

BOARD MEETING MINUTES
Oregon State Board of Pharmacy
Portland State Office Building (PSOB)
800 NE Oregon Street
Portland, OR 97232

Pacific University
School of Pharmacy
222 SE 8th Avenue
Hillsboro, OR 97123

Tuesday, April 17, 2007 @ 8:30am, PSOB Conference Room 140 Wednesday April 18, 2007 @ 9:00 Pacific University, 5th Floor Conference Room 502 Thursday, April 19, 2007 @ 8:30, 4th Floor Conference Room Suite 450
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Tuesday, April 17, 2007

8:30am OPEN SESSION, Marcus Watt R.Ph. Presiding

Roll Call

The following Board Members were present for all or parts of the meeting:

Marcus Watt, Board President
Ann Zweber, Vice President
Cathryn Lew
Linda Howrey
Dianna Pimlott
Bernie Foster
Lee Howard

The following staff were present for all or parts of the meeting:

Karen MacLean, Administrative Director
Gary Miner, Compliance Director
Tony Burt, Project Manager
Paige Clark, Pharmacist Consultant
Joe Ball, Chief Inspector
Michele Cale, Inspector
Judy VanUden, Inspector
Annette Gearhart, Compliance Secretary
Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Executive Director Gary Schnabel was absent.

Agenda Review and Approval

MOTION

Motion to approve the Agenda as written was made and unanimously carried. (Motion by Lew, second by Howrey)

Consent Agenda Approval

MOTION

Motion to approve Consent Agenda was made and unanimously carried. (Motion by Zweber, second by Pimlott)

MOTION

Motion to move into Executive Session at 8:37am was made and unanimously carried. (Motion by Howrey, second by Lew)

MOTION

Motion to exit out of Executive Session at 4:35pm and move into Open Session was made and unanimously carried. (Motion by Howard, second by Foster)

Motions for Disciplinary Action – See compliance minutes

MOTION

Motion to move into Executive Session at 5:00 pm was made and unanimously carried. (Motion by Foster, second by Howard)

MOTION

Motion to exit out of Executive Session at 5:20 pm and enter into Open Session was made and unanimously carried. (Motion by Howrey, second by Howard)

MOTION

Motion to adjourn at 5:20 pm was made and unanimously carried. (Motion by Howard, second by Zweber)

Wednesday April 18, 2007 Pacific University

9:00 OPEN SESSION, Marcus Watt, R.Ph. Presiding

Roll Call

The following Board Members were present:

Marcus Watt, Board President

Ann Zweber, Vice President

Cathryn Lew

Linda Howrey

Dianna Pimlott

Bernie Foster

Lee Howard

The following staff were present:

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Tony Burt, Project Manager

Paige Clark, Pharmacist Consultant

Joe Ball, Chief Inspector

Michele Cale, Inspector

Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel

Executive Director Gary Schnabel was present for the morning sessions, but left after lunch.

ISSUES/ACTIVITIES

Reports

Board President/Members

Board President Marc Watt – No Report

Board Vice President Ann Zweber reported that Pharmacist Consultant Paige Clark and she attended an OSPA meeting, and she will report more on the meeting later.

Board Member Cathy Lew shared that she attended two OSHP dinner meetings. Cathy reported that it was a good meeting, and that there were more pharmacists at these meetings than others she has attended. Board Member Lew also thought it was a good Continuing Education opportunity. In addition, Board Member Cathy Lew, Board Vice President Ann Zweber, and Pharmacist Consultant Paige Clark attended a Plan B meeting, which was very well attended, and very informative, as well as an excellent Continuing Education opportunity.

Board Member Linda Howrey reported that there was an Immunization Practices Advisory Team (IPAT) Meeting, but that she was unable to attend. Linda shared that she will keep the Board involved in what is going on with the Committee. In addition, Linda attended a meeting held by GlaxoSmithKline (GSK). While it wasn't so much a Continuing Education focused meeting, it was a very well attended meeting with over 160 students attending. Linda also had an opportunity to meet with Dennis McAllister, and Donna Horn, who has taken over as Director for ISMP, a patient safety committee watching hospitals regarding reporting medication errors.

Board Member Dianna Pimlott reported that she attended a meeting in Washington DC in May, where she presented a poster that she worked on with Board Member Ann Zweber regarding the Foreign Pharmacy Graduate Equivalency Exam (FPGEE), and included an assessment on how P1 and P2 students scored on the exam. Board President Marc Watt shared that he would like to see the poster, and asked Dianna to bring it to the next Board Meeting in June.

Board Member Bernie Foster – No Report

Board Member Lee Howard – No Report

Board Counsel Tom Cowan reported that he has no official report, but that he has been working with Pharmacist Consultant Paige Clark and Compliance Director Gary Minter regarding legislative items. Tom would also like the Board, as well as staff present to know how well they are being represented in the legislative process by Paige, whose professionalism has been recognized in different committee meetings Tom has attended.

Compliance Director Gary Miner reported that Pharmacy Inspector Judy VanUden has resigned and taken a position with Multnomah County; this will be her last Board meeting. Gary shared that he has received three applications for the position and should be able to fill the position soon. Mr. Miner also shared that Pharmacist in Charge (PIC) training will be starting soon; Board President Marc Watt shared that he would like to sit in on one of the trainings to observe. The training will cover the PIC self-inspection report and what it is like being a PIC so we can start the individuals off right, and hopefully

fend off later problems. Gary shared he would like to have the trainings every couple of months, but the number of classes offered will depend on staff size.

Administrative Director Karen MacLean reported that several things have happened since Executive Director Gary Schnabel has been out of the office. Karen shared that Chrisy Hennigan has officially taken over the Office Manager position. In addition, Karen reiterated that Judy VanUden and Mike Beck have left the agency, and that Compliance Director Gary Miner and she have been interviewing individuals for the full time, and job share positions available.

Karen also shared that the Board of Nursing is moving out of the building and they can no longer provide the agency's IT Support. They are working with Karen and Chrisy to determine what IT needs we might have now, and in the future. Karen shared that a new IT provider has been chosen and are going to be moving towards transition in the first or second week of May. Administrative Director MacLean gave an update on the NABP Annual Meeting. The Former Board Member Reception is coming together nicely, with 37 RSVP's so far. In addition, hotel and registration arrangements have been made for all staff, and Board Members who will be attending.

Pharmacist Recovery Network Director Ed Schneider reported that he has 75 active participants in the program, 19 of which were referred to him by the Board. This year, he has 10 new participants. Board Member Bernie Foster asked of the number of individuals who graduate from the Program, how many relapse, Ed replied that in the five years he has been in the position, he has only had one relapse.

2007 Board Dates:

- June 5 - 6, 2007 Portland
- August 7 – 8, 2007 Portland
- October 3, 2007 Ashland (General Business)
- October 16, 2007 (Compliance)
- December 4 – 5, 2007 Portland

October Compliance Day Location Discussion

Board Member Cathy Lew shared that she sent Management Secretary Jennifer Hess information on the River Bend Annex as a possible location for the one day Compliance Meeting in October. Cathy shared that there is lots of parking. Executive Director Gary Schnabel expressed his concerns on staff going down to Eugene and back in the same day, and that it will become a timing issue. Board Member Lee Howard suggested Salem as an alternate site for the one day meeting, and Board Members and staff agreed that it much more do-able than traveling to Eugene. Cathy shared that she would still like to have a meeting at some point in the Eugene area, possibly in 2008. Board Members and staff decided that it would be possible to hold a meeting in Eugene, possibly in August or October. Board staff will start researching possible sites to hold the Board Meeting.

Other Dates of Interest:

- May 19 - 22, 2007 Portland NABP Annual Meeting
- October 3 - 6, 2007 Ashland NABP/AACP District VII/VIII Meeting

Board Meeting Dates 2008

- January 29 – 30, 2008 Corvallis
- April 15 – 16, 2008 Portland / Hillsboro
- June 10 – 11, 2008
- August 12 – 13, 2008
- October 14 – 15, 2008

- December 9 – 10, 2008
- January 20-21, 2009

Strategic Planning Meeting

- March 19 - 20, 2008 Welch's

Strategic Planning Meeting

Administrative Director Karen MacLean took this opportunity to address scheduling conflicts with the proposed dates for the March 2008 Strategic Planning Meeting. As of now the dates conflict with Executive Director Gary Schnabel's trip to Hawaii, and Administrative Director MacLean's trip to Africa. Karen suggested pushing the dates back a week to the 19th and 20th. Karen directed Board Members to check their schedules and let her know if these dates work better. Most Board Members shared that the dates would work fine, Board Member Linda Howrey will have to double check her schedule, but is pretty sure the dates will work fine.

COMMITTEES / MEETINGS

NABP Executive Committee February 7-8

Executive Director Gary Schnabel attended the NABP Executive Committee Meeting in February. Gary shared that the Executive Committee Meetings happen quarterly, and it is an opportunity to get an update from NABP staff, look through task force and committee reports, and vote to approve various items. Gary noted that nothing remarkable happened at this last meeting in February, but that mailing # 19 will be presented and voted on at the Annual Meeting in May. Pharmacist Consultant Paige Clark requested that Gary review the resolutions that the voting delegates will be voting on at the annual meeting. The Board Members and staff discussed each of the four resolutions. Gary Schnabel also shared that Earl Blumenauer has confirmed that he will be speaking at the NABP Annual Meeting in May.

Lane County Pharmaceutical Association, February 18

Board Member Cathy Lew reported on the Lane County Pharmaceutical Association Meeting in February. Cathy shared that the meeting was very successful. Pharmacist Consultant Paige Clark presented on Saturday, while Compliance Director Gary Miner, and Pharmacy Inspectors Joe Ball, and Michele Cale were present for the question and answer session.

Pharmacist Consultant Paige Clark reported that she has received some great feedback from that event and that it was very well received from those individuals present and the presentation of materials went well. Board President Marc Watt shared that there were a few logistical issues that he would like to get resolved before the next meeting. In all, the group liked having the Compliance Staff present, and it was determined that at larger meetings, Compliance Staff will have a table set up where meeting participants can come up and ask questions. This would show community outreach by the Compliance Staff, and offers a fun forum to educate the public on compliance issues.

OSPA Spring CE March 4 and April 22

Board Member Ann Zweber and Pharmacist Consultant Paige Clark attended the March OSPA Spring Continuing Education Meeting. Ann and Paige gave a Law presentation for Continuing Education credit. The individuals present had a lot of questions for Ann and Paige. Ann also took this opportunity to share information on the Board's Position Papers.

Board Member Cathy Lew and Paige will be traveling down to Medford this upcoming weekend to give another Law CE Presentation. Pharmacist Consultant Paige Clark shared that Kathy Hahn from the Pain Commission will be attending a CE Meeting in the fall, where they will present the computerized Law Presentation for those individuals who do not have access to a computer.

POP Roundtable March 13

Board President Marc Watt organized this meeting as an attempt at outreach with the profession. Executive Director Gary Schnabel unfortunately couldn't make the meeting. Marc shared that although the meeting didn't work out as he had hoped, the group did have a good dialog. Twenty-two people were able to make it to the meeting, and Marc has heard nothing but nice things on how the meeting was organized. Marc reported that everyone present has gotten back to him or to Board staff asking when the next meeting would be, that they really liked the informality, and that the mid-day timing of the meeting worked out really well for those present.

Pharmacist Consultant Paige Clark shared that there were just three items on the agenda, an overview of legislative issues, rules, and an opportunity for open discussion. Paige feels that the meeting was a really successful event

NABP District Planning Meeting March 14

Board Member Ann Zweber reported on the last NABP District Planning Meeting held in March. Ann shared that the group is still working on trying to find someone to be the opening speaker. Administrative planning is going well, with \$10,000 raised so far in donations. Ann shared that for the companies who donate money, they will receive one registration for each \$1,000 donated. The theme for the meeting is 'Access to Healthcare' and the group is being careful to make the topics discussed both timely and relevant to all states in the District, not just Oregon. The committee will start working on give-a-ways and raffle bags shortly.

RESEARCH COUNCILS

Electronic Transmission/Signatures

Project Manager Tony Burtt reported on the Electronic Transmission/Signatures Research Council. The research council has identified problem areas with the help of pharmacists. The research council will draft a report on problem areas to bring to the Boards attention. The council is looking at what to do with electronic transmissions, which will be a good topic for the Board to address. Tony will have policy questions from the council to present at the next meeting. The council is looking to work with the Board of Medical Examiners (BME) to make sure the scripts are being sent by the Doctors correctly in the first place. Compliance Director Gary Miner shared that this topic is not currently on the BME's radar, and that it will be good to discuss this topic with them, as well as the Board of Nursing. Board Member Dianna Pimlott agreed that it is a good time to bring this topic to their attention.

Medication Therapy Management Service

Board Member Linda Howrey and Compliance Director Gary Miner reported that nothing is new with Medication Therapy Management (MTM) service, and that the Council will begin work this Fall. Executive Director Gary Schnabel shared that he was the NABP Executive Liaison to the MTM NABP report committee. Board President Marc Watt indicated that there are people locally who would be helpful with this topic, and on Board Member Linda Howrey's request he will send her the names of those people he knows are interested in helping.

Position Papers

The Board Members and staff discussed extensively the importance of preventing Medication Errors, and promoting Patient Safety. The Board's goal on this issue is to have zero errors, and discussed at length the best way to educate the licensees on error prevention. Executive Director questioned if a position paper would be sufficient, or should a research council be established to further look at this issue. Board President Marc Watt feels that a research council would be helpful to look into retail and institutions to look at the practice of pharmacy and suggest changes to reduce errors. The Board feels that there are outside forces affecting the pharmacists control over errors, such as the work environment and culture

the pharmacist is working in. Board Member Cathy Lew suggested possibly adding information on this topic to the Board's website, as well as following up with Jim Dameron at the Patient Safety Commission.

Through further discussion Board President Marc Watt suggested offering an Error Prevention Summit Meeting. Board Member Ann Zweber was put in charge of forming a research council for this event. Board Member Lew suggested making the meeting informal so that individuals present have the opportunity to talk freely on this topic. An idea was also presented of continuing these meetings in the future, and eventually offer CE credit to those who attend. It was decided that whatever the Board chooses to do, whether it is a Summit Meeting, or Position Paper, the Board needs to make clear the standard of practice of pharmacists, and move toward creating a culture of error prevention.

Board Member Cathy Lew shared that the Patient Safety Commission is heading toward risk free reporting of medication errors, and that the Board should have someone attend their meetings to monitor, and the Board Member could report back to the Board.

The Board Members present questioned Board staff if it would be possible to query people the Board has sent to Medication Error Continuing Education, to see how they feel about that program. Board staff responded that they have heard back from a couple of people, and that the response has been positive, and they are thankful for the opportunity to attend the CE program in lieu of discipline. Staff also shared that they are supposed to do a variety of surveys, so surveying Medication Error CE participants would work well.

Board Counsel Tom Cowan shared that the consensus in the pharmacy community in causation of medication errors looks at the systems, or operators. Interruptions, failure to follow corporate procedures, and new technology are all breeding grounds for medication errors. Tom reiterated that environment as well plays a huge part in medication errors, lighting, sound, pharmacy technicians, breaks, etcetera all can add to higher numbers of medication errors. In organizing this summit, or position paper, the Board needs to help pharmacists recognize how their environment might affect their work. Tom agrees that this is an important topic and should be a main focus in the future.

Appearance

Compliance Director Gary Miner gave a brief update on the Walgreen's Remote Pharmacist Program. Justin Anderson from Walgreens appeared at the September Board Meeting, where they were given approval to start their Remote Pharmacist Program. At the time, the Board requested they return in six months to give an update on the program. Justin Anderson appeared on behalf of Walgreens, along with pharmacist Alan Kanning. Justin started by giving a brief overview on how the program works, that only select pharmacists are allowed to participate, and have to meet quality standards and expectations in order to be invited to participate. Mr. Anderson also shared how important security is in this program, pharmacists have double passwords to access the system, and Walgreens has their own server the program is run off of. Justin really wanted to stress that this is not a work from home situation. The remote locations are subject to inspection by the Board, as well as independent inspections by Walgreens inspectors.

Board Member Dianna Pimlott questioned what happens when a transmitted script comes through that is unreadable, Justin shared that they just send the message back to have resent. Mr. Anderson reported that their scanning system is pretty well established, the company uses a digital scanner, however if that isn't working, they also have access to a standard scanner as well. Board President Marc Watt wondered how well scripts come through when they are on security paper, where a void watermark would show if the script is copied or scanned. Justin responded that the watermark does come through, but rarely is it dark enough to affect readability of the script. Board Member Bernie Foster asked about level of volume, Alan shared that it is relatively the same as when he worked in the store.

Board Vice President Ann Zweber questioned what references were available to the pharmacist when working from home, Justin reported that all resources are online, so the at home pharmacist could access the same information as the pharmacists in the store could. Board Member Cathy Lew questioned the pharmacist's ability to stay on task when working from home, Alan reported that for himself, he finds it easier to work at home, and that it is an ideal work environment for him, with much fewer distractions.

Board President Marc Watt thanked them for presentation, and that the program seems to be working out well.

GENERAL ADMINISTRATION

Staff Policy Questions

Compliance Director Gary Miner requested guidance regarding licensing correctional facilities. Gary is in the process of trying to figure out what category these facilities fit in. In larger facilities, a nurse is allowed to take medications from a bulk stock and dispense the non-patient specific drugs to the patients as per the Doctors request. In smaller facilities patient specific drugs are administered, and perhaps a few over-the-counter drugs. The Board generally wouldn't need to license these smaller facilities. The problem comes when the larger facilities are dispensing non-patient specific drugs to a patient, and then patient leaves and takes the drug with them. The staff would prefer to license correctional facilities which use non-patient specific drug stock. If a correctional facility only stocks patient specific prescriptions and some OTC for administration the staff will not require a license. The Board Members discussed at length, and agreed that just licensing specific correctional facilities is fine.

Gary Miner then asked that when a pharmacist is acting as Pharmacist in Charge (PIC) for two locations, do they need to perform the monthly performance audit at both, or just one of the locations. Gary shared that the goal of the report is to show that the PIC knows what is going on in their pharmacy. The current rule seems to indicate that the PIC would need to do the monthly report for both pharmacies. Board President Marc Watt asked if the Board could readdress this topic at a later date. Gary responded that yes, and he will readdress this topic when discussing Division 19 changes. Administrative Director Karen MacLean offered to check with licensing to get an exact number of pharmacists who act as PIC for two pharmacies.

Compliance Director Miner asked the Board Members if the compliance staff should concentrate on just prescription wholesalers, or over-the-counter wholesalers as well. Administrative Director Karen MacLean will discuss with licensing and compliance staff to review this topic. Board President Marc Watt shared that the inspectors should concentrate on prescription wholesalers, and moves the OTC wholesalers to a Class C Wholesaler License.

Gary asked the Board for clarification of rule 855-025-0040(2)(e). In the technician rules, it states that technicians can do prescription refills, but the rule doesn't say anything about clerks. Gary questioned if there is anything that clerks can do with refills. The Board and staff discussed at length, and it seems as though this topic might be readdressed with the next rule revision. Board Member Cathy Lew thought that the rule was written so that it didn't have to be a tech that picked up the script from the fax machine. Cathy feels that this should be a tech function. Gary then shared the job duties of a clerk, but the problem lies in initiating and accepting of scripts. The Board discussed and feels that it is ok for a clerk to take a prescription refill off of a fax machine.

Prescription Refills in Provider Based Clinics

Board Member Dianna Pimlott brought up the issue that there are prescriptions being transmitted without a Doctor name on them. Compliance Director Gary Miner questioned where we should draw the line:

how much is the Board of Medical Examiners (BME) responsibility; how much is the pharmacists? Board President Marc Watt shared that this has been going on for a while, but with new technologies, it is just now becoming a problem. Marc emphasized that we can only regulate pharmacies and pharmacists, not what the BME is doing or what topics they are addressing. Marc then suggested starting a dialog with the Board of Nursing (BON) since most of the time it is nurses transmitting the scripts, not the Doctors. Dianna shared that in some cases it isn't even a nurse, but an office assistant that is processing the scripts.

Gary Miner questioned that if the Board of Medical Examiners delegate's responsibility to a Doctor is there anything that the Board could do to regulate this problem. Board Counsel Tom Cowan shared that one way to help regulate this is to specifically define a prescription. Tom acknowledged that the Board probably already had a definition for what a prescription is, but that we can add specifically that it must be signed to be valid. The Board directed staff to talk to the Board of Nursing regarding this issue. Tom thinks that it is possible to regulate the prescriptions being transmitted, that the software wouldn't allow you to add a signature, is not an excuse.

FPGEE Waiver Request

Gary Miner reported on a FPGEE request staff received. The situation is the same as the last two requests the Board has considered. The individual has submitted all their information; he is currently licensed in Washington, and has held his license in good standing for the last three years. The Board discussed and voted to approve the request.

MOTION

Motion to approve FPGEE Waiver Request was made and unanimously carried. (Motion by Howrey, second by Howard)

Board Meeting With Pharmacy Students

The Board Members and staff attended the afternoon Law class with Sue Stein, and first year pharmacy students. Administrative Director Karen MacLean started off by introducing everyone on the Board staff, and gave a little summary on their job responsibilities. Karen then played a game with the students, Sue Stein had shared with Karen that she had been working with the students on where to find information on the Boards website, and Karen took this opportunity to quiz the students to find answers to common questions on the Board website. Pharmacist Consultant Paige Clark played Karen's assistant and threw candy at the student who answered the question correctly. Then each Board member introduced themselves, they gave a little background on employment history and their time on the Board as well as what they like to do in their spare time. The Board took time to answer any questions the students might have.

Pacific University Request

Pacific University submitted a request for the Oregon Board of Pharmacy to formally recognize their School of Pharmacy. The Board voted on the motion while attending the afternoon Law class with first year pharmacy students.

MOTION

Motion to recognize the Pacific University College of Health Professions School of Pharmacy, having received pre-candidate status in June 2006 was made and unanimously carried. The Board anticipates the Pacific University School of Pharmacy to proceed to candidate status and on to full accreditation. (Motion by Howard, second by Howrey)

Accounting & Budget Update

Administrative Director Karen MacLean reported the March budget numbers. At this time the agency's expenditure level is at 79% of the anticipated 89%. Karen shared that this was the first year that the

Board took the legislatively adopted budget and made an internal budget for each area in the agency. Although the Board is over budget on some items, the agency is under budget on others and it has all balanced out to where even at this late date in the biennium the agency is still under budget. The majority of the savings is a result of vacancy savings.

Legislation

Pharmacist Consultant Paige Clark and Project Manager Tony Burt gave the legislative update on the top bills the agency and Board have been tracking.

Prescription Drug Monitoring Program (2007 SB 34)

Paige Clark shared that SB 34 is currently sitting in legislative fiscal offices (LFO). Paige has notified LFO of the Board's intention to schedule \$100,000 of ending budget for unknown or unexpected expenses that might go over our grant money, in the process of establishing and running the program.

2007 SB 200

Pharmacist Consultant Clark reported that SB 200 has officially passed out of the House. There were five nay votes. The Board has managed to maintain the increase of civil penalties for outlets, where it has gone up to \$10,000, but the Board wasn't able to increase the civil penalties for individuals, which is staying at \$1,000. The Board wasn't able to keep recovery of costs in the bill as well. Paige and Board staff worked hard to keep continuing jurisdiction, which ran into a wall with Senator Richardson, but we made it through.

Board Counsel Tom Cowan passed on Senator Richardson's acknowledgement of the Board's hard work in convincing him that this bill was needed, and in managing to change his mind to an aye vote. Tom shared that that kind of recognition shows results of hard work that Board and Board staff is doing at the legislature.

Agency Bill Tracking

Project Manager Tony Burt reported on the bills the agency has been tracking during this legislative session. In some cases these bills may affect ways the Board does business, such as submitting an annual report of complaints.

HB 2800

Paige Clark reported on HB2800, which would give Psychologists prescribing and dispensing rights. The Board has concerns regarding this bill, there are issues involved regarding types of drugs they would be allowed to dispense. Paige will keep Board updated.

SB715

In addition, Pharmacist Consultant Paige Clark reported on SB715 which deals with repackaging of prescriptions, largely at long term care facilities and where patients often bring in their own prescriptions for the nurses to dispense. The bill is in regards to patient safety and compliance.

Paige has presented emails to Senator Morrisette, and had thought the bill was derailed, but yesterday Paige received email from Linus that an amendment had gone through. Paige asked the Board to put together a task force to help table this bill. The VA will not issue patients medications in blister packs, and has asked the Board to put together a task force of stakeholders they can talk to. They would then report back to the legislature, which would effectively kill the bill. Paige further requested that the Board staff do this sooner than later as timing is critical at this point in the legislature. Gary Miner will work to have a task force in place by July.

SB889

Paige Clark then reported on SB889, which deals with defining the practice of pharmacy as a “Health Profession”. Paige shared that with the help of Senator Morriesette the bill went through the Senate, but it will sit in the House for two weeks. SB 889 is presented as housekeeping bill; however there has been one negative comment from a senator regarding expanding scope of practice. Jim Thompson, Executive Director of Oregon State Pharmacy Association (OSPA) would like this bill to pass.

HB3903

Project Manager Tony Burt reported on House Bill 3903, which deals with Parkinson’s patients who want a patient bill of rights. With Parkinson’s patients they must receive their medication within a certain window of time, or it can affect their symptoms. Paige has worked with George Gerding to determine that this doesn’t need to be a legislative issue, and that although it isn’t a Board of Pharmacy issue, it is more of a Nursing issue, which can be taken care of through rulemaking.

GENERAL UPDATE

Strategic Planning

Administrative Director Karen MacLean reviewed the 2006 Strategic Plan Document with the Board Members. Management has reviewed the document and has made some grammatical edits. Karen asked for the opinion of the Board on how the document turned out. Board Member Linda Howrey thought the document was pretty, while Board President Marc Watt felt that while it wasn’t what he had expected, he liked what he saw, but felt it was very high level.

Karen shared that as requested the Board is planning on having Sue Dicile facilitate the Strategic Planning Meeting again in March of 2008. In addition, since the Board had no further edits to the document, Karen will let Sue know that the Board is done with their edits.

MOTION

Motion to adjourn at 3:30 pm was made and unanimously carried. (Motion by Howard, second by Zweber)

Thursday April 19, 2007 PSOB

8:30 OPEN SESSION Marcus Watt R.Ph. Presiding

Roll Call:

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

Marcus Watt, Board President

Ann Zweber, Vice President

Linda Howrey

Dianna Pimlott

Lee Howard

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

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Tony Burt, Project Manager

Joe Ball, Chief Inspector

Michele Cale, Inspector

Judy VanUden, Inspector

Gregg Hyman, Inspector

Annette Gearhart, Compliance Secretary

Jennifer Hess, Management Secretary

Tom Cowan, Board Counsel
Executive Director Gary Schnabel arrived late.

RULES DISCUSSION

Division 19 Pharmacists

Project Manager Tony Burt and Compliance Director Gary Miner discussed their proposed changes to Division 19 which handles Administrative Rules for Pharmacists. Gary and Tony, together with a research council worked through the Division to determine which changes needed to be made. They borrowed language from NABP, the Board of Medical Examiners (BME), and language developed through the research council process.

Tony and Gary reviewed the proposed rule structure with the Board Members and other staff present. The Board Members discussed the changes extensively, touching on many subjects such as Pharmacists in Charge (PIC), Collaborative Therapy, Consulting patients, and pharmacy practice in independent pharmacies. Tony took note of the Board Members opinions on the proposed changes, and will work with Gary Miner on having draft rules available for review at the June Board Meeting.

USP 797 Draft Rule Review

Project Manager Tony Burt and Compliance Director Gary Miner reported on the proposed rule structure regarding USP 797 which will go in the newly developed Division 45. With the help of a very involved Research Council over a period of time, the USP 797 rules were drafted and further developed based on the quality and standards set in the State of Oregon. These rules will apply to both sterile and non-sterile compounding facilities. Nuclear pharmacies were not discussed during this rulemaking session.

Tony discussed with the Board Members and staff present general requirements regarding professional judgment, patient relationships, record keeping, as well as requirements for Policies and Procedures, as well as requirements for a Quality Assurance Plan. The three risk levels associated with sterile facilities are defined, as well as facility requirements and equipment needed. The Board Members discussed the proposed rules at length.

Katie James, a member of the USP 797 Research Council was in attendance, and shared that her goal in participating was to ensure that rural pharmacies and hospitals were not affected negatively by these new rules.

Criminal Background Checks Discussion

Compliance Director Gary Miner and Project Manager Tony Burt with the help of Board Council Tom Cowan and Pharmacy Inspector Michele Cale discussed with the Board Members and staff present the proposed rules regarding fingerprinting and nation wide criminal background checks. There are many issues associated with this topic, which the Board Members discussed at length during the meeting. Tony presented the Board Members with a handout with some of the questions and issues associated with fingerprinting licensees included. The Board Members and staff worked through this handout in the course of their discussion on this topic. Some of the questions included: if licensees are automatically subject to background checks before renewal, if licensees are subject to background checks during an investigation, and who should be subject to background checks prior to licensure.

The Board Members also discussed which crimes would be considered when reviewing the individuals criminal history, costs associated with performing fingerprinting and national background checks, and if potential agency employees should be subject to a background check other than LEDS, which is currently the practice, prior to hire.

Board Council Tom Cowan took a moment to discuss that with the number of questions presented, it might be helpful to research what other Boards of Pharmacy have done in regards to this issue, namely Washington and California. The Board further discussed researching how the Oregon Board of Nursing conducts their background checks. It was decided then that Tony and Gary would do more research on this topic, and have further policy discussion at the June Board Meeting. It was also noted that Tony and Gary would like to put this into rulemaking for December, and they would potentially have a draft rule ready for review at the June Board Meeting, with the final proposed rule presented in August for approval.

Open Forum

Dick Glass a representative from Target, who was present at both Wednesday and Thursday's Board Meetings questioned the way the Board prefers to receive input from the public. The Board staff responded that in writing, either paper or email through the Board website, as well as in person, or by phone is fine.

Executive Director Gary Schnabel reported that he had left a voicemail at Representative Gallezio's office regarding how to include prescriptive authority in statute. Gary will email or call when he hears back from Rep. Gallezio.

Board Member Dianna Pimlott shared a discussion that was had with other Board Members. It was discussed that if the Board really wants to create a culture of patient safety, then should a CE Requirement be developed similar to the Pain Management requirement? The Board discussed this topic briefly, and determined that this topic could possibly be shared through the Newsletter, or on the Boards website. It was determined that this would make a good topic for discussion at the soon to be developed stakeholder group on patient safety

Seeing as there was no further public comment. The Board Members wished to enter into Executive Session to discuss with Board Council Tom Cowan and Compliance Director Gary Miner specifics of an ongoing compliance case.

MOTION

Motion to enter into Executive Session at 11:00 am was made and unanimously carried. (Motion by Howrey, second by Howard)

MOTION

Motion to exit out of Executive Session at 12:15 pm and enter into Open Session was made and unanimously carried. (Motion by Howrey, second by Howard)

MOTION

Motion to adjourn at 12:20 was made and unanimously carried. (Motion by Howard, second by Zweber)

Minutes Approved By:



BOARD COMPLIANCE MINUTES

**Oregon State Board of Pharmacy
800 NE Oregon Street #150
Portland, OR 97232
April 17, 2007 @ 8:30 a.m.
Marcus Watt, RPh. Presiding**

An Executive Session of the Board to discuss Compliance was held on April 17, 2007 at the Board of Pharmacy in Conference Room 140. Board Members present: Bernie Foster, Lee Howard, Linda Howrey, R.Ph., Cathryn Lew, R.Ph., Dianna Pimlott, R.Ph., Marc Watt, R.Ph. and Ann Zweber, R.Ph.. Staff present: Executive Director Gary Schnabel, Administrative Director Karen MacLean, Project Manager Tony Burt, Consultant Pharmacist Paige Clark, Compliance Director Gary Miner, Board Investigators Joe Ball, Michele Cale, Gregg Hyman and Judy Van Uden, Administrative Secretary Jennifer Hess and Compliance Secretary Annette Gearhart. Board counsel present: Thomas Cowan.

Working lunch held.

BOARD APPEARANCES:

Case 2006-0627: Motion to grant technician license with 5 years probation was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

CASE REVIEW:

Case 2007-0038: Motion to revoke pharmacist license and impose \$20,000 civil penalty; and in Case 2007-0138: Motion to revoke technician license and impose \$1,000 civil penalty; and in Case 2007-0139: Motion to revoke technician license and impose \$1,000 civil penalty; and in Case 2007-0140: Motion to revoke outlet license and impose \$20,000 civil penalty was unanimously accepted. Motion by: Bernie Foster; Seconded by: Linda Howrey.

Case 2007-0024: Motion to revoke pharmacist license; and in Case 2007-0047: Motion to impose \$1,000 civil penalty against pharmacy was accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

Case 2007-0053: Motion to revoke pharmacist license was accepted with Linda Howrey, Ann Zweber and Marcus Watt abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Lee Howard.

Case 2006-0630: Motion to impose \$1,000 civil penalty and revoke technician license; and in Case 2007-0142: Motion to impose \$1,000 civil penalty and suspend pharmacist license of Pharmacist-in-Charge was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.

Case 2007-0062: Motion to impose \$1,000 civil penalty against technician license and revoke pharmacy technician license was unanimously accepted. Motion by: Linda Howrey; Seconded by: Lee Howard.

Case 2007-0069: Motion to deny reinstatement of technician license and impose \$1,000 civil penalty was unanimously accepted. Motion by: Lee Howard; Seconded by: Cathryn Lew.

Case 2007-0049: Motion to Deny Technician Application and impose \$1,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0028: Motion to deny technician application and impose \$1,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0060: Motion to impose \$1,000 civil penalty against technician and revoke technician license; and in Case: 2007-0100: Motion to impose \$1,000 Civil Penalty against Pharmacist; *or* earn 3 hours of CE. CE is to be in the area of pharmacy law and is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy was unanimously accepted. Motion by: Lee Howard; Seconded by: Cathryn Lew.

Case 2006-0127: Motion to impose \$31,000 civil penalty (\$1000 Civil Penalty per prescription) against pharmacy was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.

Case 2007-0029: Motion to impose \$1,000 civil penalty against pharmacy's license; and in Case 2007-0059: Motion to issue letter of concern to PIC was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Lee Howard.

Case 2007-0051: Motion to impose \$1,000 Civil Penalty against pharmacy and issue letter of concern to Pharmacist-in-Charge; and in Case: 2007-0109: 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 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes; and in Case: 2007-0110: Motion to impose \$1,000 Civil Penalty against technician; *or* earn 3 hours of CE in the area of medication error reduction and is not eligible for CE requirements for renewal purposes was accepted with Linda Howrey and Ann Zweber abstaining due to conflict of interest. Motion by: Lee Howard; Seconded by: Cathryn Lew.

Case 2006-0605: Motion to issue Letter of Concern to pharmacy and letter of no violation to Pharmacist-in-Charge; and in Case 2007-0067: Motion to issue letter of concern to pharmacist was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.

Case 2007-0084: Motion to request pharmacy to obtain and provide documentation to board of pharmacist's training, Letter of Concern to PIC requesting staff training documents; and in Case 2007-0085: Motion to request appearance of pharmacist before the Board was unanimously accepted. Motion by: Lee Howard; Seconded by: Cathryn Lew.

Case 2007-0057: Motion to impose \$1,000 Civil Penalty against Pharmacist-in-Charge; *or* earn 3 hours of CE. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy and letter of Unable to Substantiate to Technician; and in Case 2007-0112: Motion to impose \$1,000 Civil Penalty against Pharmacist; *or* earn 3 hours of CE. CE is to be in the area of medication error reduction and is not eligible for CE requirements for the purpose of renewal was unanimously accepted. Motion by: Ann Zweber; Seconded by: Cathryn Lew.

Case 2006-0649: Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to

PIC and CC: pharmacy was accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Ann Zweber; Seconded by: Bernie Foster.

Case 2007-0074: Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 1 hour of CE in SSRI and earn 2 hours in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of SSRI and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

ADMINISTRATIVE DISCUSSION:

Case 2006-0369: Motion to accept QA plan and training submitted and dismiss case was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Lee Howard.

Case 2007-0001: Motion to grant pharmacist license with 5 year probation was unanimously accepted. Motion by: Bernie Foster; Seconded by: Lee Howard.

Case 2007-0104: Motion to deny request for reinstatement of pharmacist license and must be evaluated by PRN was accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Cathryn Lew; Seconded by: Lee Howard.

Case 2007-0095: Motion to grant reinstatement of pharmacist license when approved by PRN. License to be granted with 5 year probation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2007-0101: Motion to deny exception to sink requirement was unanimously passed. Motion by: Dianna Pimlott; Seconded by: Linda Howrey.

Case 2004-0275: Motion to deny request for amended Consent Order was unanimously passed. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2007-0103: Motion to direct staff to respond to question providing methods to secure pharmacy records was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

Case 2007-0058: Motion to revoke technician license was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Case 2006-0383: Motion to rescind Default Order in exchange for signed consent order was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

Case 2006-0378: Motion to become compliant and document compliance by 7/1/2007 or show just cause why Board should not take disciplinary action was unanimously accepted. Motion by: Linda Howrey; Seconded by: Cathryn Lew.

Motion to amend authority to staff regarding unregistered outlets to include manufacturers and out-of-state pharmacies and regarding denial of applications that also include unsworn falsification issues

to allow the notice of Denial to impose \$1,000 civil penalty was unanimously accepted. Motion by: Cathryn Lew; Seconded by: Linda Howrey.

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 as published was unanimously accepted. Motion by: Lee Howard; Seconded by: Bernie Foster.

LETTERS OF CONCERN CASES:

Case 2006-0632: Letter of Concern to zone manager and pharmacy.

Case 2006-0439: Letter of Concern to pharmacy.

Case 2006-0440: Letter of Concern to Pharmacist-in-Charge.

WARNING NOTICES:

Cases: 2006-0606, 2006-0633, 2006-0634, 2007-0006, 2007-0040, 2007-0041, 2007-0043, 2007-0044, 2007-0045, 2007-0046, 2007-0054, 2007-0055, 2007-0056, 2007-0063, 2007-0065, 2007-0066, 2007-0068, 2007-0090, 2007-0097,

UNABLE TO SUBSTANTIATE:

Cases: 2006-0392, 2006-0619, 2006-0646, 2007-0030 and 2007-0032.

NO VIOLATION:

Cases: 2006-0185, 2006-0189, 2006-0275, 2006-0296, 2006-0422, 2006-0476, 2006-0550, 2006-0642, 2007-0009, 2007-0020, 2007-0031, 2007-0039, 2007-0042, 2007-0071, 2007-0072, 2007-0073 and 2007-0080.

C.E. AUDIT CASES:

Case: 2006-0426 and 2006-0430.

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 8/8/2006 and confirmed on 2/7/2007, the following applicants and licensees have been issued CE in lieu of discipline letters:

Cases: 2006-0456, 2006-0459 and 2006-0533.

DEFAULT ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 12, 2004 and confirmed on 2/7/2007, the following default orders have been issued:

Cases: 2006-0446, 2006-0534, 2007-0004 and 2007-0010.

UPDATES:

Update on cases under investigation.

**April 19, 2007 @ 8:30 a.m.
Marcus Watt, RPh. Presiding**

An Executive Session of the Board to discuss Compliance was held on April 19, 2007 at the Board of Pharmacy in Conference Room 450. Board Members present: Lee Howard, Linda Howrey, R.Ph., Dianna Pimlott, R.Ph., Marc Watt, R.Ph. and Ann Zweber, R.Ph.. Staff present: Executive Director Gary Schnabel, Administrative Director Karen MacLean, Project Manager Tony Burt, Compliance Director Gary Miner, Board Investigators Joe Ball, Michele Cale and Judy Van Uden, Administrative Secretary Jennifer Hess and Compliance Secretary Annette Gearhart. Board counsel present: Thomas Cowan.

Board Members absent: Bernie Foster and Cathryn Lew, R.Ph..
Staff Members absent: Consultant Pharmacist Paige Clark.

Case 2006-0590: Motion to suspend registrant for a minimum of 120 days and until registrant complies with records request was unanimously accepted with Bernie Foster and Cathryn Lew absent. Motion by: Lee Howard; Seconded by: Ann Zweber.