

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
April 16-17, 2013**

TUESDAY, APRIL 16, 2013

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

The following Board Members were present:

Ken Wells, President	Dianna Pimlot
Penny Reher	Brad Fujisaki
Roberto Linares	Heather Anderson

Christine Chute - Absent

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
Joe Ball, Chief Investigator	Gregg Hyman, Inspector
Michele Cale, Inspector	Fiona Karbowicz, Inspector
Laura Elvers, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

Installation of New Board Member Heather Anderson

Board President Ken Wells introduced Heather Anderson and read the Board's installation speech. Heather was appointed by Governor Kitzhaber as a new Public Member for the Board of Pharmacy. Her appointment was confirmed by the Senate Rule Committee on March 20, 2013 and her term runs from April 1, 2013 through March 31, 2017. Heather is the Chief Operating Officer of Automated Serendipity, a small software startup. She moved to Oregon last summer from Virginia. Much of Heather's career has been in designing and integrating telecommunications and information technologies into mission critical military and cutting edge research operations. Heather has a B.S. in Economics and a minor in International Relations. She has family in the Portland area and is looking forward to exploring more of the state. Heather is happy to serve as a public member and hopes her research experience and broad understanding of biology and chemistry, as well as the regulatory framework associated with drug development will be useful to the Board.

Agenda Review and Approval

MOTION

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

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 (Sept 1, 2012 – Dec 31, 2012)
2. MPJE Scores (Sept 1, 2012 – Dec 31, 2012)
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (February 9, 2013 – April 12, 2013)
6. Extension Requests
7. Approval of Board Meeting Minutes (February 12-14, March 12-13, 2013, April 4, 2013)

MOTION

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

EXECUTIVE SESSION - PUBLIC MAY NOT ATTEND, 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 8:40 AM was made and unanimously carried (Motion by Linares, second by Pimlott).

MOTION

Motion to resume Open Session at 3:22 PM was made and unanimously carried (Motion by Reher, second by Fujisaki).

MOTION

Motion to adjourn at 3:24 PM was made and unanimously carried (Motion by Reher, second by Fujisaki).

WEDNESDAY, APRIL 17, 2013

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

The following Board Members were present

Ken Wells, President
Penny Reher
Roberto Linares

Dianna Pimlott
Brad Fujisaki
Heather Anderson

Christine Chute - Absent

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

Gary Schnabel, Executive Director
Gary Miner, Compliance Director
Joe Ball, Chief Investigator
Courtney Wilson, Project Manager
Fiona Karbowicz, Inspector
Laura Elvers, Inspector
Kim Oster, Compliance Assistant

Karen MacLean, Administrative Director
Chrisy Hennigan, Office Manager
Gregg Hyman, Inspector
Michele Cale, Inspector
Katie Baldwin, Inspector
Annette Gearhart, Compliance Secretary

Thomas Cowan, Board Counsel

President Wells introduced new Board Public Member Heather Anderson.

Please see Motions for Disciplinary Cases at the end of this document.

ISSUES/ACTIVITIES

President Ken Wells reported that he had attended the Oregon State Pharmacy Association (OSPA) Lane County Seminar along with Board Member Penny Reher and Inspector Gregg Hyman. Ken indicated that he has also been attending legislative hearings and had recently attended the Pharmacy Coalition Meeting.

Board Member Heather Anderson stated that she has been learning a lot and thanked everyone for their support.

Board Member Penny Reher reiterated that she had attended the OSPA Lane County Seminar.

Board Member Brad Fujisaki shared that he has been working with former Board member Ann Zweber on the pharmacist workforce survey manuscript. He also recently attended a legislative hearing and is currently preparing to serve on a compounding panel along with pharmacist's Kathleen Stoner and Ralph Thornstead for the Oregon Society of Health-System Pharmacists (OHSP).

Board Members Roberto Linares and Dianna Pimlott had nothing to report.

Board Counsel Tom Cowan reported that the Board has been receiving good results on Contested Cases and that Gary Miner and the Compliance staff continues to do great work. President Ken Wells stated that he is appreciative of the staff in Compliance as well.

Compliance Director Gary Miner reported that there are currently 19 people enrolled in the Health Professional Services Program (HPSP). One individual is a self referral. Gary shared that 101 or 10% of pharmacy inspections throughout the state have been completed this year. He expects those numbers to increase with the addition of new Inspector Laura Elvers. Gary shared that the Compliance staff are preparing for a variety of continuing education seminars where they will be presenting. They have been asked to speak at five different seminars.

Administrative Director Karen MacLean welcomed new Inspector Laura Elvers. Karen shared that the Licensing Representative recruitment had closed and interviews will be scheduled shortly. She provided the Board with an update on the new banking system. She indicates that although banking costs are down, staff time has increased. She estimates that this will vary for each renewal cycle. On March 31st the pharmacy renewal cycle ended. This year 98% of pharmacies renewed their registration. Recently, renewal notices for pharmacists were mailed. Karen shared that 6% of pharmacists have renewed to date. Their expiration date is June 30th.

Karen indicated that staff reviewed and had discussions with the Board's IT Consultant about utilizing I-Pads for a more secure method of document delivery for the Board's compliance materials. With Executive Director Schnabel's approval, it has been decided to move forward with implementation. I-Pads will be available to the Board in June and will be fully encrypted. Penny stated that I-Pads were a topic discussed at an American Society of Health-System Pharmacists (ASHP) Conference and that she is glad to see the Board moving forward with this technology.

Board Meeting Dates

- June 11 - 12, 2013 Portland
- August 13 - 14, 2013 Portland
- October 15 -17, 2013 Portland
- December 17-18, 2013 Portland
- February 4 - 6, 2014 Portland
- March 11 -12, 2014 TBA - Strategic Planning
- April 8 - 9, 2014 Portland
- June 10 - 11, 2014 Portland
- August 12 - 13, 2014 Portland
- October 7 - 9, 2014 Portland
- December 2-3, 2014 Portland

Rulemaking Hearing Dates

- June 27, 2013
- November 21, 2013
- May 22, 2014
- November 25, 2014

Board Member/Staff Presentations

Board Members Ken Wells and Penny Reher presented at the OSPA 2013 Lane County Mid-Winter CE Seminar, February 23rd-24th in Eugene along with Inspector Gregg Hyman. Ken and Penny stated that Gregg did an excellent job on the power point presentation. They also thank staff for their active participation in the seminar.

Compliance Director Gary Miner attended the Pharmacy Coalition Meeting on April 9th and provided an update on the rules that are being proposed. Executive Director Gary Schnabel attended the meeting via phone and recently received a request from the Coalition to utilize the Board's list serve to send a clinical pharmacy services questionnaire. Gary stated that the Board has been careful how they utilize the list serve; however this questionnaire should glean very useful information and it would be good for Board to have access to it when compiled. Board members were in agreement that this questionnaire was appropriate for the listserve and that it would help the Board to better understand how pharmacy fits into the Coordinated Care Organization (CCO) models.

Compliance Director Gary Miner attended the Professional Practice Roundtable on April 11th. He indicated that there was a lot of discussion regarding the rules that are being proposed; particularly the consulting or drugless pharmacy rules. Gary stated that there was a lot of good discussion. Also discussed at the Roundtable Meeting was compounding. Board Member Penny Reher asked how this compounding conversation compared to the one last fall. Gary stated that the conversation was more relaxed as they know that the Board is watching this issue carefully and is looking at additional rule writing and has also developed a compounding work-group.

Board Member Brad Fujisaki will be serving on a compounding panel at the 2013 OSHP Annual Seminar, April 19-21, 2013, in Gleneden Beach, Oregon.

The Board received a request to present at the 2013 OSPA Annual Conference, October 18-20, 2013, that will be held in Portland. Board Members Ken Wells and Penny Reher and Inspector Gregg Hyman volunteered to present at the Annual Conference. Compliance Director Gary Miner shared that staff will hold a Pharmacist-in-Charge class on Friday October 18th.

Committees/Meetings

Executive Director Gary Schnabel received an invitation from the College of Pharmacists of British Columbia to speak at their April 19th Board Meeting. Gary will be speaking about the Board's workforce survey and drug outlet conduct rules. The College of Pharmacists of British Columbia is interested in conducting a similar survey and possibly adopting rules. All travel expenses are being paid for by the College of Pharmacists of British Columbia.

Executive Director Gary Schnabel will be attending the FDA Antibiotic use in Animal Feed Meeting April 23rd in Olympia, Washington. Gary indicates that this is a topic that the Board has followed over the years. However, the Board hasn't taken a position on this in the past. Prior members of the Board had discussion around issues such as the FDA Veterinary Feed Directive (VFD). The VFD was created in 1999 to allow drugs to be administered in animal feed, but only under the order a licensed veterinarian. The current Board agreed that

antibiotic use in animal feed is a very important topic. Gary will bring back information from the meeting and share it with the Board in June.

Board Members Ken Wells and Penny Reher, as well as Executive Director Gary Schnabel will be attending the NABP 109th Annual Meeting, May 18th-21st in St Louis, Missouri. Penny will be serving as the Board's voting delegate during the consideration of the resolutions. Ken will be attending to accept the Fred T. Mahaffey Award that will be presented to the Board for its work on the 2011 Workforce Survey and Division 041 Workplace Conduct Rules. The majority of expenses for all will be covered by NABP.

Board Inspector's Joe Ball and Fiona Karbowicz will be attending the University of Utah School on Alcoholism & Other Drug Dependencies Conference June 16th-21st. The NABP Foundation has satisfied the travel expenses for one inspector.

Executive Director Gary Schnabel has been asked to be a speaker at the Drug Enforcement Administration (DEA) Pharmacy Diversion Awareness Conference (PDAC) which will be held in Portland July 13th-14th. Gary indicates that he will be speaking about Oregon's Prescription Drug Monitoring Program (PDMP) along with PDMPs Program Coordinator Todd Beran.

Board Members Brad Fujisaki and Roberto Linares as well as Executive Director Gary Schnabel will be attending the NABP/American Association of Colleges of Pharmacy District 6,7,8 Meeting, September 8th -11th. Oregon State University & Pacific University will share in the cost of expenses for Roberto and Brad.

Research Councils – none

GENERAL ADMINISTRATION

Rules & Policy Discussion

Compliance Director Gary Miner led a discussion on the following proposed rules and the Board determined which rules to send to rulemaking.

- Division 019 Consulting Pharmacist Practice
- Division 041 Remote Processing Drug Outlets
- Division 041 Central Fill Drug Outlets
- Division 041 Consulting or Drugless Pharmacy
- Division 060 Pharmaceutical Manufacturers

The Remote Processing Drug Outlet rules are being proposed to establish minimum requirements of operation for centralized prescription processing by a pharmacy. Prior to initiating this drug outlet model policies and procedures and a description of how the model will be utilized to improve patient safety and redirect a pharmacist at a primary pharmacy from a distributive task to a cognitive task must be submitted to the Board for approval.

MOTION

Motion to send Remote Processing rules in OAR Chapter 855, Division 041 as revised to June 27, 2013 Rulemaking Hearing was made and unanimously carried (Motion by Anderson, second by Reher).

The Central Fill Drug Outlet rules are being proposed to establish minimum requirements for centralized prescription drug filling by a pharmacy. Prior to initiating this drug outlet model policies and procedures and a description of how the model will be utilized to improve patient safety and redirect a pharmacist at a primary pharmacy from a distributive task to a cognitive task must be submitted to the Board for approval.

MOTION

Motion to send Central Fill rules in OAR Chapter 855, Division 041 as revised to June 27, 2013 Rulemaking Hearing was made and unanimously carried (Motion by Fujisaki, second by Linares).

The Consulting Pharmacist Practice rules are proposed to be amended to direct consulting pharmacists to the proposed consulting or drugless pharmacy rules and registration requirements. These rules describe the Board's expectations of these growing practice areas.

MOTION

Motion to send Consulting Pharmacist Practice rules in OAR Chapter 855, Division 019 to June 27, 2013 Rulemaking Hearing was made and unanimously carried (Motion by Reher, second by Anderson).

The Consulting or Drugless Pharmacy rules are proposed to establish a secure environment where a consulting pharmacist can provide pharmaceutical care and store health protected information in a consulting or drugless pharmacy. Prior to initiating this model, policies and procedures and a description of how the model will be utilized to improve patient safety must be submitted to the Board for approval.

MOTION

Motion to send Consulting or Drugless Pharmacy rules in OAR Chapter 855, Division 041 as revised to June 27, 2013 Rulemaking Hearing was made and unanimously carried (Motion by Anderson, second by Linares).

The Manufacturer rules are being amended and proposed for permanent rulemaking. The amendments clarify that an out-of-state outlet may compound a drug that is distributed into Oregon based on a non-patient specific order only if registered in Oregon as a Manufacturer. This is currently a temporary rule and will expire on September 3, 2013.

MOTION

Motion to send Manufacturer rules in OAR Chapter 855, Division 060 to June 27, 2013 Rulemaking Hearing was made and unanimously carried (Motion by Linares, second by Fujisaki).

Immunizing Pharmacists and ALERT

In February, the Immunization Program requested that the Board amend Division 019 as it relates to the ALERT system and require that a pharmacist perform a Drug Utilization Review (DUR) prior to the administration of any vaccination. The Board did not take any action at that time. Dr. Paul Cieslak from the Public Health Office and Lorraine Duncan from the Immunization Program were present at this meeting to answer any questions that the Board may have. The Board asked if offsite flu shot clinics would be expected to check the ALERT system. Lorraine indicated that the clinics need to arrange to have internet access and would be expected to check ALERT. Their program is concerned about over immunizing especially

immunizations other than the flu. The Board asked how many providers are reporting to ALERT. They indicate that 92% are reporting. Rather than doing a rule change, the Board asked that the Oregon Health Authority (OHA), Department of Human Services (DHS) consider changing their immunization protocol. Changing their protocol may be more simplistic and would accomplish establishing or modifying any requirements for pharmacists prior to administering a vaccination. The Board's "Administration of Vaccines by Pharmacists" rules in OAR Division 019 already direct pharmacists to follow the OHA administration requirements.

Technicians

Administrative Director Karen MacLean provided a summary of program changes that the Pharmacy Technician Certification Board (PTCB) will be implementing in 2014 through 2020. Program changes include requiring each new candidate to complete a criminal background check by 2014 and complete an ASHP-accredited pharmacy technician education program by 2020. To qualify for recertification through PTCB each Certified Pharmacy Technician would be required to complete one hour of medication safety continuing education (CE) by 2014 and twenty hours of pharmacy technician-specific CE by 2015. PTCB is asking that stakeholders including the Board of Pharmacy provide feedback on the new requirements. They are collecting feedback through May of 2013. The Board will be providing feedback.

Future Rulemaking & Policy Discussion

Compliance Director Gary Miner provided an overview on future rulemaking. He noted that the Long Term Care Group had reconvened and recently met and that the first draft of the Long Term Care Rule may be ready for the June Board Meeting.

- Long Term Care
 - Div 41 Reorganization *Rulemaking 12/13*
(Includes: Drug Rooms and Retail Drug Outlets, etc.)
 - Non-Prescription Drug Outlets *Rulemaking 12/13*
 - Technician Duties *Rulemaking 1/14*
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Discussion Items

Waiver/Exception/Approval Requests

P. Varghese requested accommodations for testing.

MOTION

Motion to approve testing accommodations for P. Varghese was made and unanimously carried (Motion by Reher, second by Anderson).

Lower Umpqua Hospital requested a waiver to allow their institutional pharmacy to operate a minimum of three days a week with a pharmacist.

The Board determined that Lower Umpqua Hospital's institutional pharmacy could operate at a minimum of three days per week and that that a waiver request was not necessary.

Compounding

Administrative Director Karen MacLean shared some compounding statistics that were captured during the pharmacy renewal cycle which ended March 31, 2013. These statistics indicate that 4% of pharmacies located in Oregon and 3% out-of-state pharmacies compound non-patient specific sales. 27% of pharmacies located in Oregon and 14% out-of-state pharmacies compound patient specific sales. 31% of pharmacies located in Oregon and 13% out-of-state pharmacies provide compounded medications to patients. 4% of pharmacies in Oregon and 3% out-of-state pharmacies provide compounded medications to practitioners. 2% of pharmacies in Oregon and 12% out-of-state pharmacies ship compounded medications from outside of their resident state. 29% of pharmacies in Oregon and 12% out-of-state pharmacies compound non-sterile medications. 9% of pharmacies in Oregon and 8% out-of-state pharmacies compound sterile to sterile medications. The Board thought that capturing this data was a good start to help determine which compounding activities are the most pronounced amongst its licensees.

Compliance Director Gary Miner shared that the compounding work-group has been formed and that there is good representation from hospitals. The first work-group meeting is on May 9th at Salem Hospital. Gary shared that in March, PIC's were notified via the Board's listserve to suspend compounding hydroxyprogesterone caproate until the Board could discuss issues associated with this product and the compounded version of this medication.

Jennifer Gudeman, a representative from Makena was in the audience and asked the Board if she could make some comments. Jennifer stated that 120,000 women need this medication annually and that there is about a three to four day turnaround for a woman to receive the medication once it has been ordered. Their current price is \$690 per injection; initially the price was \$1,500. Jennifer stated that they believe there is variability in the compounded version of this medication.

Board Counsel Tom Cowan stated that the Board should continue to direct compounding pharmacies to follow Federal and State law. He also indicated that if a practitioner conducts an analysis on each patient of the availability and necessity of the medication and determines that the compounded medication is necessary, a compounding pharmacy may compound the medication based on the practitioner's determination.

Hydrocodone Controlled Substance Rescheduling, Tramadol, Canadian manufacturing of Oxycodone and Potential Perpetual Inventory Requirement

This topic was postponed until June.

Probation Model

Administrative Director Karen MacLean presented a cost analysis on the impact of adding interns to HPSP program. Compliance Director Gary Miner presented a proposed probation based on discussion at the Board's Strategic Planning Meeting. This model applies to technicians and new applicants that have been diagnosed with substance abuse, dependence or dependence in remission. If any applicant or licensee has a drug or alcohol related arrest or citation, the applicant or licensee would need to complete an evaluation at an approved facility. If an applicant is diagnosed with dependence in remission, the applicant will receive an order that states they may not receive any further violations for three years. If

a licensed technician is diagnosed with substance abuse or dependence, the technician will receive probation with sanctions that include following treatment recommendations and sobriety. Licensed pharmacists who are diagnosed with dependence will receive five years probation with the requirement to participate in HPSP. It was determined that Interns will not be participating in the HPSP program, but rather will receive Board probation with sanctions that include following treatment recommendations and sobriety. The Board approved the proposed probation model.

APPEARANCE

David Walker R.Ph. and Barbara Crawford from Philips Automated Dispensing Service provided a demonstration to the Board. They indicate that the Philips Automated Dispensing unit can help reduce medication mistakes as a result of complex medication schedules. According to Philips approximately 1 out of 10 hospital admissions for seniors are the result of incorrect use of medications. The Philips dispensing unit works by having the patient or caregiver put medication doses into individual cups which are then loaded into the dispenser. The patient or caregiver works with the company to schedule dose times then the medications dispense at the preprogrammed times. If a dose is missed, the dispenser can be programmed to contact family and caregivers by phone. This machine is currently being used in Washington, California, Idaho and Texas.

David Walker asked the Board if they would allow the machines to be used in Oregon. Compliance Director Gary Miner cited OAR 855-041-1140(3)(a) and indicated that the machine doesn't meet packaging requirements required by this rule. The Board discussed adding a waiver clause to this rule. The Board sent this to rulemaking. If this rule is permanently adopted, Philips Automated Dispensing Service will need to submit a waiver request to the Board for approval prior to the utilization of such devices in Oregon.

MOTION

Motion to send Customized Patient Medication Packages rules in OAR Chapter 855, Division 041 to June 27, 2013 Rulemaking Hearing was made and carried (Motion by Fujisaki, second by Anderson). Pimlott, Reher, Fujisaki, Linares and Anderson in favor of. Wells opposed.

Financial/Budget Report

Administrative Director Karen MacLean stated that information regarding the Board's Temporary Rule to establish the pharmacist licensure fee reduction had been provided to the Legislative Fiscal Office as well as a proposal for reducing some other fees during 13-15. To date, the Board's budget Work Session has not yet been scheduled.

The Board continues to be under in its expenditure limitation for services and supplies. However, personnel costs are higher than projected. Karen expects that the Board's overall expenditures for this biennium will be less than planned which will result in an overall savings.

Legislative Update

Due to time constraints Executive Director Gary Schnabel will be providing a legislative update to the Board via email.

Topics for Future Discussion

- Best Practices for Retail Settings
 - Responsibilities of the PIC
 - Practitioner Dispensing
 - Third class of OTC medications – *continue to watch and monitor*
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Strategic Planning 2013 Update

Administrative Director Karen MacLean presented the Board's updated Strategic Planning Time Table for 2013/2014. The Board approved the plan and authorized staff to remove completed items. Completed items include case presentation and review, ACPE-CE monitoring and semi-independence.

Karen will begin looking at securing a venue for next year's Strategic Planning Meeting and securing a facilitator.

OPEN FORUM

President Ken Wells invited members of the public to address the Board and discuss any issues of interest.

John Hennigan discussed a recent medication error that he was the recipient of and his distress over the Board's lack of formal discipline in his case. He made a complaint against the pharmacy and wants to prevent medication errors from happening to other patients. John encouraged the Board to create more awareness about its existence, make its website easier to navigate, and create a document that explains how the complaint process is handled, so the public knows what to expect.

Pharmacist Jackson Leong stated that he had recently submitted a request to the Board to amend its Manufacturer rules and incorporate a requirement for recalls. He stated that manufacturers do not send pharmacies enough information when there is a recall. In turn pharmacists spend hours researching what happened, writing letters, screening potential prescriptions that may have been impacted and contacting patients and nursing homes. Jackson also indicated that some manufacturers are only providing certain medications to accredited specialty pharmacies. Jackson questioned the value, cost and need of the Board potentially requiring licensees to be accredited and suggested the Board consider looking into registering the accrediting organizations or create a specialty pharmacy licensing category.

Jackson also commented on the PTCB certification program changes that Administrative Director Karen MacLean previously mentioned. If everyone (all Certified Technicians) has to go to the OSPA Lane County program to obtain ACPE accredited continuing education (CE), it would cripple his organization because there are limited opportunities in the state.

Pharmacy Blake Rice agreed with Jackson and asked the Board to provide feedback to the PTCB in response to the letter that Administrative Director Karen MacLean had previously mentioned. Blake stated that PTCB is not user friendly. Their proposal limits where technicians can get CE and educational options; they need more options for maintaining

licensure and ASHP is not going to meet everyone's criteria needs. The changes that PTCB plans to incorporate are going to make it more difficult and more costly to maintain accreditation for Certified Pharmacy Technicians.

Blake also agreed with Jackson's concerns about accreditation and stated it won't accomplish patient safety.

Dr. Mark Tomlinson from Providence provided the Board with some of his thoughts on Makena and the compounding of hydroxyprogesterone caproate. He indicated that some patients have high copays that make paying for the drug expensive. Patients that are on Medicaid accrue expenditures between \$3,000 and \$5,000 while on this medication. Although they may not directly be paying for the medication the healthcare system has to pay this expense. One of the principals of practice at Providence indicates that if the medication is not better, it must be less expensive. Dr. Tomlinson believes the compounded version of this medication is just as effective as the drug from Makena. He thanked the Board for allowing practitioners to make an analysis on each patient based on the availability and necessity of the drug to determine if the compounded medication is necessary.

Adjourn

MOTION

Motion to adjourn at 5:20 PM was made and unanimously carried (Motion by Fujisaki, second by Pimlott).

Accepted by:



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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Kenneth Wells, R.Ph. Presiding

Approved _____

Edited _____

Tuesday, April 16, 2013 @ 8:30 AM, Conference Room 1A
Wednesday, April 17, 2013 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on April 16, 2013 to discuss Compliance cases, followed by motions on April 17, 2013. Working lunch held on Tuesday.

Board Members present for all or part of compliance session:

Kenneth Wells, R.Ph., President
Dianna Pimlott, R.Ph.
Penny Reher, R.Ph.

Brad Fujisaki, R.Ph.
Roberto Linares, R.Ph.
Heather Anderson, Public Member

Board Members absent for all of the compliance session:

Christine Chute, Vice President, Public
Member

Staff present for all or part of compliance session:

Gary Miner, R.Ph., Compliance Director
Joe Ball, R.Ph., Chief Investigator
Michele Cale, R.Ph., Board Inspector
Gregg Hyman, R.Ph., Board Inspector
Fiona Karbowicz, R.Ph., Board Inspector
Laura Elvers, R.Ph., Board Inspector

Gary Schnabel, R.Ph., R.N., Executive
Director
Karen MacLean, Administrative Director
Courtney Wilson, Project Manager
Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant
Thomas Cowan, Senior AAG

Staff absent for all of the compliance session on Tuesday April 16, 2013:

Katie Baldwin, R.Ph., Board Inspector

Case 2011-0546 Motion to issue Final Order pursuant to Motion for Summary Determination and Proposed Order.

Motion by: Penny Reher; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2011-0633 Motion to issue Final Order pursuant to Ruling on Motion for Summary Determination and Proposed Order.

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

Case 2012-0342 Motion to issue Final Order pursuant to Ruling on Motion for Summary Determination and Proposed Order.

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

Case 2012-0061 Accept settlement.

Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0105 Motion to deny reinstatement of pharmacist license.

Motion by: Brad Fujisaki; Seconded by: Penny Reher. Motion unanimously carried.

Case 2008-0467 Motion to remove restriction on preceptor status and reduce UAs to 12 annually.

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

Case 2010-0234 Motion to deny request for early termination of probation and reduce UAs to 18 annually.

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2008-0258 Motion to terminate pharmacist's probation.

Motion by: Brad Fujisaki; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2011-0025 Motion to deny technician's request.

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

Case 2013-0001 Motion to deny technician's request.

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

Case 2012-0046 Motion to grant pharmacist's request.

Motion by: Brad Fujisaki; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2009-0222 Motion to deny pharmacist's request.

Motion by: Roberto Linares; Seconded by: Penny Reher. Motion unanimously carried.

Case 2013-0045 Motion to issue Letter of Concern to outlet.

Motion by: Penny Reher; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2012-0569 Motion to deny reinstatement of pharmacist license.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0573 Motion to impose \$10,000 civil penalty per violation against outlet.

Motion by: Brad Fujisaki; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0007 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0591 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0589 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Penny Reher; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0011 Motion to issue letter of concern to technician.

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

Case 2012-0601 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

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

**Case 2013-0050 Motion to revoke technician license and impose \$1,000 civil penalty per violation; and
Case 2013-0095 Motion to impose \$10,000 civil penalty per violation against outlet, and issue letter of concern to Pharmacist-in-Charge.**

Motion by: Brad Fujisaki; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0599 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Roberto Linares; Seconded by: Penny Reher. Motion unanimously carried.

Case 2013-0027 Motion to issue Letter of Concern to technician.

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0592 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2012-0459 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2012-0597 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0048 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Dianna Pimlott; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0065 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2013-0008 **Motion to revoke technician license and impose \$1,000 civil penalty per violation.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0325 **Motion to deny pharmacist license and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0067 **Motion to deny technician license.**
Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0076 **Motion to deny technician license.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0040 **Motion to deny technician license and impose \$1,000 Civil Penalty per violation.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0052 **Motion to deny technician license.**
Motion by: Roberto Linares; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0060 **Motion to deny application and impose \$1,000 civil penalty per violation.**
Motion by: Penny Reher; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0061 **Motion to deny technician license.**
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2013-0009 **Motion to grant technician license.**
Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0053 **Motion to deny technician license.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2013-0025 **Motion to impose \$10,000 civil penalty per violation against outlet; and issue Letter of Concern to Pharmacist-in-Charge.**
Motion by: Penny Reher; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0039 **Motion to revoke pharmacist license.**
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0559 **Motion to impose \$10,000 civil penalty per violation against outlet; issue letters of concern recommending 3 hours of CE in medication error prevention to pharmacist and former Pharmacist-in-Charge.**

Motion by: Penny Reher; Seconded by: Brad Fujisaki. Motion unanimously carried.

**Case 2013-0014 Motion to impose \$1,000 civil penalty per violation against pharmacist; and in
Case 2013-0148 Impose \$10,000 civil penalty per violation against outlet.**

Motion by: Brad Fujisaki; Seconded by: Penny Reher. Motion unanimously carried.

**Case 2013-0075 Motion to issue Letter of Concern to pharmacist recommending additional CE; and
Letter of Concern to pharmacy.**

Motion by: Dianna Pimlott; Seconded by: Heather Anderson. Motion unanimously carried.

Motion to accept the items on the consent agenda as published.

Motion by: Brad Fujisaki; Seconded by: Penny Reher. Motion unanimously carried.

Case: 2013-0003 Letter of concern recommending 3 hours CE to pharmacist and technician.

Case: 2013-0022 Letter of Concern to Pharmacist-in-Charge and pharmacist.

Case: 2013-0046 letter of concern to outlet; and letter of concern recommending Continuing Education to Pharmacist-in-Charge.

Case: 2013-0062 letter of concern recommending Continuing Education to pharmacist; copy letter to drug outlet.

Case: 2013-0006 Issue Letter of Concern outlining adherence to rules for licensure to technician.

DEFICIENCY NOTICES:

Cases: 2012-0595, 2012-0608, 2013-0056, 2013-0081, 2013-0082, 2013-0083, 2013-0102, and 2013-0103.

UNABLE TO SUBSTANTIATE:

Cases: 2012-0505, 2013-0017, 2013-0030, 2013-0043, and 2013-0069.

NO VIOLATION:

Cases: 2012-0611, 2013-0021, 2013-0042, 2013-0049, 2013-0064, 2013-0072, and 2013-0074.

NO JURISDICTION:

Case: 2013-0044

CPT AUDIT CASES:

Case: 2012-0604

CPT C.E. AUDIT CASES:

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

Cases: 2013-0031, 2013-0032, 2013-0033, 2013-0034, 2013-0035, 2013-0036, 2013-0037, and 2013-0055.

UNREGISTERED OUTLET CASES:

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

Case: 2013-0071

UNSWORN FALSIFICATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued Notice: Deny with \$1,000; proposed Consent: \$1,000 with \$850 stayed pending no further violations for 3 years and 3 hours of CE in law/ethics.

Cases: 2013-0077 and 2013-0090.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

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

Case: 2013-0041

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

Cases: 2013-0028 and 2013-0066.