.

Case 2016-0195 Motion to impose \$1,000 civil penalty per violation against technician, and close case with Board direction.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion carried with Cyndi Viperman recused.

Case 2016-0009 Motion to impose \$10,000 civil penalty per violation against outlet; and close with Board direction.
Motion by: Penny Reher; Seconded by: Kate James. Motion carried with Dianne Armstrong recused.

Case 2015-0606 Motion to impose \$1,000 civil penalty per violation against pharmacist; and close case per Board direction.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion carried with Penny Reher and Roberto Linares opposed, and Brad Fujisaki recused.

Case 2016-0137 Motion to revoke technician license; reinstate \$850 stayed in Case No. 2015-0500; and impose \$1,000 civil penalty per violation in Case 2016-0137.
Motion by: Penny Reher; Seconded by: Kate James. Motion unanimously carried.

Case 2016-0199 Motion to ratify Stipulated Consent Order surrendering technician's license.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2016-0130 Motion to grant technician license.
Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0083 Motion to impose \$10,000 civil penalty per violation against outlet;
Case 2016-0237 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Kate James. Motion unanimously carried.

Case 2015-0628 Motion to impose \$10,000 civil penalty per violation against outlet; and in
Case 2016-0245 Motion to impose \$1,000 civil penalty per violation against technician.
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2015-0570 Motion to close with Board direction; and in
Case 2016-0127 Motion to impose \$10,000 civil penalty per violation against outlet.
Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0148 Motion to close with Board direction.

Motion by: Kate James; Seconded by: Penny Reher. Motion unanimously carried.

Case 2016-0204 Motion to revoke outlet license and impose \$10,000 civil penalty per violation against outlet.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0050 Motion to deny drug outlet registration.

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

Case 2016-0068 Motion to close case with Board direction.

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

Case 2016-0140 Motion to close case with Board direction.

Motion by: Heather Anderson; Seconded by: Kate James. Motion unanimously carried.

Case 2016-0031 Motion to close case with Board direction.

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

Case 2015-0470 Motion to close case with Board direction.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0126 Motion to close case with Board direction.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion to suspend technician license and impose \$1,000 civil penalty per violation in case: 2016-0138; to revoke technician license in cases: 2016-0141, 2016-0143, 2016-0144 and 2016-0236; and to ratify executed orders in cases: 2016-0084 and 2016-0142; and to close case with Board direction in case: 2016-0239

Motion by: Kenneth Wells; Seconded by: Kate James. Motion unanimously carried.

Motion to impose \$10,000 civil penalty per violation against outlet in case: 2015-0638.

Motion by: Heather Anderson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation in case: 2016-0118; to deny technician license and impose \$1,000 civil penalty per violation in case: 2016-0202; and to ratify consent order in case: 2016-0117

Motion by: Kate James; Seconded by: Heather Anderson. Motion unanimously carried.

Motion to impose \$1,000 civil penalty per violation against the pharmacists in cases: 2016-0150, 2016-0152 and 2016-0190.

Motion by: Kate James; Seconded by: Kenneth Wells. Motion unanimously carried.

Motion to accept the items on the consent agenda and close cases per Board direction with Case 2015-0571 pulled for additional investigation and Cases 2015-0470, 2016-0031, 2016-0126 and 2016-0140 pulled for discussion.

Motion by: Kenneth Wells; Seconded by: Kate James. Motion carried with Heather Anderson recused on case 2016-0066.

Cases Closed With Board Direction:

Cases: 2016-0121; 2015-0655; 2016-0069; 2016-0120; 2016-0066; 2016-0089; 2016-0076; 2015-0321; 2016-0134; 2016-0135; 2016-0158; 2016-0213; 2016-0235; 2016-0075; 2016-0080; 2016-0090; 2015-0572; 2015-0580; 2015-0621; 2015-0639; 2016-0025; 2016-0036; 2016-0037; 2016-0054; 2016-0056; 2016-0058; 2016-0059; 2016-0067;

2016-0074; 2016-0108; 2016-0109; 2016-0112; 2016-0122; 2016-0123; 2016-0164; 2016-0165; 2016-0224; 2015-0508; 2016-0055; 2016-0192; 2016-0133; 2016-0159; 2016-0070; 2016-0072; 2016-0073; 2016-0078; 2016-0079; 2016-0081; 2016-0091; 2016-0092; 2016-0093; 2016-0094; 2016-0096; 2016-0098; 2016-0099; 2016-0100; 2016-0102; 2016-0101; 2016-0103; 2016-0104; 2016-0105; 2016-0106; 2016-0107; 2016-0128; 2016-0129; 2016-0132; 2016-0139; 2016-0146; 2016-0149; 2016-0153; 2016-0173; 2016-0174; 2016-0179; 2016-0180; 2016-0182; 2016-0184; 2016-0187; 2016-0188; 2016-0189; 2016-0191; 2016-0193; 2016-0194; 2016-0196; 2016-0003; 2016-0052; 2016-0131; 2016-0162; 2016-0167 and 2016-0205.

Cases Closed:

Board motions with report of conclusions for the previous four meetings.

UPDATES / For Your Information:

Updates:

1. Open cases under investigation.
2. Hearings Spreadsheet
3. Historical Data