

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
May 24, 2012**

THURSDAY, MAY 24, 2012

Larry Cartier, R.Ph. Board President, called the meeting to order at 9:00AM

The following Board Members were present:

Larry Cartier, President

Ken Wells, Vice President

Christine Chute

Penny Reher

Ann Zweber – *via telephone*

Dianna Pimlott – *via telephone for part of the meeting*

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

Chrisy Hennigan, Office Manager

Courtney Wilson, Project Manager

Joe Ball, Chief Investigator

Fiona Karbowicz, Inspector

Gregg Hyman, Inspector

Michele Cale, Inspector

Thomas Cowan, Board Counsel

Agenda Review and Approval

MOTION

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

Rulemaking Hearing

Project Manager Courtney Wilson opened the Rulemaking Hearing at 9:06 AM. The purpose of the hearing was to receive public comment on the proposed Division 006 Definitions Rule, the Division 041 Drug Outlet Conduct Rule, the Division 043 Practitioner Dispensing Outlet Rule, the Division 080 Controlled Substance Rule, the Division 080 Animal Euthanasia Rule and the Division 110 Fee Rule. Testimony was received for the proposed Division 041 Drug Outlet Conduct Rule, the Division 043 Practitioner Dispensing Outlet Rule and the Division 080 Controlled Substance Rule. The Board did not receive testimony for the proposed Division 006 Definitions Rule, the Division 080 Animal Euthanasia Rule or the Division 110 Fee Rule.

Division 041 Drug Outlet Conduct

Testimony was received from five individuals. Four individuals expressed support for the proposed rule and the National Association of Chain Drug Stores express concern.

Division 043 Practitioner Dispensing Outlets

Testimony was received from four individuals. All supported the proposed rule.

Division 080 Controlled Substance Identification Requirement

Testimony was received from one individual. This individual expressed concern for the proposed rule.

Administrative Director Karen MacLean read three written comments for the proposed Division 041, Division 043 and Division 080 Animal Euthanasia Rule. These comments were received after 4:30PM on May 21, 2012.

Courtney closed the Rulemaking Hearing at 9:56AM.

Rulemaking Hearing & Written Testimony Discussion

Project Manager Courtney Wilson summarized written comments received by 4:30PM on May 21, 2012.

The Board received 29 written comments. Comments were not received for the proposed Division 006 Definitions Rule, the Division 080 Animal Euthanasia Rule or the Division 110 Fee Rule.

Division 041 Drug Outlet Conduct

16 written comments were received for the proposed rule. 14 comments were made in support of the proposed rule and two expressed concern. Several people commented that the proposed rule will increase patient safety by addressing workload, metrics and distracters that adversely affect and interfere with patient care. They also commented that ensuring personnel coverage along with the opportunity to take uninterrupted rest periods and meal breaks will help to prevent burnout, reduce errors and ultimately, protect patient safety.

Rite Aid submitted comments to clarify statements that a former Rite Aid pharmacist had submitted to the Board at its Rulemaking Hearing on March 22, 2012. They also conveyed information regarding their 15 minute pledge, their transfer prescription coupon, and their pharmacists' schedules.

Safeway submitted comments which expressed concern for the proposed rule. They indicated that the proposed rule does not clarify the circumstances that may lead to sanctions on a licensee. Safeway also provided suggested language for consideration.

Division 043 Practitioner Dispensing Outlets

12 written comments were received for the proposed rule. Many comments were related to requiring a competency exam for Physician Assistants. Sacred Heart Medical Center commented that the proposed rule will prohibit Volunteers in Medicine's current practice model which consists of the agent of the physician dispensing under the physicians license.

Division 080 Controlled Substance Identification Requirement

One written comment was received in support of the proposed rule. The individual stated that the proposed rule will serve as an effective deterrent to many fraud attempts.

Consider Adoption of Proposed Rules

President Larry Cartier led a discussion on the following proposed rules.

- Division 006 Definitions
- Division 041 Drug Outlet Conduct
- Division 043 Practitioner Dispensing Outlets
- Division 080 Animal Euthanasia
- Division 080 Controlled Substance Identification Requirement
- Division 110 Fees

Project Manager Courtney Wilson presented minor revisions to the proposed Division 041 Drug Outlet Conduct Rule, the Division 043 Practitioner Dispensing Rule, and the Division 080 Controlled Substance Identification Requirement Rule suggested by Staff for the Board's consideration.

Rulemaking comments, testimony, Staff recommendations and information from Counsel were discussed and the Board determined which rules to permanently adopt.

MOTION

Motion to adopt Definition rules in OAR 855-006-0005 was made and unanimously carried (Motion by Wells, second by Reher).

The Board made minor revisions to the Division 041 Drug Outlet Conduct and Division 043 Practitioner Dispensing Outlets Rule.

MOTION

Motion to adopt Drug Outlet Conduct rules as revised in OAR 855-041-0016 was made and unanimously carried (Motion by Chute, second by Reher).

MOTION

Motion to adopt Practitioner Dispensing Outlet rules as revised in OAR 855-043-0002 through OAR 855-043-0455 was made and unanimously carried (Motion by Wells, second by Reher).

MOTION

Motion to adopt Animal Euthanasia rules in OAR 855-080-0100 was made and unanimously carried (Motion by Chute, second by Wells).

Division 080 Positive Identification for Controlled Substances

The Board discussed the proposed Division 080 Controlled Substance Identification Requirement Rule and did not adopt rules in OAR 855-080-0094.

Division 110 Fees

The Board discussed information received from the Department of Administrative Services, Budget and Management Division and Legislative Fiscal Office regarding fees for Supervising Physician Dispensing Outlets. The Board did not permanently adopt the proposed Division 110

fee of \$100.00 as noticed for Supervising Physician Dispensing Outlets. The Board adopted a fee of \$300.00 for Supervising Physician Dispensing Outlets by temporary rule based on feedback from the Budget and Management Division and Legislative Fiscal Office.

MOTION

Motion to adopt OAR 855-110-0007(17) as a Temporary Rule was made and unanimously carried (Motion by Wells, second by Chute).

OPEN FORUM

President Larry Cartier invited comments from the public.

A pharmacy student provided comments on physician assistant dispensing and the Division 043 Practitioner Dispensing Outlet Rule.

Jackson Leong commented on the Physician Assistant Training Program jointly adopted by the Board and the Oregon Medical Board.

Adjourn

MOTION

Motion to adjourn at 11:30 was made and unanimously carried (Motion by Wells, second by Reher).

Approved by:



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