

BOARD MEETING MINUTES

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
April 6-7, 2010

TUESDAY, APRIL 6, 2010

Linda Howrey, Board President, called the meeting to order at 8:30 AM.

The following Board Members were present:

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|--------------------------------|---------------|
| Linda Howrey, President | Ann Zweber |
| Dianna Pimlott, Vice President | Lee Howard |
| Larry Cartier | Bernie Foster |
| Ken Wells | |

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

| | |
|--|-------------------------------------|
| Gary Schnabel, Executive Director | Jennifer, Zanon, Inspector |
| Karen MacLean, Administrative Director | Meg Aulerich, Inspector |
| Gary Miner, Compliance Director | Katie Baldwin, Inspector |
| Chrisy Hennigan, Office Manager | Kim Whitson, Compliance Assistant |
| Tony Burt, Project Manager | Paige Clark, Pharmacist Consultant |
| Joe Ball, Chief Investigator | Ed Schneider, PRN Director |
| Annette Gearhart, Compliance Secretary | Pam Aldersebaes, PRN Assistant |
| Gregg Hyman, Inspector | Loretta Glenn, Management Secretary |
| Michele Cale, Inspector | |

Thomas Cowan, Board Counsel

Agenda Review and Approval

MOTION

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

Approve Consent Agenda

1. NAPLEX Scores (September 1 - December 31, 2009)
2. MPJE Scores (September 1 - December 31, 2009)
3. Executive Director Report
4. Pharmacist Consultant Report
5. Project Manager Report
6. License/Registration Ratification (January 23, 2010-April 2, 2010)
7. NABP Memos
8. Approval of Board Meeting Minutes (January 26-27, 2010; February 23, 2010)

MOTION

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

MOTION

Motion to enter Executive Session at 8:32 AM was made and unanimously carried (Motion by Cartier, second by Pimlott).

MOTION

Motion to resume Open Session at 4:29 PM was made and unanimously carried (Motion by Foster, second by Cartier).

President Howrey asked to begin the Issues/Activities portion of the agenda.

ISSUES/ACTIVITIES

Board President/Members and Board Counsel

Members Dianna Pimlott, Linda Howrey and Lee Howard, as well as Board Counsel Tom Cowan had nothing to report.

Larry Cartier reminded Board Members of the upcoming Pharmacy Coalition meeting, where Rep. Mitch Greenlick will be in attendance. He also reminded members that he will be speaking at the Professional Society of Pharmacists (PSOP) and the Spring OSPA CE in May.

Bernie Foster will attend the Medical Marijuana Summit with Gary Schnabel later this month.

Ken Wells and Ann Zweber presented at the February OSPA CE in Lane County. They thought the presentation went well.

Ann Zweber is also working on a poster regarding medication errors for the upcoming NABP Annual meeting.

Remaining reports to be concluded on Wednesday.

MOTION

Motion to adjourn at 4:48 PM was made and unanimously carried (Motion by Cartier, second by Foster).

WEDNESDAY, APRIL 7, 2010

Linda Howrey, Board President, called the meeting to order at 8:15 AM.
The following Board Members were present:

Linda Howrey, President
Dianna Pimlott, Vice President

Larry Cartier
Ken Wells
Ann Zweber
Lee Howard
Bernie Foster

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

| | |
|--|-------------------------------------|
| Gary Schnabel, Executive Director | Jennifer, Zanon, Inspector |
| Karen MacLean, Administrative Director | Meg Aulerich, Inspector |
| Gary Miner, Compliance Director | Katie Baldwin, Inspector |
| Chrisy Hennigan, Office Manager | Kim Whitson, Compliance Assistant |
| Tony Burt, Project Manager | Paige Clark, Pharmacist Consultant |
| Joe Ball, Chief Investigator | Ed Schneider, PRN Director |
| Annette Gearhart, Compliance Secretary | Pam Aldersebaes, PRN Assistant |
| Gregg Hyman, Inspector | Loretta Glenn, Management Secretary |
| Michele Cale, Inspector | |

Thomas Cowan, Board Counsel

Items for Disciplinary Action - please see Motions for Disciplinary Cases at the end of this document.

ISSUES/ACTIVITIES

Reports continued...

Compliance Director Gary Miner noted upcoming continuing education events the compliance staff will be participating in during May. The staff will present a PIC training class for the P3 pharmacy class at Pacific. The staff will be presenting a PIC Training class and participating in the law presentation at the May OSPA Spring CE. The compliance staff is reviewing the new DEA regulations which permit electronic transmission of controlled substances.

Administrative Director Karen MacLean reported that late last week, the Governor had announced his intent to veto 2010 HB 1014. This bill would have officially added a pharmacy technician to the Board after a technical error from the 2009 session prevented the addition. The pharmacy technician was not the reason for the veto. Prior to the April meeting adjournment, official notice was received that the bill was vetoed and the pharmacy technician position will not be added after all.

Karen reported that staff continues to work with the Oregon State Treasury and our IT Consultant Grant Moyle to implement online credit card payments. In order to implement the newly required Workforce Data Collection Survey, it was decided that it would be easiest on staff and the licensees to incorporate it into the upcoming pharmacist renewal; Grant has been looking at all the options. He believes he can program a full online renewal with the survey if all of the payment requirements can be established in the next few weeks. This may mean a delay in sending out the renewals. The Board strongly supports moving forward.

The US Department of Health and Human Services announced earlier this year they are conducting a complete review of the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). NPBP and HIPDB are now auditing state records to ensure that the states are in compliance. Staff is working with NABP, our agent for the Databank to ensure that we are in compliance by the June 30, 2010 deadline.

Karen and Gary Miner met with representatives from the Oregon Administrative Hearings (OAH) office regarding their services and fees. OAH is required by statute to recover all their expenses. Their existing fee structure is insufficient and they are raising their rates effective July 1, 2010 based on an agreement with the Governor's Office. The agency will need to seek additional limitation through the Emergency Board later this year to cover this increase. At this time, the Board has already exceeded the number of requests for hearings in 07-09 and current limitation will be insufficient to meet the demand for 09-11.

Karen and Office Manager Chrisy Hennigan continue to work on budget development.

Karen and the Licensing staff are meeting with students at OSU and Pacific to orient incoming P2's and those entering their final year in the next few weeks.

The Board added a May 18, 2010 Board meeting to discuss budget development.

Board Meeting Dates for 2010

- May 18, 2010 Portland
- June 15 – 16, 2010 Portland
- August 3 - 4, 2010 Portland
- October 12 - 13, 2010 Portland
- December 14 -15, 2010 Portland

Dates for Rulemaking Hearings

- May 18, 2010 Portland
- November 16, 2010 Portland

Board Meeting Dates for 2011

- January 25 - 26, 2011 Portland
- March 8 - 9, 2011 Portland Strategic Planning
- April 5 - 6, 2011 Portland
- June 7 - 8, 2011 Portland
- August 9 -10, 2011 Portland
- October 11 -12, 2011 Portland
- December 13 - 14, 2011 Portland

Board Member/Staff Presentations

The following are CE presentations that the Board or Staff will be speaking at the next two months.

- PSOP – May 5, 2010 – Cartier

- OSPA Spring CE – May 16, 2010 Cartier/Hyman
 - Linn-Benton Pharmacy Association – April 14, 2010 Hyman
-

Committees/Meetings

NABP Meetings

Executive Director Gary Schnabel reported that he is wrapping up his NABP Presidential year. Upcoming meetings include the Joint Commission on Pharmacy Practitioners and the NABP Annual Meeting. He also recently attended a number of meetings including: the APhA (American Pharmaceutical Association) and DEA (Drug Enforcement Agency) meetings on behalf of NABP. He'll provide the Board with the latest information from the DEA on the e-prescribing rule that is pending Congressional approval. Gary attended ASCAP (American Society of Consultant Pharmacists) meeting where there was discussion about Long Term Care (LTC) facilities. NABP suggests a challenge of nurses being an agent in LTC's and a possible recommendation for the DEA to license the facilities like hospitals. There is some interest in pursuing this in Oregon. Staff will research to know if the Board has authority to issue a Controlled Substance registration in this instance. Finally, he attended a joint meeting of the Federation of State Medical Board's, the National Council of State Nursing and NABP. The primary discussion was around how these associations work and relate to the State Boards and the National Associations.

Multicultural Outlet Meeting 3/2/10

Staff met with DHS staff to discuss effective options for outreach to non-prescription outlets with various ethnic focuses. There is an increase in the number of these outlets that are not in compliance with the Board's rules for licensure and we are trying to identify relevant methods of communication. The DHS Office of Multicultural Health and Services has agreed to help identify a plan that is culturally specific and culturally competent for long term solutions.

Executive Director Gary Schnabel reported that he attended the 3/29/10, DHS Advisory Committee for Medical Marijuana (ACMM) Meeting regarding the Board's upcoming decision on SB 728's Marijuana rescheduling requirement. He answered questions and gave the Board's perspective. This group is very interested in the Board's decision.

Research Councils

see General Administration for the Medication Safety and Error Reduction Council Final Report.

GENERAL ADMINISTRATION

Discussion Items

Staff Policy Questions - None

Impaired Health Professionals Program (IHPP) update

Executive Director Gary Schnabel, Compliance Director Gary Miner and Board Counsel Tom Cowan provided an update on the IHPP Program. At this time, staff is working with Counsel to identify rules that need to be developed at the agency level. They reported the current monthly estimated cost for individual participants will range from \$270-568 for the required urine

analysis testing and meetings. This is in addition to the cost per individual that the Agency must pay for referring individuals into the program.

The Board discussed their ongoing concern about the uncertain projected costs for this program, however they did elect to opt-in and participate this year.

MOTION

Motion to participate in the DHS Impaired Health Professional Program was made and unanimously approved (Motion by Pimlott, second by Cartier).

Medication Safety and Error Research - Final Report

Council Chair Cathryn Lew, Board member Ann Zweber and Pharmacist Consultant Paige Clark provided the renamed Medication Error Reduction Research Council's final report. Cathryn thanked the Board for the opportunity to share their accomplishments and opportunities over the past two years. These included the Optimizing Patient Safety and Reducing Medication Errors, 23 point document, continuing education presentations, an evaluation of the Board's cases regarding medication errors and how they can be prevented in the future and recommendations for future Board consideration. Ann provided a report from the sub-committee on Counseling; she also thanked participants. At the core of their presentation was a priority of patient safety, voluntary self reporting and the importance of counseling.

Other issues they identified that may need further consideration include: peer review processes, labeling processes and improvements to pharmacy work environments. They thanked the individuals that participated on the Council and its sub-committees and will send certificates to each.

The Board thanked the Council for its work.

MOTION

Motion to accept the final Medication Error Reduction Research Council Report as presented and to close the Research Council was made and unanimously approved (Motion by Foster, second by Howard).

Legislative Concept Approval for 2011 Session

Administrative Director Karen MacLean and Executive Director Gary Schnabel reported on Legislative Concepts staff has prepared for the Agency. These include a concept to remove the statutory maximums from the fees; most of the other health boards do not have maximums in statute because fees are required to be adopted by rule. There is also a concept duplicated by the Board of Chiropractic Examiners to remove maximums that includes the Board of Pharmacy. The Governor's office supports this change for consistency and our concept may be dropped pending review since OBOP is included in a group concept. The other concept suggests adding cease and desist language to our statute. The deadline is 4/9/10. The Board approves both concepts for consideration.

FPGEC Waiver Request

Compliance Director Gary Miner presented a request for FPGEC waiver.

MOTION

Motion to deny request for FBGEC waiver was made and unanimously approved (Motion by Zweber, second by Pimlott).

Outlet Waiver Request

Compliance Director Gary Miner presented a request on behalf of Grant County. They asked for a waiver to OAR 855-043-0310 (4)(a). Due to limited staffing, they are struggling with access to the drug room for required temperature checks for the Immunization Program requirement to maintain proper vaccine storage. Staff recommends that in order to approve this request, a simple waiver can be added to Division 043.

MOTION

Motion to adopt temporary rule in Division 043 was made and unanimously approved (Motion by Pimlott, second by Howard).

MOTION

Motion to approve request for Grant County security waiver was made and unanimously approved (Motion by Howard, second by Zweber).

OHSU Pacific Oncology update

Compliance Director Gary Miner presented additional information on the OHSU request. He is beginning to receive requests from other outlets with a similar interest in remote oncology dispensing. He suggested that revisions to the existing Remote Dispensing rules in Division 041 would create parameters for this program that will allow for remote supervision and safe dispensing in oncology clinics if the Board wants to go there. The rules will require others considering this type of remote dispensing to submit program criteria and obtain Board approval prior to implementation.

The Board discussed their concerns about technician supervision and access to the remote site and decided to have staff follow up in June.

Appearances Regarding SB 728 Rescheduling

Stormy Ray, of the Stormy Ray Cardholder's Foundation appeared to present her personal opinion, from a patient's perspective regarding the rescheduling of marijuana. She was a co-chief petitioner for the original medical marijuana law. She recommends scheduling higher than Schedule III. In addition to her written comments, Stormy submitted a disc with additional documents for the Board's consideration.

DHS ACMM Representatives, Christine McGarvin and attorney Brian Michaels also appeared to present comments on behalf of the ACMM. Christine reported there are over 60,000 medical marijuana cardholders in Oregon. DHS is processing approximately 1000 applications per week. She submitted a number of documents for the Board to consider and the ACMM recommends Schedule V for marijuana.

Brian Michael's also a member of the ACMM highlighted that this is a highly politicized issue that shouldn't be based on prejudice and politics. He highlighted his opinion of the legislative mandate in SB 728. He submitted written comments for the Board's consideration and reiterated the ACMM's Schedule V recommendation.

Rulemaking

Project Manager Tony Burt provided a review of the Rulemaking Hearing Report. The Board briefly discussed the minimal revisions to Divisions 019 and 031 relating to Interns. It was emphasized that Interns will need to be responsible for tracking their own hours. Compliance Director Gary Miner anticipates creating a rule intent document for the web regarding these rule revisions.

MOTION

Motion to adopt rules relating to Interns as revised in Divisions 855-019 and 031 was made and unanimously carried (Motion by Cartier, second by Howard).

Compliance Director Gary Miner led the discussion on minimal revisions to the Division 041 – Hospital Pharmacies proposed rules. Gary thanked everyone who has worked on these rules for the last two years; each individual will receive a certificate.

MOTION

Motion to adopt rules relating to Hospital Pharmacies as revised in Divisions 855-041 was made and unanimously carried (Motion by Zweber, second by Wells).

Tony led the discussion to send proposed rules to a rulemaking hearing that will be held on May 18, 2010. The Board briefly discussed Divisions 19 and 25.

MOTION

Motion to send proposed rules as revised in Divisions 006, 010, 019, 025 to May 18th rulemaking hearing was made and unanimously carried (Motion by Howard, second by Cartier).

Gary Miner led the discussion the new proposed rules for Charitable Pharmacies as required by 2009 HB 2535. Division 044 has been established for this new category. A number of stakeholders provided input into these rules. Rules incorporate safeguards for re-dispensing only those meds that have been properly stored and labeled etc.

For Division 080, the Board elected to stay with the originally proposed Schedule II for marijuana. The Board will consider additional information provided through the public comment period for their final decision at the June meeting.

Division 110 adds a fee for Charitable Pharmacies and the Workforce Data Collection fee for pharmacists and pharmacy technicians.

MOTION

Motion to send proposed rules as revised in Divisions 044, 080, 110 to May 18th rulemaking hearing was made and unanimously carried (Motion by Pimlott, second by Cartier).

Future Rulemaking

- a. Impaired Professionals
- b. Long Term Care
- c. Manufacturers
- d. Immunizations
- e. Remote Dispensing

The Board added Remote Dispensing to future rulemaking topics.

Financial/Budget Report

Administrative Director Karen MacLean reported on the latest financial report. Revenues are down for interest income due to the current low interest rates. AG and hearings costs are higher than expected and other expenses are right on target.

Since the Board members will be in Portland or on the phone for the Rulemaking Hearing on May 18th, the Board added a 1 hour Board meeting just prior to the Rulemaking Hearing to receive a budget development update.

Topics for future discussion

President Linda Howrey reviewed and updated topics for future discussion as follows:

- Rules generally
 - Workflow/Workforce issues; Pharmacy Design
 - Med Errors
 - Dispensaries
 - Technician Training Programs / Technician Validation Program
 - Internet Pharmacies
 - Continuing Education
 - Workflow Workforce Issues & Design
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OPEN FORUM - President Howrey opened the floor and Pharmacist Blake Rice reemphasized the recommendations of the Medication Error Reduction Research Council. He opined there are issues not reflected in the Council's report such as staffing, pharmacy design and medication counseling. He recommended review of studies on how long it takes a pharmacist to do specific filling and consultant tasks and identifying what was the root cause of a mistake. Members commented they are working on capturing data to help with these issues.

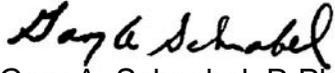
Member Bernie Foster thanked staff for the website report and highlighted that Monday and Tuesday's are high volume days and recommended adding new things at that time.

Adjourn

MOTION

Motion to adjourn at 3:05 PM was made and unanimously carried (Motion by Cartier, second by Wells).

Minutes accepted by:

A handwritten signature in black ink that reads "Gary A. Schnabel". The signature is written in a cursive style with a large initial 'G'.

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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Linda Howrey, R.Ph., Presiding

Tuesday, April 6, 2010 @ 8:30 AM, Conference Room 1A
Wednesday, April 7, 2010 @ 8:15 AM, Conference Room 1A

An Executive Session of the Board to discuss Compliance was held on April 6, 2010 at 800 NE Oregon Street Conference Room 1A in Portland. Public motions on cases were held on April 7, 2010 at 800 NE Oregon Street Conference Room 1A in Portland.

Board Members present for all or part of compliance session:

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|---------------------------------------|---------------------------|
| Linda Howrey, R.Ph., President | Lee Howard, Public Member |
| Dianna Pimlott, R.Ph., Vice President | Kenneth Wells, R.Ph. |
| Larry Cartier, R.Ph. | Ann Zweber, R.Ph. |
| Bernie Foster, Public Member | |

Staff present for all or part of compliance session:

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|--|---|
| Gary Schnabel, R.Ph., R.N., Executive Director | Ed Schneider, R.Ph., PRN Program Director |
| Gary Miner, R.Ph., Compliance Director | Pam Aldersebaes, PRN Assistant |
| Joe Ball, R.Ph., Chief Investigator | Karen MacLean, Administrative Director |
| Meg Aulerich, R.Ph., Board Inspector | Paige Clark, R.Ph., Consultant Pharmacist |
| Katie Baldwin, R.Ph., Board Inspector | Loretta Glenn, Administrative Secretary |
| Michele Cale, R.Ph., Board Inspector | Thomas Cowan, Senior AAG |
| Gregg Hyman, R.Ph., Board Inspector | |
| Jennifer Zanon, R.Ph., Board Inspector | |
| Annette Gearhart, Compliance Secretary | |
| Kim Whitson, Compliance Assistant | |

Review PRN's recommendations table with Board members

Motion regarding pharmacists, technicians and interns in group 1: place all pharmacists and interns into HPP for a minimum of two (2) years, technicians to receive new Board orders with monitoring by board staff to include urinalysis and follow treatment recommendations. All orders to be prorated.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Motion regarding pharmacists, technicians and interns in group 2: all individuals in group 2 to receive new prorated five year monitoring board orders.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Motion regarding pharmacists, technicians and interns in group 3: all individuals in group 3 to receive new prorated three year monitoring probation board orders that includes completing one year of monitoring (retroactive) and complete previously set probation terms.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Motion regarding pharmacists, technicians and interns in group 4: all individuals in group 4 are to be released from probation as probation completed.

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Motion to place licensees from all four groups presented with pain management contracts or mental health issues into HPP. Motion by: Larry Cartier; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2010-0063 Motion to deny request for reinstatement of technician license.

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

Case 2010-0095 Motion to reinstate pharmacist license.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0096 Motion to deny request for reinstatement of pharmacist license; may petition for reinstatement at October Board Meeting.

Motion by: Lee Howard; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0019 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation;
Case 2010-0106 Motion to revoke technician license and impose \$1,000 civil penalty per violation;
and

Case 2010-0120 Motion to revoke pharmacy license and impose \$5,000 civil penalty per violation.

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

Case 2009-0573 Motion to suspend pharmacist license; impose \$1,000 civil penalty per violation.

Motion by: Lee Howard; seconded by: Bernie Foster. Motion was accepted with Dianna Pimlott opposed.

Case 2009-0365 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation;

Case 2009-0622 Motion to revoke pharmacy license and impose \$10,000 civil penalty per violation.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0459 Motion to impose \$10,000 civil penalty per violation against outlet.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0098 Motion to impose \$10,000 civil penalty per violation against outlet.

Motion by: Larry Cartier; seconded by: Bernie Foster. Motion was unanimously accepted.

Case 2009-0646 Motion to impose \$10,000 civil penalty per violation against pharmacy.

Case 2010-0156 Motion to impose \$1,000 civil penalty per violation against pharmacist.

Motion by: Dianna Pimlott; seconded by: Bernie Foster. Motion was unanimously accepted.

Case 2010-0049 Motion to impose \$10,000 civil penalty per violation against outlet; and in

Case 2010-0108 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.

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

Case 2009-0077 Motion to \$10,000 Civil Penalty per violation against outlet.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0305 Motion to impose \$10,000 civil penalty per violation against outlet.

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0606 Motion to issue letter of concern to technician.

Case 2010-0048 Motion to issue Letter of Concern to Pharmacist-in-Charge.

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

Case 2009-0605 Motion to issue letter of concern to technician; and in

Case 2010-0054 Motion to issue letter of concern to Pharmacist-in-Charge; and in

Case 2010-0104 Motion to issue letter of concern to outlet.

Motion by: Dianna Pimlott; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0016 Motion to issue letter of concern to pharmacist.

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

Case 2010-0064 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0576 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0021 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0511 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
 Motion by: Larry Cartier; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2010-0053 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
 Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0430 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.
 Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0076 Motion to impose \$1,000 civil penalty per violation.
 Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0007 Motion to issue stipulated consent order to surrender technician license.
 Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0633 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
 Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0011 Motion to deny technician application and impose \$1,000 civil penalty.
 Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

Case 2010-0087 Motion to deny technician application and impose \$1,000 civil penalty per violation
 Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0651 Motion to deny technician license.
 Motion by: Ann Zweber; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2010-0078 Motion to deny technician license and impose \$1,000 civil penalty
 Motion by: Ken Wells; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2009-0597 Motion to impose \$1,000 civil penalty per violation against pharmacist; and in
Case 2010-0028 Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in
medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal
purposes. Letter of Concern to PIC and CC: pharmacy.
 Motion by: Ken Wells; seconded by: Ann Zweber. Motion was unanimously accepted.

Case 2009-0580 Motion to impose \$10,000 civil penalty per violation against pharmacy.
 Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0497 Motion to impose \$1,000 civil penalty per violation and 3 hours of CE in error
prevention against pharmacist, report to ISMP.
 Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Dianna Pimlott abstaining due to conflict of interest.

Case 2009-0620 Motion to impose \$10,000 civil penalty per violation against pharmacy.
 Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

Case 2009-0644 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in
medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not
eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in
Case 2009-0662 Motion to impose \$10,000 civil penalty per violation against pharmacy.
 Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted with Ken Wells abstaining due to conflict of interest.

Case 2009-0667 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in
medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not
eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy; and in

Case 2010-0020 Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0675 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy; and in

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

Case 2010-0062 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Motion by: Dianna Pimlott; seconded by: Larry Cartier. Motion was unanimously accepted with Ken Wells abstaining due to conflict of interest.

Case 2010-0005 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2010-0030 Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2009-0628 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2010-0052 Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report error to ISMP within 30 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in

Case 2010-0094 Motion to impose \$500 Civil Penalty against technician; or earn 3 hours of CE in medication error prevention in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy.

Motion by: Larry Cartier; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0603 Motion to close under investigation.

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

Case 2009-0481 Motion to accept proposed consent order in case 2009-0481 and withdraw notices against pharmacists in 2009-0538 and 2009-0539.

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted with Ann Zweber abstaining due to conflict of interest.

Case 2009-0529 Motion close under investigation.

Motion by: Bernie Foster; seconded by: Ken Wells. Motion was unanimously accepted.

Case 2009-0617 Motion to allow Compliance Director to negotiate settlement.

Motion by: Bernie Foster; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2010-0100 Motion to reinstate technician license with probation.

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

Case 2009-0463 Motion to grant request for reconsideration and accept signed consent order

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

Case 2008-0621 Motion to deny reinstatement of pharmacist license; may petition in one year.

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

Case 2009-0512 Motion to reinstate pharmacist license with 5 year board probation.

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

Case 2010-0081 Motion to amend staff authorization that felony arrest but conviction of lesser offense to be brought to the board for review

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

Motion to accept the items on the consent agenda

Motion by: Ken Wells; seconded by: Larry Cartier. Motion was unanimously accepted.

LETTERS OF CONCERN:

Case: 2010-0012

Issue Letter of Concern to drug outlet; CC: Letter of Concern to PIC and technician.

DEFICIENCY NOTICES:

Cases: 2009-0532, 2009-0629, 2009-0630, 2009-0649, 2009-0657, 2009-0658, 2009-0660, 2009-0661, 2009-0664, 2009-0665, 2009-0666, 2009-0668, 2010-0092, 2010-0097, 2010-0101, 2010-0102, 2010-0105, 2010-0113, 2010-0124 and 2010-0125.

UNABLE TO SUBSTANTIATE:

Cases: 2009-0484, 2009-0493, 2009-0614, 2009-0643, 2009-0652, 2010-0013, 2010-0014, 2010-0022, 2010-0024, 2010-0027 and 2010-0031.

NO VIOLATION:

Cases: 2009-0531, 2009-0585, 2010-0046 and 2010-0025.

NO JURISDICTION:

Case: 2010-0123

CPT C.E. AUDIT CASES:

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

Cases: 2010-0034, 2010-0035, 2010-0036, 2010-0037, 2010-0039, 2010-0040, 2010-0041, 2010-0042, 2010-0043, 2010-0044, 2010-0045, 2010-0065, 2010-0066, 2010-0067, 2010-0068, 2010-0069, 2010-0070, 2010-0071, 2010-0072, 2010-0073, 2010-0074 and 2010-0075.

UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued CE in lieu of discipline letters:

Case: 2010-0058

"NO PIC" CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 Civil Penalty per week starting with Day 6. (PIC gaps lasting two months - send to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:

Case: 2010-0015

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations for three years when PIC Self Inspection Form not completed or not available as required] the following notices with Historical orders have been issued:
Case: 2010-0029 and 2010-0103.

TECHNICIAN: REINSTATE BY APPLICATION:

Following applicants had there licenses revoked for not having a valid GED. Reinstate with 5 year probation, three hours CE, \$150 civil penalty and 7 day suspension:
Case: 2001-0107

VOLUNTARY SURRENDER OF LICENSE

By authority delegated to Oregon Board of Pharmacy Staff by the Board, voluntary surrender orders have been issued to:
Case: 2010-0047

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:
Cases: 2009-0508, 2010-0003 and 2010-0004.

CONSIDERATION OF CONTESTED CASES [ORS 192.690(1)]

Case 2008-0360 Motion to accept and issue Final Order.

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

Case 2008-0409 Motion to accept Administrative Law Judge’s proposed order language and issue final order.

Motion by: Ken Wells; seconded by: Bernie Foster. Motion was unanimously accepted.