

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
August 13-14, 2013**

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.

TUESDAY, AUGUST 13, 2013

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

The following Board Members were present:

Penny Reher, President
Christine Chute
Roberto Linares
Heather Anderson

Dianna Pimlott, Vice President
Ken Wells
Brad Fujisaki

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

Gary Schnabel, Executive Director
Gary Miner, Compliance Director
Joe Ball, Chief Investigator
Michele Cale, Inspector
Laura Elvers, Inspector
Kim Oster, Compliance Assistant

Karen MacLean, Administrative Director
Chrisy Hennigan, Office Manager
Gregg Hyman, Inspector
Fiona Karbowicz, Inspector
Annette Gearhart, Compliance Secretary

Board and staff photos were taken.

Agenda Review and Approval

MOTION

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

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 (January 1, 2013-April 30, 2013)
2. MPJE Scores (January 1, 2013-April 30, 2013)
3. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (June 7, 2013-August 9, 2013)
6. Extension Requests (none)
7. Approval of Board Meeting Minutes (June 11-12, 2013)

MOTION

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

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 9:08 AM was made and unanimously carried (Motion by Wells second by Fujisaki).

MOTION

Motion to resume Open Session at 3:26 PM was made and unanimously carried (Motion by Anderson second by Fujisaki).

III. OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the convened Open Session to consider begin the scheduled agenda for August 14, 2013 as noticed.

Compliance Director Gary Miner indicated that 55% of pharmacy inspections in Oregon have been completed. To date there are 17 individuals enrolled in the Health Professional Services Program (HPSP); one individual is a self referral. Gary asked the Board if there is a public health emergency, can interns that are trained in immunizations give them unsupervised. The Board indicated that this would be permissible if it was okayed by the supervisor of the Points of Dispensing (POD) or immunization center.

The Board reviewed its topics for future discussion which includes the topic of best practices. Board Members Brad Fujisaki and Heather Anderson indicated that they will be gathering additional information on this topic. The Board identified that there is a need for more information and presentations would be helpful.

On the topic of Responsibilities of the PIC, Gary Miner pointed out that the PIC Training Class has been well received. Gary also suggested adding Compounding Best Practices vs Board Standards would be a good topic for future discussion although the Board did not add this to their list.

Board Members also added the following to the list of future topics for discussion:

- Counseling on all controlled substances
- Establishing a small workgroup on working conditions
- A status update on Coordinated Care Organizations CCOs and medical homes

MOTION

Motion to adjourn at 4:16 PM was made and unanimously carried (Motion by Anderson, second by Fujisaki).

WEDNESDAY, AUGUST 14, 2013

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

The following Board Members were present or available by phone:

Penny Reher, President	Dianna Pimlott, Vice President
Christine Chute	Ken Wells
Roberto Linares	Brad Fujisaki
Heather Anderson	

The following staff members will be 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	

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

Board President Penny Reher welcomed the pharmacy interns and asked them to introduce themselves.

ISSUES/ACTIVITIES

Board President Penny Reher, Vice President Dianna Pimlott, Board Members Roberto Linares, and Brad Fujisaki and Heather Anderson had nothing to report.

Board Member Christine Chute attended the Governor's Meeting on DUII. Christine shared that none of the 2013 proposed legislation passed during the recent Legislative Session. However, Christine thinks that it is likely that they will try to pass similar legislation in the future.

Board Counsel Tom Cowan had nothing to report.

Administrative Director Karen MacLean – reported that approximately 34% of the Certified Pharmacy Technician renewals have been received. The Wholesaler and Drug Distribution Agent renewal cycle got a slower start with the implementation of an optional new online renewal option. These renewals are getting processed slower than usual. Approximately 3-23% are in and in the process of renewal.

Karen reported that the pharmacist CE audit will be delayed this year, and the notices would go out within the next month.

There is a staff change in licensing, one of the staff will be going part time and we'll be recruiting for a part time, job share to fill out the position.

Karen reported that after some discussion with the Executive Director and the Compliance Director as well as work with DOJ, the agency has entered into a new flat-rate agreement for this biennium.

Karen also reported that there are three bills from the recent session related to criminal background checks that will be changing the way the agency processes these with the Oregon State Police. The Department of Administrative Services will be taking the lead on new rule implementation and the Board will likely need to edit it's own rule on this topic before the new legislation is fully implemented.

Board Meeting Dates

- September 19, 2013 9:00 AM - Conference call
- October 15 -17, 2013 Portland
- December 17-18, 2013 Portland
- February 4 - 6, 2014 Portland
- March 11 -12, 2014 Silverton - 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

Karen reported that a majority of the Board is available for the September 19th conference call.

Rulemaking Hearing Dates

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

Board Member/Staff Presentations

Executive Director Gary Schnabel participated with the DEA on its Pharmacy Diversion Awareness Conference held in Portland in July. He did two Power Point presentations on Saturday and again on Sunday when the conference was repeated for a new audience. One presentation focused on Oregon's PDMP program, and the other focused on the DEA's interpretation of the pharmacists corresponding responsibility and state trends of drug abuse and diversion. Board members Roberto Linares and Heather Anderson both attended the conference. This conference is being done in ten cities around the country this year. Last year it was also done in ten other cities. The DEA's plan is to do nine or ten new cities next year. The focus of all these meetings is around pharmacists' corresponding responsibility for dispensing controlled substances and national trends in drug abuse and diversion. The DEA invites the Board of Pharmacy Executive Director in each host state to make a presentation.

The 2013 OSPA Annual Conference will be held October 18-20, 2013, in Portland, Oregon. Board Members Ken Wells and Penny Reher and Inspector Gregg Hyman will be presenting the Board's presentation. Staff will also hold a Pharmacist-in-Charge class on Friday, October 18th.

Committees/Meetings

Chief Investigator Joe Ball and Inspector Fiona Karbowicz attended the University of Utah's School on Alcoholism & Other Drug Dependencies held on June 16- 21st. Fiona and Joe indicated that attending Conference was an amazing experience. Spending a week attending a multitude of presentations about the science and treatment of addiction, as well as attending traditional 12 Step Meetings broadened their knowledge of this subject matter of addiction. The information obtained from this conference will be useful and applicable for them as a member of the Compliance team, as they review many cases of impairment and addiction and must be aware of the spectrum and complexity of the disease of addiction. Board Counsel Tom Cowan asked them if there was any information on how to ask questions of licensees with impairment and addiction and get a better understanding of evaluations for the Board to consider. They indicated that there wasn't anything addressed on this topic, though Tom thinks that would be helpful.

Board President Penny Reher, Executive Director Gary Schnabel and Board Member Roberto Linares will be attending the National Association of Boards of Pharmacy (NABP) and American Association of Colleges of Pharmacy (AACCP) District 6,7,8 District Meeting to be held September 8-11, 2013 in Boulder, Colorado.

Executive Director Gary Schnabel will be attending the NABP Executive Director Forum to be held September 24-25, 2013 at NABP. Travel and miscellaneous expenses for this meeting will be covered by NABP.

Compliance Director Gary Miner will be attending the NABP Compliance Director and Legal Counsel Forum to be held December 2-4, 2013 at NABP.

GENERAL ADMINISTRATION

Rules & Policy Discussion

The Board reviewed the Hearing's Officer Report from the June 27, 2013 Rulemaking Hearing and Compliance Director Gary Miner led a discussion on the following proposed rules. The Board determined which rules to permanently adopt.

- Division 019 – Consulting Pharmacist Practice
- Division 041 – Preamble for Remote Processing, Central Fill and Consulting or Drugless Pharmacies
- Division 041 – Remote Processing
- Division 041 – Central Fill
- Division 041 – Consulting or Drugless Pharmacies
- Division 041 – Customized Patient Medication Pkgs
- Division 060 – Manufacturers
- Division 080 – Controlled Substances

Consulting Pharmacist Practice 855-019-0240

The Board reviewed the comments from the Hearing's Officer Report as well as staff's recommendations and amended the Consulting Pharmacist Practice rules to direct consulting pharmacists to the consulting or drugless pharmacy rules and registration requirements.

MOTION

Motion to adopt as recommended Consulting Pharmacist Practice rules in OAR 855-019-0240 as amended was made and unanimously carried (Motion by Chute, second by Anderson).

Customized Patient Medication Packages 855-041-1140

The Board reviewed comments from Hearing's Officer Report and amended the Customized Patient Medication Packages rules to include a waiver clause.

MOTION

Motion to adopt Customized Patient Medication Packaging rules in OAR 855-041-1140 as amended was made and unanimously carried (Motion by Fujisaki, second by Anderson).

Preamble for Central Fill, Remote Processing and Consulting or Drugless Pharmacies 855-041-3000

The Board reviewed the comments from the Hearing's Officer Report as well as staff's recommendations and adopted the Preamble rules. These rules state the purpose of the Central Fill, Remote Processing and Consulting or Drugless Pharmacy rules and list some of the items required for submission to the Board.

MOTION

Motion to adopt as recommended Preamble rules in OAR 855-041-3000 was made and unanimously carried (Motion by Chute, second by Linares).

Central Fill Drug Outlet 855-041-3005

The Board reviewed the comments from the Hearing's Officer Report as well as staff's recommendations and adopted the Central Fill Drug Outlet rules. The purpose of the Central Fill Drug Outlet rules establishes minimum requirements for centralized prescription drug filling by a pharmacy. Prior to initiating this drug outlet, model policies and procedures, which include how utilizing central fill will 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.

MOTION

Motion to adopt Central Fill rules in OAR 855-041-3005 without constituent changes was made and unanimously carried (Motion by Chute, second by Pimlott).

There was further discussion and the above motion was subsequently withdrawn.

MOTION

Motion to adopt Central Fill rules in OAR 855-041-3005 to 855-041-3045 without changes was made and unanimously carried (Motion by Chute, second by Anderson).

Again there was further discussion and the above motion was subsequently withdrawn.

MOTION

Motion to adopt Central Fill rules in OAR 855-041-3005 to 855-041-3045 as presented was made and unanimously carried (Motion by Fujisaki, second by Chute).

Remote Processing Drug Outlet 855-041-3100 - OAR 855-041-3130

The Board reviewed the comments from the Hearing's Officer Report as well as staff's recommendations and adopted the Remote Processing Drug Outlet rules, rule by rule, suggestion by suggestion, to carefully review each comment and recommendation and make revisions. The purpose of the Remote Processing Drug Outlet rules is to establish minimum requirements of operation for remote prescription drug processing by a pharmacy. Prior to initiating this drug outlet model, an applicant must submit policies and procedures to the Board and they must include a description of how using remote processing will improve patient safety.

MOTION

Motion to accept staff recommendation #10 and retain proposed language for OAR 855-041-3100 was made and unanimously carried (Motion Chute, second by Pimlott).

MOTION

Motion on staff recommendation #11 to retain original proposed language for OAR 855-041-3100 was made and unanimously carried (Motion Chute, second by Anderson).

MOTION

Motion to accept staff recommendation #14 and amend proposed language for OAR 855-041-3100 was made and unanimously carried (Motion Chute, second by Linares).

MOTION

Motion to accept staff recommendation #16 and proposed language for OAR 855-041-3105(1) was made and unanimously carried (Motion Chute, second by Anderson).

MOTION

Motion to accept staff recommendation #17 with revisions and amend proposed languages for OAR 855-041-3105(1) was made and unanimously carried (Motion Chute, second by Linares).

MOTION

Motion to accept staff recommendation #18 and retain proposed language for OAR 855-041-3105(2) was made and unanimously carried (Motion Chute, second by Pimlott).

MOTION

Motion to accept staff recommendation #12 with revisions and amend proposed language for OAR 855-041-3110(8) was made and unanimously carried (Motion Chute, second by Pimlott).

MOTION

Motion to accept staff recommendation #15 and with revisions and amend proposed language for OAR 855-041-3110(8) was made and unanimously carried (Motion Chute, second by Anderson).

MOTION

Motion to accept staff recommendation #19 with revisions and amend proposed language in OAR 855-041-3110(8) was made and unanimously carried (Motion Chute, second by Fujisaki).

MOTION

Motion to accept staff recommendation #20 with revisions and amend proposed language in OAR 855-041-3110(8) was made and unanimously carried (Motion Chute, second by Linares).

MOTION

Motion to accept staff recommendation #13 with revisions and amend proposed language for OAR 855-041-3110(9) was made and unanimously carried (Motion Chute, second by Anderson).

MOTION

Motion to accept staff recommendation #21 with revisions and amend proposed language in OAR 855-041-3110(9) was made and unanimously carried (Motion Chute, second by Linares).

MOTION

Motion to adopt as revised Remote Processing rules in OAR 855-041-3100 to 855-041-3130 as written with prior adopted changes was made and unanimously carried (Motion by Chute, second by Linares).

Note: The Board directed staff to incorporate Board Member Christine Chute's minor writing corrections into these rules.

Consulting or Drugless Pharmacy 855-041-3300

The Board reviewed the comments from the Hearing's Officer Report as well as staff's recommendations and adopted the Consulting or Drugless Pharmacy rules. The purpose of the

pharmacist can provide pharmaceutical care and store health protected information in a single physical location. Prior to initiating this drug outlet 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 accept staff recommendation #22 with revisions and amend language in OAR 855-041-3315(4) was made and unanimously carried (Motion Chute, second by Linares).

MOTION

Motion to accept staff recommendation #23 was made and unanimously carried (Motion Chute, second by Anderson).

MOTION

Motion to adopt Consulting or Drugless Pharmacy rules in OAR 855-041-3300 to 855-041-3340 as written with prior adopted changes was made and unanimously carried (Motion by Chute, second by Linares).

FAQ's will be developed to clarify these rules and a checklist will be established to identify what is expected to be submitted for review.

Manufacturers 855-060-0004

The Hearing's Office Report reflected no testimony on these rules and there were no staff recommendations. The Board amended the Manufacturer rules to clarify that any out-of-state outlet that compounds non-patient specific orders must register as a manufacturer.

MOTION

Motion to adopt Manufacturer rules in OAR 855-060-0004 as amended was made and unanimously carried (Motion by Anderson, second by Linares).

Controlled Substances 855-080-0021

The Hearing's Office Report reflected no testimony on these rules and there were no staff recommendations. The Board amended the Controlled Substance rules to include certain synthetic cannabinoids and cathinone-type derivatives that are subject to abuse, and have no legitimate medical purpose.

MOTION

Motion to adopt Controlled Substance rules in OAR 855-080-0021 as amended was made and unanimously carried (Motion by Linares, second by Fujisaki).

Consider Adoption of Temporary Rules

The Board reviewed the proposed Naloxone and Epinephrine rules in 855-041-2300. It was determined that the Naloxone rules were necessary as a temporary rule, as these rules are required by Senate Bill 384. However, the Epinephrine rules could not be included in this temporary rule filing as it does not fit the temporary rule criteria. The Board adopted the proposed Naloxone rules. The Epinephrine rules will be presented to the Board to be considered for rulemaking at the October Board Meeting.

MOTION

Motion to adopt Naloxone rules in OAR 855-041-2300 through OAR 855-041-02330 as a temporary rule was made (Motion by Chute, second by Fujisaki, motion carried with Reher and Anderson objecting).

GENERAL ADMINISTRATION

Appearance

At the Board's request, John Horton owner of LegitScript appeared to provide an overview of the Internet pharmacy market. LegitScript is a Portland, Oregon based company whose mission is to make the Internet pharmacy and health product (supplements) sector safer and more transparent for both individuals and businesses. John provided information on the way to know you are safely purchasing prescription drugs online. 97% of websites selling prescription drugs online fail to comply with applicable state and federal laws/regulations. This includes not requiring a valid prescription, selling unapproved and unregulated drugs and not having a valid pharmacy license. John stated that rogue pharmacies try to stay out of DEA/FDA jurisdiction, and count on Boards of Pharmacy to have limited jurisdiction over non-licensees. However, LegitScript offers free services to Boards of Pharmacy. Boards of Pharmacy can report a rogue pharmacy to LegitScript and they can often get these online website shut down.

Board Counsel Tom Cowan stated that silencing these illegitimate sites is the tricky part, but it is powerful for keeping the public safe.

Board Member Heather Anderson asked if John Horton had any idea how many illegitimate internet pharmacies may be in Oregon. He estimates between 15-20 illegitimate/rogue internet pharmacies may be located in Oregon.

Board President Penny Reher invited Dennis McAllister to address the Board on behalf of Express Scripts and the Arizona Board of Pharmacy to discuss the Oregon Board of Pharmacy's requirement to license a pharmacist to serve as the Oregon Pharmacist-in-Charge (PIC) for nonresident pharmacies. He indicated that Arizona has done this for the purpose of making sure people know the Arizona laws and rules. However, not once have they sanctioned a non-resident PIC. They sanction the pharmacy. Dennis indicates that trying to manage having a nonresident pharmacist licensed for an out-of-state facility is a nightmare to manage. He asked the Board to consider eliminating the requirement to require a nonresident pharmacy to have an Oregon licensed pharmacist to serve as the Oregon registrant PIC. Dennis will also be proposing this change to the Arizona Board at their September Meeting, as it has become a real burden.

Noon - Lunch hour

Discussion Items

Waiver/Exception Requests

Compliance Director Gary Miner presented a waiver request from Phillips PMD. Phillips PMD requested a waiver from 855-041-1140 as it relates to packaging containers. Dave Walker provided a demonstration of the product during the Board's April Meeting. At that time he also

asked the Board for a rule change to include a waiver request in 855-041-1140. This rule change has now adopted.

MOTION

Motion to approve Phillips PMD request to waive OAR 855-041-1140 for five years was made and unanimously carried. (Motion by Fujisaki, second by Anderson).

Compliance Director Gary Miner presented a waiver request from Parson's Canby Pharmacy. Parson's Canby Pharmacy requested a continuation of their time limited waiver. Their security system has not changed since the Board last approved a waiver. The owner of the pharmacy has access to the store with a key. However, only the Pharmacist-in-Charge and licensed pharmacists have access to the alarm system master code. The owner is unable to get into the pharmacy department without pharmacist. Gary reminded the Board that five years is their standard limit for waivers like this.

MOTION

Motion to approve Parsons Canby Pharmacy request to renew security waiver for five years was made and unanimously carried. (Motion by Linares, second by Chute).

Compounding Workgroup Update

Executive Director Gary Schnabel shared that the second compounding workgroup meeting was held August 1st in Salem. Gary provided some of the workgroups recommendations which included:

- Require compounding pharmacies to conduct an IJPC survey on USP 797. Then have Board staff perform a GAP analysis to determine where additional education and new rules may be needed.
- Require pharmacies that perform non-sterile to sterile compounding to follow USP 797.
- Work-Group indicated that 797 is considered the national standard of practice.
- Have Board staff write a newsletter article for the Medical and Dentistry Board in an effort to education practitioners on compounding standards.
- Have Board staff write a newsletter article for our newsletter identifying compounding requirements and best practices.

Gary advised that the NABP is offering a training opportunity for Boards of Pharmacy inspectors. We will be sending one of ours to this training in the next few months.

The workgroup mentioned that the New Jersey Board of Pharmacy has good compounding rules. The Board thought that reviewing New Jersey Board of Pharmacy's rules would be a good place to start as they require following USP 797.

At the close of this discussion, Penny asked about the Oregon Trail Veterinary Clinic letter. Executive Director Gary Schnabel will follow up with them.

Practitioner Dispensing Discussion & Update

Executive Director Gary Schnabel indicated that the next Practitioner Dispensing Meeting has been scheduled for August 22nd. Gary shared that he is in the process of finalizing an agenda.

Working Conditions Survey

Executive Director Gary Schnabel indicated that the manuscript from the first working conditions survey is in progress. David Dowler from Multnomah County has finished his piece and will not be doing more with this manuscript.

Gary provided the Board with the number of people that responded to the second working conditions survey that was done in July of 2013. 1647 responded to the survey in 2013 as compared to 1401 that responded in 2011. 518 comments were received in 2013 as compared to 492 comments in 2011. The Board would like staff to conduct a similar analysis to the survey that was conducted in 2011 and report back in October. The Board also asked staff to contact Multnomah County to see what it would cost do to a comparison review of the 2013 to 2011 survey results.

Request for Rulemaking

Executive Director Gary Schnabel and Compliance Director Gary Miner presented a request to the Board to adopt a rule “to introduce regulation to minimize and/or eliminate subjective criteria for refusal to dispense a valid prescription legally accepted in the State of Oregon” received from Dr. Roy Blackburn, M.D. Dr. Blackburn believes that a pharmacist’s refusal to dispense a patient’s prescription is a waste of time and/or resources of the provider, the patient and the pharmacist/pharmacy.

The Board had a detailed discussion regarding this request including: did he identify a specific instance and did we receive a specific complaint, are there other state Boards of Pharmacy that have a rule like this, the need for transparency, a pharmacist’s professional judgment, patient education and whether or not there is a need for a rule like this. The Board also reviewed it’s Position Statement on Moral and Ethical Objections.

Board Counsel Tom Cowan stated that the complaint and contest case process may be more appropriate. The Board denied Mr. Blackburn’s request as they believe there are other processes that are available.

MOTION

Motion to deny request to engage in rulemaking was made and unanimously carried. (Motion by Chute, second by Anderson).

Appearance

Naomi Lam, R.Ph. Pharm D. provided a presentation on evaluating counseling techniques and counseling best practices, which related to some research she conducted this past year. She presented a counseling timeline from the 1940s that was compiled by APHA which demonstrated the evolution of pharmacist’s involvement in patient care and counseling over many years. Naomi then presented the traditional way of counseling which include providing the patient with verbal and/or written information containing the name of the medication, how to take it, and possible side

effects. She then compared this model to the Indian Health Services Counseling Model (IHS). IHS asks patients three primary questions:

- What did your doctor tell you the medication is for?
- How did the doctor tell you to take the medication?
- What did your doctor tell you to expect?

Then IHS completes a final verification which includes asking the patient to tell them how they are going to use the medication. Naomi compared these two types of counseling in four different cities and indicated that her research was limited. The Board asked some questions and agreed that the biggest group of people really didn't understand what they were taking and why. More often than not, when an individual is asked "Have you taken this medication before?", and they indicate "Yes", the counseling doesn't go further than "Do you have any questions?" because the individual thinks they know the answers.

Naomi believes the IHA method of counseling is more effective and believes there needs to be a shift away from the Traditional method. The Board commended her on her research and reiterated that it is the pharmacists responsibility to attempt to make sure that the patient understands what they need to know. The Board thanked Naomi for her presentation.

Resume General Administration...

Administrative Director Karen MacLean shared that the Governor signed the Board's Budget on June 26th. Karen shared that while she had not receive the final figures yet for the 11-13 biennium yet, the Board's revenues were higher than expected due to an unexpected increase in licensure of some categories and expenses were lower with effective management of resources. Karen provided the latest three biennium quarterly comparison. Karen reported that she is waiting for information from the Board's accountant on the 13-15 financial plan and expects to have that soon.

Karen reminded the Board that the purpose of the September 19th Board meeting is to review any rulemaking comments on the proposed Division 110 Fee rules that reduces various fees pursuant to the Board's Legislatively Approved 2013-15 Budget. The comment period closes August 30th.

2013 Legislative Update

Executive Director Gary Schnabel provided the Board with an update on measures that will require the Board to write rules. This includes Senate Bill 167 relating to public health emergencies, Senate Bill 460 relating to bio similars, and House Bill 2124 relating to the Health Professional's Service Program. These rules will be proposed for rulemaking at the October Board Meeting.

Topics for Future Discussion

- Best Practices for Retail Settings
- Responsibilities of the PIC
- All controlled substances to require counseling
- Workgroup for workspace conditions
- CCOs and Medical Homes

Strategic Planning 2014

Administrative Director Karen MacLean reported that she and Executive Director Schnabel were still evaluating proposals.

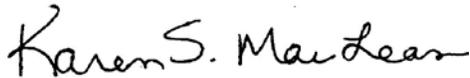
VII. OPEN FORUM At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Pharmacist Jackson Leong asked the Board what the pharmacists' responsibility is concerning medical marijuana in nursing homes. The Board stated that marijuana has no place in the pharmacy setting and to review the nursing homes policies about medical marijuana.

Adjourn**MOTION**

Motion to adjourn at 3:42 PM was made and unanimously carried (Motion by Fujisaki, second by Anderson).

Accepted by:



**Karen MacLean
Administrative Director**

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Penny Reher, R.Ph. Presiding

Tuesday, August 13, 2013 @ 8:30 AM, Conference Room 1A
Wednesday, August 14, 2013 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on August 13, 2013 to discuss Compliance cases, followed by motions on August 14, 2013. Working lunch held on August 13, 2013.

Board Members present for all or part of compliance session:

Penny Reher, R.Ph, President	Roberto Linares, R.Ph.
Dianna Pimlott, R.Ph., Vice President	Christine Chute, Public Member
Kenneth Wells, R.Ph.	Heather Anderson, Public Member
Brad Fujisaki, R.Ph.	

Staff present for all or part of compliance session:

Gary Miner, R.Ph., Compliance Director	Gary Schnabel, R.Ph., R.N., Executive Director
Joe Ball, R.Ph., Chief Investigator	Karen MacLean, Administrative Director
Michele Cale, R.Ph., Board Inspector	Courtney Wilson, Project Manager
Gregg Hyman, R.Ph., Board Inspector	Annette Gearhart, Compliance Secretary
Fiona Karbowicz, R.Ph., Board Inspector	Kim Oster, Compliance Assistant
Laura Elvers, R.Ph., Board Inspector	Thomas Cowan, Senior AAG

Staff absent for all of the compliance session:

Katie Baldwin, R.Ph., Board Inspector

Case 2012-0288 Motion to deny reconsideration.

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

Case 2012-0401 Motion to postpone the Hearing, authorize Compliance Director to continue to negotiate with the pharmacist's attorney, and to settle case with the terms as presented.

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

Case 2012-0322 Motion to accept proposed consent order.

Motion by: Roberto Linares; Seconded by: Heather Anderson. Motion carried with Christine Chute and Kenneth Wells opposed.

Case 2013-0019 Motion to accept proposed consent order.

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

Case 2013-0203 Motion to deny request for reinstatement of pharmacist license.

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

Case 2008-0469 Motion to deny request for probation modifications.

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

Case 2011-0006 Motion to grant request.

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

Case 2008-0396 Motion to grant probationer's request to be discharged from HPSP on 10/18/2013 upon completion of final HPSP requirements.

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

Case 2008-0376 Motion to grant early termination of technician's probation and deny request to remove disciplinary action from Board website.

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

Case 2013-0031 Motion to withdraw Notice and Close Case Under Investigation.

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

Case 2013-0112 Motion to deny reinstatement request.

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

Case 2013-0013 Motion to issue letter to outlet as directed.

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

Case 2013-0020 Motion to issue Letter of Concern to pharmacist.

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

Case 2013-0096 Motion to issue letters of concern to pharmacist and technician, CC: Pharmacist-in-Charge.

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

Case 2013-0262 Motion to revoke outlet licenses and impose \$10,000 civil penalty per violation.

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

Case 2013-0131 Motion to issue Letter of Concern to outlet.

Case 2013-0139 Motion to suspend pharmacist license for six months and impose \$1,000 civil penalty per violation;

Case 2013-0140 Motion to suspend pharmacist license for six months and impose \$1,000 civil penalty per violation;

Case 2013-0141 Motion to suspend pharmacist license for six months and impose \$1,000 civil penalty per violation.

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

Case 2013-0094 Motion to issue letter of concern to Pharmacist-in-Charge and pharmacist; and

Case 2013-0321 impose \$1,000 civil penalty per violation against technician.

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

Case 2013-0251 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion carried with Christine Chute opposed.

Case 2013-0227 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 2013-0232 Motion to issue \$1,000 civil penalty per violation against pharmacist.

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

Case 2013-0156 Motion to issue Letter of Concern to pharmacist.

Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion carried with Penny Reher recused.

Case 2013-0246 Motion to issue Letter of Concern to pharmacist.

Motion by: Christine Chute; Seconded by: Roberto Linares. Motion carried with Brad Fujisaki and Penny Reher opposed.

Case 2013-0231 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion carried with Kenneth Wells and Dianna Pimlott recused.

Case 2013-0206 Motion to issue letter of concern to pharmacist.

Motion by: Christine Chute; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2013-0250 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 2013-0147 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 2013-0200 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

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

Case 2013-0146 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 2013-0172 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Heather Anderson; Seconded by: Roberto Linares. Motion carried with Penny Reher recused.

Case 2013-0183 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 2013-0092 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion carried with Dianna Pimlott recused.

Case 2013-0173 Motion to revoke technician license and impose \$1,000 Civil Penalty per violation.

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

Case 2013-0198 Motion to grant technician license.

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

Case 2013-0215 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 2013-0245 Motion to deny technician application and impose \$1,000 civil penalty per violation.

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

Case 2013-0205 Motion to deny technician license.

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

Case 2013-0244 Motion to deny technician application and impose \$1,000 civil penalty per violation.

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

Case 2013-0242 Motion to deny technician application.

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

Case 2013-0201 Motion to deny technician license.

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

Case 2013-0233 Motion to impose \$1,000 civil penalty per violation against pharmacist.

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

Case 2013-0108 Motion to revoke technician license and impose \$1,000 civil penalty per violation; issue letter of concern recommending 3 hours medication error prevention CE to pharmacist; and issue letter of concern to Pharmacist-in-Charge and outlet.

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

Case No. 2013-0098 Motion to issue Letter of Concern to outlet and pharmacist.

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

Motion to accept the items on the consent agenda with case 2013-0098 pulled for discussion.

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

LETTERS OF CONCERN CASES:

Case: 2013-0236

Letter of Concern to Pharmacist-in-Charge recommending 3 hours CE
Letter of Concern to pharmacist recommending 3 hours CE
Letter of Concern to certified pharmacy technician recommending 3 hours CE
CC outlet Letters of Concern

Case: 2013-0191

Letter of concern to pharmacist recommending 3 hours of CE in med error reduction/ patient safety; CC: Pharmacist-in-Charge and outlet.
Letter of concern to Certified Pharmacy Technician recommending 3 hours of CE in med error reduction/ patient safety; CC: Pharmacist-in-Charge and outlet.

DEFICIENCY NOTICES:

Cases: 2013-0122, 2013-0125, 2013-0150, 2013-0169, 2013-0170, 2013-0174, 2013-0175, 2013-0176, 2013-0187, 2013-0189, 2013-0190, 2013-0210, 2013-0211, 2013-0212, 2013-0213, 2013-0214, 2013-0217, 2013-0218, 2013-0219, 2013-0220, 2013-0221, 2013-0222, 2013-0223, 2013-0224, 2013-0225, 2013-0228, 2013-0229, 2013-0230, 2013-0234, and 2013-0255.

UNABLE TO SUBSTANTIATE:

Cases: 2013-0104, 2013-0168, 2013-0192, 2013-0195, 2013-0202, and 2013-0248.

NO JURISDICTION:

Case: 2013-0184

NO VIOLATION:

Cases: 2013-0097, 2013-0115, 2013-0118, 2013-0165, 2013-0178, 2013-0188, 2013-0193, 2013-0207, 2013-0209, and 2013-0252.

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: 2013-0107, 2013-0144, 2013-0199, 2013-0204, 2013-0241, and 2013-0258.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of technician licenses notices have, or will be, issued in:
Case: 2013-0180 and 2013-0216.

CASES CLOSED UNDER INVESTIGATION:

Cases that have been opened and then "Closed Under Investigation" to preserve incoming complaint information should future action be necessary.

Cases: 2012-0548, 2012-0571, 2013-0162, and 2013-0163.