

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
October 13-14, 2009**

**Tuesday, October 13, 2009 @ 8:30 AM, Conference Room 1E
Wednesday, October 14, 2009 @ 8:30 AM, Conference Room 1B**

TUESDAY, OCTOBER 13, 2009

OPEN SESSION, Linda Howrey, R.Ph. Presiding

Linda Howrey, Board President, called the meeting to order at 8:35 AM.

Roll Call

The following Board members were present for all or part of the session:

Linda Howrey, President

Lee Howard

Ann Zweber

Bernie Foster

Ken Wells

Larry Cartier

Board member absent:

Dianna Pimlott, Vice President

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

Gary Schnabel, Executive Director

Annette Gearhart, Compliance Secretary

Gary Miner, Compliance Director

Meg Aulerich, Pharmacy Inspector

Karen MacLean, Administrative Director

Katie Baldwin, Pharmacy Inspector

Chrisy Hennigan, Office Manager

Jennifer Zanon, Pharmacy Inspector

Joe Ball, Chief Investigator

Kim Whitson, Compliance Assistant

Tony Burt, Project Manager

Ed Schneider, PRN Director

Paige Clark, Pharmacist Consultant

Pam Aldersebaes, PRN Assistant

Michele Cale, Pharmacy Inspector

Gregg Hyman, Pharmacy Inspector

Loretta Glenn, Management Secretary

Tom Cowan, Board Counsel

Agenda Review and Approval

MOTION

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

Approve Consent Agenda*

1. NAPLEX Scores
2. MPJE Scores
3. Executive Director Report
4. Pharmacist Consultant Report
5. Project Manager Report
6. License/Registration Ratification (August 8, 2009-October 9, 2009)
7. NABP Memos
8. Approval of Board Meeting Minutes (September 23, 2009)

MOTION

Motion to approve Consent Agenda was made and unanimously carried. (Motion by Howard, Second by Wells).

MOTION

Motion to approve August 11-12, 2009 Board Meeting Minutes as revised was made and unanimously carried. (Motion by Wells, Second by Howard).

MOTION

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

MOTION

Motion to resume Open Session at 3:40 PM was made and unanimously carried. (Motion by Wells, second by Cartier).

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

MOTION

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

TUESDAY, OCTOBER 14, 2009

OPEN SESSION, Linda Howrey, R.Ph. Presiding

Linda Howrey, Board President, called the meeting to order at 8:15 AM.

Roll Call

The following Board members were present for all or part of the session:

Linda Howrey, President

Lee Howard

Ann Zweber

Bernie Foster

Ken Wells

Larry Cartier

Absent Board member:

Dianna Pimlott, Vice President

The following Staff were present for all or part of the meeting:

Gary Schnabel, Executive Director
Gary Miner, Compliance Director
Karen MacLean, Administrative Director
Chrisy Hennigan, Office Manager
Joe Ball, Chief Investigator
Tony Burt, Project Manager
Paige Clark, Pharmacist Consultant
Michele Cale, Pharmacy Inspector
Loretta Glenn, Management Secretary

Annette Gearhart, Compliance Secretary
Meg Aulerich, Pharmacy Inspector
Katie Baldwin, Pharmacy Inspector
Jennifer Zanon, Pharmacy Inspector
Kim Whitson, Compliance Assistant
Ed Schneider, PRN Director
Pam Aldersebaes, PRN Assistant
Gregg Hyman, Pharmacy Inspector

Tom Cowan, Board Counsel

Acknowledge Gary Schnabel for 15 years of service

On behalf of the Board (past and present) and staff, President Linda Howrey acknowledged Executive Director Gary Schnabel for his 15 years of service. Gary has seen big changes; from registering and subsequently licensing pharmacy technicians, to playing a major role in the methamphetamine battle, which, under his guidance, led to national recognition of the Oregon Board. Linda presented Gary with a certificate of recognition and thanked Gary for his years of service.

Out-of-State Pharmacy Licensing Requirements

Executive Director Gary Schnabel introduced this subject by providing the Board an overview of comments that have been received in the past year about the new out of state licensure requirements for pharmacists in OAR 855-019-0100(4). John Sisto, R.Ph. of Medco then presented information they and others find confusing in the rule relating to the licensure requirements for dispensing pharmacists. John has been working with Board of Pharmacy staff on a minor addition to the rule that he believes will clarify who needs to be licensed beside the PIC when they are performing certain professional tasks.

Compliance Director Gary Miner R.Ph. then filled in the history of this particular rule and how the Board originally decided to implement the current requirements. Gary also reviewed the different kinds of out of state pharmacy settings where the Board has previously decided that an Oregon licensed pharmacist must be in place, i.e. a Consultant Pharmacist working out of state who is doing drug reviews, therapeutic interchange, chart reviews for an Oregon patient but not necessarily dispensing the drug.

The Board asked to have staff work on this some more and be prepared to discuss options at the December meeting. It was also suggested that this be discussed at the next Professional Practice Roundtable meeting. Finally, President Howrey acknowledged Bill Fitzpatrick, R.Ph. a retired pharmacist from Missouri and Honorary Past President of NABP for his comments on this topic. He sees this topic being addressed at meetings all over the country and believes the Oregon Board is going in the right direction. When patient specific activity is being conducted by a clinical pharmacist on behalf of Oregon citizens, out of state pharmacists need to be licensed in Oregon. He also suggested the Board track NABP's pilot project for multistate

licensure. Staff is familiar with this project and is evaluating the Oregon Pharmacy Practice Act to determine if participation is allowable under existing statute.

ISSUES/ACTIVITIES

Reports

President Linda Howrey continues to participate in weekly meetings regarding H1N1 with the Immunization Advisory Practices Team (IPAT).

Ann Zweber thanked the Board for allowing her to attend the NABP District meeting. Ann was able to attend on behalf of the Board and OSU, and expenses were shared between the two. She reported that District VII recommended resolutions for consideration at the Annual meeting to review CFR and make recommendations to the DEA. The District also supports moving towards multistate licensure. Ann is also currently participating on the NABP Taskforce on Technician Training and Education and attended a meeting recently. Finally, she attended a workgroup led by Representative Maurer on medical marijuana. It's a diverse group including representatives from law enforcement, DHS and medical marijuana groups.

No reports from Ken Wells, Lee Howard or Bernie Foster

Larry Cartier attended the recent Professional Practice Roundtable; H1N1 was the primary topic of discussion. He'll also attend next weeks Pharmacy Coalition meeting.

Thomas Cowan, Board Counsel, reported that DOJ continues to evaluate the new legislation regarding substance abuse and will be asking for a meeting to get clarification for the Board as the PRN program is statutorily repealed June 30, 2010. Tom also commented that he's recently worked on a significant number of cases with our Compliance Staff and continues to be very complimentary of their work.

Gary Miner, Compliance Director, reported he is starting to work with a stakeholder group on the Long Term Care rule review. 75% of the inspections have been completed so far this year. PIC Training continues to be well received. Chief Investigator Joe Ball and Pharmacy Inspector Gregg Hyman participated in the recent MPJE (Multistate Pharmacy Jurisprudence Exam) exam writing and question review update.

Karen MacLean, Administrative Director, reported how communications and activities regarding H1N1 for state employees are being prepared. The vacant Compliance Assistant position has been filled by Kim Whitson. Kim is also helping with overflow work in licensing. The Certified Pharmacy Technician renewal cycle ended on 9/30/09 with 95% or 5205 technicians renewing on time. 20-30% of technicians had some kind of error or omission on their renewal this year. This created a considerable amount of extra work and expense for the staff and agency. Staff will be looking a ways to make the application and renewal instructions more clear.

The Manufacturer and Wholesaler renewal cycle also ended 9/30/09. Some wholesale outlets are still struggling to meet the new surety bond and inspection requirements. Numbers are down slightly.

Finally, Karen recently attended a first meeting to identify rules and a process to implement the recently enacted HB 2009 health board workforce data collection requirements. This legislation requires seven health boards to collect a variety of workforce data on each renewal and report it to the Oregon Office of Health Policy and Research (OPHR). OPHR is then authorized to charge the agencies for analyzing the data. Additional limitation will be required through the emergency board and new fees will be assessed to licensees (pharmacists and pharmacy technicians) for the collection and reporting of this data.

Board Meeting Dates

President Linda Howrey emphasized the importance of identifying date conflicts sooner than later. Meeting dates are prescheduled over a year in advance to identify conflicts and prevent absences as much as possible. Also, 2009 HB 2058 implements a new law about the number of Board Member excused absences that are acceptable before a member will be removed from a Board. Members reaffirmed their availability, one member has a potential conflict in the spring.

Linda asked Executive Director Gary Schnabel to briefly touch on some additional impacts for the Board of 2009 HB 2118. Included are new requirements for Executive Director Reports for the Governor and Peer Review Audits among health related boards.

Members discussed whether or not the brief conference call September 2009 Board meeting was helpful to free up time in October and whether or not it was a challenge for staff to facilitate. Administrative Director Karen MacLean acknowledged that it did add additional work, but she thought it was helpful to move non-controversial issues to an interim meeting to facilitate agenda management. Members asked Karen to identify a date between the January and April meetings to schedule an added Board meeting, not to exceed two hours.

Ann Zweber and Karen MacLean reported on OSU and Pacific Universities need to have a Board Meeting at the schools. Given current budget constraints, the Board elected to save resources and not have full Board meetings at the schools in the foreseeable future. The Board supported continuing to have staff participate in various activities at the schools as much as possible and if available, a Board Member(s) could also participate during those activities. The Board welcomes having students attend meetings here at the Portland State Office Building.

Board Meeting Dates 2009

- December 14 - 15, 2009 Portland
- 2009 Rulemaking Hearing Date
- November 23, 2009 Portland

Board Meeting Dates 2010

- January 26 - 27, 2010 Portland
- March 9 - 10, 2010 Strategic Planning
- April 6 - 7, 2010 Portland
- June 15 - 16, 2010 Portland

- August 3 - 4, 2010 Portland
- October 12 - 13, 2010 Portland
- December 14 -15, 2010 Portland

Committees/Meetings

National Association of Board of Pharmacy (NABP) Meetings

Executive Director Gary Schnabel reviewed his NABP President participation at the various District meetings since the August meeting. Most districts are dealing with the same issues; some statutory, some policy decisions. Key issues include: Pharmacy Technician training and education and Intern – Board/ACPE requirements. Gary will attend the remaining District meetings between now and the December meeting, as well as the NABP Symposium and quarterly JCCP meeting.

NASCSA Meeting

Executive Director Schnabel will attend and speak at the annual NASCSA meeting next week. He was asked to speak on the topic of Oregon's legislative requirement to schedule pseudoephedrine as a controlled substance III; how that transition went and how it's going today.

OSPA Fall Convention

Member Ken Wells, Compliance Director Gary Miner and Pharmacist Consultant Paige Clark reported on their participation at the OSPA Fall convention. Ken and Paige presented the Board's update at a general session. Gary Miner and Inspector Jennifer Zanon conducted a PIC Training Class and Gary and Paige also conducted a Technician class. All were well received. In addition the Board also had a booth staffed by the Inspectors to respond to individual questions.

Research Councils

Member Ken Wells reported on recent activities of the Medication Error / Patient Safety Council. The Counseling Sub-Committee continues to meet and they expect to give a final report at the January 2010 meeting.

GENERAL ADMINISTRATION

Discussion Items

Staff Policy Questions

Compliance Director Gary Miner presented a question about the appropriate amount of drug sales to multiple practitioners' offices which would trigger a wholesaler license. The staff recommended and the Board agreed using the DEA guideline of 5% of volume or sales to determine this additional licensure requirement.

Research Council, Rules Advisory Committee, and Stakeholder workgroups

Project Manager Tony Burt reviewed the mailing on recommendations for the above. The key is to identify how the Board would like councils, committees and workgroups to work, number of members to participate and the public meeting requirements for each. It doesn't necessarily meet all needs, but will certainly help structure future meetings. Board Counsel Tom Cowan commented that it looks good. Members agreed this

makes sense. There was some discussion about creating some standing committees, clarification about who gives the “charge” for activities, timelines and public meeting requirements. Staff was asked to facilitate tracking of these activities for the Board.

Family Planning Clinic Request

Compliance Director Gary Miner presented a request for clarification and possible rule revision from Planned Parenthood who is seeking advice/opinion from the Board regarding Physicians Assistants ability to dispense. The Oregon Medical Board (OMB) and OBOP rules don't address Physicians Assistants “dispensing privileges” in the same way. OMB and the DEA recognize PA's as mid-level practitioners for “prescribing”. Current OBOP rules do not include the PA as authorized to dispense in a Family Planning Clinic. Gary contacted OMB regarding this topic and how it relates to rural areas and PA “emergency dispensing”. In the past OBOP has deliberately omitted PA's from the dispensing authority rules, however since then, OMB's statute has changed to authorize PA dispensing under certain circumstances. The Board instructed staff to develop revised language for Division 043 which will remove unnecessary practitioners from the list of authorized dispensers, but reference them in the rule based on their board authority.

Continuing Pharmacy Education

Member Ann Zweber asked the Board how they would like to follow up on the CPE input received from the Professional Practice Roundtable (PPR). There was some discussion about having this as a strategic planning topic, however after some discussion, it was decided to make this more of a priority for discussion at the December meeting if time allows. There was a brief discussion about the timing of implementation for new CPE requirements. Staff will resend the PPR document to members for review.

OHSU Pilot Project updates

Compliance Director Gary Miner reviewed the latest updates and the Board decided to suspend the pilot project and asked for OHSU Staff to appear and report at the next meeting.

Intern extension request

Administrative Director Karen MacLean presented this request. The Board had an opportunity to review the materials ahead of time. This extension will allow the Intern to complete the exam process for licensure. The Board approved this request noting that further extensions will not be allowed.

MOTION

Motion to approve a 1 year extension for Intern candidate was made and unanimously approved. (Motion by Cartier, second by Howard, Zweber abstained).

OSU ratio exception request

Administrative Director Karen MacLean presented this request. Oregon State University (OSU) requested a 2:1 preceptor/intern ratio request for Bob Cutter at St. Charles Medical Center. OSU and Pacific University are sharing preceptors at this rural site and the preceptor sees the value of having a 2:1 ratio in this setting. The Board considered the materials provided and approved the request.

The 2:1 ratio topic will be addressed during the Intern Rule revisions Spring 2010.

MOTION

Motion to approve OSU's 2:1 Preceptor/Intern ratio for Bob Cutter at St. Charles Medical Center was made and unanimously approved. (Motion by Howard, second by Cartier, Zweber abstained).

Appearance

Former Board Member Blake Rice, R.Ph. appeared to discuss the topic of unsafe practice in pharmacies. Blake provided a handout for the Board's consideration including information on patient safety, compliance and optimal outcomes. His goal is to stress that the Board needs to continue educating patients about safe medication use, patient counseling requirement, and optimal outcomes. Blake has recently been visiting pharmacies on his own time to observe working conditions and ask pharmacists about their knowledge regarding availability of Board resources for public safety. Many were not aware of the Board's 23 point document on patient safety and other documents on the Board's website. It is his opinion that the Board needs to look at the overall function of pharmacy and be more cognizant of employment place pressures especially around imposed staffing limitations. Additionally, the Board must educate pharmacists that unsafe work environments must be reported in order that unsafe conditions are remedied, and that medication errors, misuse and associated costs are reduced. Blake included a list of patient safety and medication error facts that he compiled and the Board's August 2009 Newsletter article No. 457 *Duty of Pharmacy Staff to Report Unsafe Conditions*.

The Board briefly discussed this appearance and suggested adding this topic to the agenda for the strategic planning meeting in March. Executive Director Schnabel commented on the JCPP "Future Vision of Pharmacy Practice" also know as "Vision 2015" for the profession of pharmacy and how these observations fit into it. Gary also circulated a binder that included his NABP speech and the JCPP vision statement, executive summary and action plan for the Board to become familiar with these resources.

Rulemaking

Project Manager, Tony Burt facilitated the Board's discussion regarding proposed rules in the following Divisions:

- a. Division 007 - Public Health Emergency
- b. Division 060 – Manufacturers
- c. Division 062 – Drug Distribution Agents
- d. Division 065 – Wholesalers
- e. Division 110 – Fees

MOTION

Motion to send proposed revisions in Divisions 007, 060, 062, 065 and 110 to rulemaking hearing 11/23/09 was made and unanimously carried. (Motion by Zweber, second by Wells).

Tony also facilitated a discussion along with Compliance Director Gary Miner regarding a timetable for future rule concepts as follows:

The Board reviewed a timetable staff prepared as a guideline to accomplish implementation of rules that are required by legislative mandate and the Board's current rule revision plan.

Compliance Director Gary Miner led the discussion on the Division 041 Draft Hospital rules that are being developed, highlighting revisions since the last Board discussion. There was a significant discussion around the proposed Technician Checking Validation Program. The Board asked to see this proposal in rule format for the December meeting. Members commended staff and the workgroup on the good work that has been done to revise and update these rules.

Project Manager Tony Burt advised that draft revisions for the Division 031 Intern rules will be provided to the Board for discussion in December.

Tony also advised that draft rules for the legislative requirement to accommodate Expedited Partner Therapy will be available for review in December.

Finally, Tony advised that staff and a workgroup are working on draft concepts to seek the Board's direction for the legislatively mandated Charitable Pharmacy program. An outline will be provided for discussion in December.

Financial Report

Administrative Director Karen MacLean reported that she expects to have the July and August financial reports to share with the Board at the next meeting. To date, they have not been received from the accountant.

To date, Karen has not received the final legislatively adopted budget from our accountant, due to DAS competing deadlines. She hopes to have a complete report on the financial plan for this biennium in December.

Strategic Planning

Administrative Director Karen MacLean provided the Board with the update on this topic. Executive Director, Gary Schnabel has an acquaintance at ODS who offered their conference room for our meeting. Gary and staff toured the facilities; the building is located downtown on the MAX line, parking available across the street; they have a very nice conference room that seats 18 people around the table and plenty of room for the public; the room is wired for everything we need i.e. acoustic sound system, computer hookups, web conferencing. OSD regularly host meetings for a number of Board's and non-profits and would be happy to make conference rooms available as needed. The Board formally accepted ODS's offer, staff will coordinate the details.

Preliminary topics for discussion at strategic planning include: legislative concepts, 2011-13 budget preparation, the Board's role with OSPA and other professional associations, continuing education, the legislative Impaired Professional Program and closure of the Board's PRN (Pharmacy Recovery Network) program 6/30/2010, multiple year licensure, and unsafe practices/patient safety.

Topics for future discussion

Administrative Director Karen MacLean provided a review of the topics for future discussion as requested.

Rules – ongoing

Impaired Professionals Program update (December)

Continuing Pharmacist Education review (December)

2011 Legislative Concepts (December – March)

Technician Training Programs and application review (January)

Unsafe Practices (Strategic Planning)

OSU 2:1 Preceptor Request

Due to the efficiency of the meeting, there was time to add one additional agenda item that was ready for review and discussion. The Board considered another OSU 2:1 Preceptor/Intern ratio for Preceptor Ann Zweber.

MOTION

Motion to approve OSU's 2:1 Preceptor/Intern ratio for an advanced experiential non-patient care (teaching) elective clerkship for Ann Zweber was made and unanimously approved. (Motion by Cartier, second by Foster, Zweber abstained).

Open Forum

Harry Rai asked for clarification on transfer of Intern hours from New York, a state where the Board of Pharmacy does not certify hours to other states. Administrative Director Karen MacLean advised that the Board discussed this at a meeting in September and a letter would be sent to Pacific University and Mr. Rye's clerkship rotation hours will be accepted.

Member Bernie Foster commended Gary Schnabel on his NAPB President's speech for the District Meeting.

President Linda Howrey thanked the students who attended the meeting.

MOTION

Motion to adjourn at 1:55PM was made and unanimously carried. (Motion by Howard, second by Cartier).

Minutes accepted by:



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

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
October 13-14, 2009
Linda Howrey, R.Ph., Presiding**

An Executive Session of the Board to discuss Compliance was held on October 13, 2009 at 800 NE Oregon Street Conference Room 1E in Portland.

Board Members present for all or part of compliance session:

Linda Howrey, R.Ph., President
Larry Cartier, R.Ph.
Bernie Foster, Public Member
Lee Howard, Public Member
Kenneth Wells, R.Ph.
Ann Zweber, R.Ph.

Absent:
Dianna Pimlott, R.Ph., Vice
President

Absent during motions:
Bernie Foster, Public Member

Staff present for all or part of compliance session:

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

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

Case 2009-0341

Motion to not grant reinstatement of pharmacist license, but entertain appearance in 12 months.

Motion by: Ann Zweber; seconded by: Ken Wells. Motion was unanimously carried.

Cases 2009-0073, 2009-0325 and 2009-0390

Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation; and in

Case 2009-0523

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

Motion by: Lee Howard; seconded by: Ann Zweber. Motion was unanimously carried.

Case 2009-0314

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

Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0369

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty; and in

Case 2009-0481

Discontinue pilot project. Appearance at December meeting to show just cause to why pilot project should be allowed to resume. After October 19th, R.Ph. on site at each location or medication to come out of another pharmacy; and in

Case 2009-0539

Motion to impose \$1,000 per violation against pharmacist; and in

Case 2009-0538

Motion to impose \$1,000 per violation against PIC.

Motion by: Kenneth Wells; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0410

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

Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0450

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

Motion by: Ann Zweber; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0469

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

Motion by: Larry Cartier; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0359

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

Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0313

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2009-0412

Motion to request appearance of CPT.
Motion by: Kenneth Wells; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0441

Motion to deny technician license application.
Motion by: Ann Zweber; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0397

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2009-0364

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2009-0324

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0228

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty.
Motion by: Larry Cartier; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0252

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion was unanimously carried.

Case 2009-0296

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Lee Howard; seconded by: Ann Zweber. Motion was unanimously carried.

Case 2009-0302

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty.
Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0312

Motion to deny technician application.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was carried with Ann Zweber opposed.

Case 2009-0427

Motion to impose \$5,000 civil penalty against pharmacy.

Motion by: Ann Zweber; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0284

Motion to suspend pharmacist license.

Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2008-0622

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

Case 2009-0051

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

Case 2009-0524

Motion to suspend pharmacist license for 60 days, and impose \$1,000 civil penalty per violation.

Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2009-0177

Motion to suspend certified pharmacy technician license.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0384

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

Case 2009-0413

Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and in

Case 2009-0414

Motion to impose \$5,000 civil penalty per violation against pharmacy.

Motion by: Kenneth Wells; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0437

Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and in

Case 2009-0453

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

Case 2009-0454

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

Case 2009-0455

Motion to impose \$5,000 civil penalty per violation against pharmacy.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0386

Motion to accept proposed stipulated consent order surrendering technician license.

Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously carried.

Case 2009-0452

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

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0286

Motion to place pharmacist on 5 year probation and impose \$1,000 civil penalty per violation. Letter of Concern to PIC and CC: pharmacy; and in

Case 2009-0540

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

Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion was unanimously carried.

Case 2009-0315:

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2009-0408

Motion to impose \$500 civil penalty against certified pharmacy technician *or* earn 3 hours of CE medication error prevention in lieu of civil penalty.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried with Linda Howrey abstaining due to conflict of interest.

Case 2009-0276

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Ann Zweber; seconded by: Kenneth Wells. Motion was unanimously carried.

Cases 2009-0293 and 2009-0355

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 6 hours of CE in medication error prevention and report both errors to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2009-0443

Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Lee Howard; seconded by: Ann Zweber. Motion was unanimously carried with Kenneth Wells abstaining due to conflict of interest.

Case 2009-0393

Motion to impose \$500 Civil Penalty against technician; *or* earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0304

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil

penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2009-0460

Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Kenneth Wells; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0392

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy; and in

Case 2009-0468

Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0323

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2009-0361

Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Kenneth Wells; seconded by: Larry Cartier. Motion was unanimously carried with Anne abstaining due to conflict of interest.

Case 2009-0347

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0348

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Kenneth Wells; seconded by: Lee Howard. Motion was unanimously carried.

Case 2009-0387

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil

penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Larry Cartier; seconded by: Kenneth Wells. Motion was unanimously carried with Linda Howrey abstaining due to conflict of interest.

Case 2009-0457

Motion to impose \$1,000 Civil Penalty against Pharmacist-in-Charge; or earn 3 hours of CE in medication error prevention within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy.

Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously carried with Linda Howrey abstaining due to conflict of interest.

Case 2009-0421

Grant appearance request before the Board to petition reinstatement of pharmacist license.

Motion by: Larry Cartier; seconded by: Ann Zweber. Motion was unanimously carried.

Case 2004-0275

Motion to deny request.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Case 2009-0032

Motion to revoke technician license.

Motion by: Lee Howard; seconded by: Kenneth Wells. Motion was unanimously carried.

Motion to approve grid items 6, 7 and 8 as published on the grid.

Motion by: Lee Howard; seconded by: Larry Cartier. Motion was unanimously carried.

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

Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously carried.

LETTERS OF CONCERN CASES:

Case: 2009-0242

DEFICIENCY NOTICES:

Cases: 2009-0229, 2009-0265, 2009-0283, 2009-0307, 2009-0310, 2009-0311, 2009-0321, 2009-0322, 2009-0394, 2009-0336, 2009-0342, 2009-0345, 2009-0349, 2009-0351, 2009-0353, 2009-0354, 2009-0360, 2009-0366, 2009-0367, 2009-0373, 2009-0376, 2009-0377, 2009-0379, 2009-0380, 2009-0381, 2009-0385, 2009-0395, 2009-0396, 2009-0402, 2009-0403, 2009-0404, 2009-0405, 2009-0415, 2009-0416, 2009-0420, 2009-0422, 2009-0423, 2009-0424, 2009-0425, 2009-0426, 2009-0432, 2009-0434, 2009-0435, 2009-0438, 2009-0446, 2009-0447, 2009-0448 and 2009-0464

UNABLE TO SUBSTANTIATE:

Case: 2008-0070

NO VIOLATION:

Cases: 2009-0140, 2009-0285, 2009-0301, 2009-0335, 2009-0340 and 2009-0407

C.E. AUDIT CASES:

Authority delegated to the Compliance Director by the Board on August 8, 2006, [grant staff authority to issue LOC if CE completed in June or to take and pass MPJE (in lieu of discipline) within 120 days if CE not completed by end of June]. Authorize staff (2/7/2008) to issue NPDA to suspend pharmacist license if MPJE not taken and passed within 120 days.

Cases: 2009-0383, 2009-0400, 2009-0406, 2009-0409, 2009-0428 and 2009-0429

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 9, 2005 and confirmed on 2/7/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-041-0020(1)(f) for three years when PIC Self Inspection Form not completed or not available as required] the following notices with Historical orders have been issued:

Cases: 2009-0344, 2009-0352 and 2009-0401

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on December 1, 2004 and amended on 4/17/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:

Cases: 2009-0362 and 2009-0411

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

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

Cases: 2008-0355, 2009-0350 and 2009-0388