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.

WEDNESDAY, APRIL 5, 2017

Kate James, R.Ph, Board President, called the meeting to order at 11:00AM

Roll Call
Kate James, President    Penny Reher, Vice President
Roberto Linares     Rachael DeBarmore
Ken Wells     Cyndi Vipperman
Dianne Armstrong    Second Public Member position - vacant

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director   Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director   Chrissy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant   Joe Ball, Chief Investigator
Cheryl Fox, Inspector   Jane Gin, Inspector
Katie Baldwin, Inspector   Laura Elvers, Inspector
Brian Murch, Inspector   Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant   Kim Hartley-Arambula, Licensing Representative
Rene Sanders, Licensing Representative

Tom Cowan, Sr. AAG Board Counsel
Excused Absence: Christine Chute

Introductions – Executive Director, Marc Watt welcomed new employees, Kim Hartley-Arambula, Licensing Representative, Jane Gin and Brian Murch – Pharmacy Inspectors

Agenda Review and Approval

MOTION
Motion to approve the agenda was made and unanimously carried (Motion by Wells, seconded by Armstrong).

Contested Case Deliberation pursuant to ORS 192.690(1) - Not Open to the Public
III. EXECUTIVE SESSION – NOT OPEN TO THE PUBLIC, 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 11:05AM was made and unanimously carried (Motion by DeBarmore seconded by Wells).

MOTION
Motion to resume Open Session at 3:52PM was made and unanimously carried (Motion by Wells, seconded by Vipperman).

Employee Performance Review pursuant to ORS 192.660(2)(i).

MOTION
Motion to enter Executive Session pursuant to ORS 192.660(2)(i) at 3:56PM was made and unanimously carried (Motion by Wells, seconded by Armstrong).

MOTION
Motion to return to Open Session at 4:30PM was made and unanimously carried (Motion by DeBarmore, seconded by Armstrong).

OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the Board may convene Open Session to begin the scheduled agenda for April 6, 2017.

Approve Consent Agenda*

*Items listed under the consent agenda are considered 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 – none
2. MPJE Scores – none
3. License/Registration Ratification - February 7, 2017 - April 3, 2017
4. Extension Requests – none

MOTION
Motion to approve the Consent Agenda was made and unanimously carried (Motion by Chute, seconded by DeBarmore).

Adjourn
THURSDAY, APRIL 6, 2017

Kate James, R.Ph, Board President, called the meeting to order @ 8:34AM.

Roll Call
Kate James, President    Penny Reher, Vice President
Roberto Linares     Rachael DeBarmore
Ken Wells      Cyndi Vipperman
Dianne Armstrong      Christine Chute
Second Public Member position – vacant

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director   Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director   Chrisy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant   Joe Ball, Chief Investigator
Cheryl Fox, Inspector   Jane Gin, Inspector
Katie Baldwin, Inspector   Laura Elvers, Inspector
Brian Murch, Inspector   Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant   Rachel Melvin, Executive Support Specialist
Rene Sanders, Licensing Representative   Mo Klein, Project Manager
Kim Hartley-Arambula, Licensing Representative

Tom Cowan, Sr. AAG Board Counsel

Motions for Contested Cases & Disciplinary Action – Please see Motions for Disciplinary Cases at the end of this document.

GENERAL ADMINISTRATION

Rules
Review Rulemaking Hearing Report & Comments

Administrative Director, Karen MacLean recapped the Rulemaking Hearing Report and public comments. There was some discussion about a comment indicating that outlets would need to hire additional staff that may cost up to $200,000. Board Members were surprised by the large dollar amount claimed. Karen stated that she believed the rule intention was misunderstood and that the practitioners were under the impression that they had to hire additional staff and that’s the projected cost for a Pharmacist.

MOTION
Motion to accept Rulemaking Hearing Report was made and unanimously carried. (Motion by Chute seconded by Wells).

Consider Adoption of Temporary Rules - None

Consider Rules and Send Rulemaking Hearing

Division 010 – Criminal Background Checks

Administrative Director, Karen MacLean advised that after discussions internally, staff will bring additional information to consider along with this draft rule to a later meeting.

Division 041 – Auto Refill

Pharmacist Consultant, Fiona Karbowicz highlighted the components and read the revised language and asked for final comments and or questions. Board Members, Ken Wells and Cyndi Vipperman stated they agreed and liked the revisions. Fiona commented that she believes that this is a benefit to patients and their safety. Board Member, Christine Chute inquired about the next steps and Fiona stated that we will send it to a Rulemaking Hearing for public comment and then for a vote in June. It becomes effective when the Board decides, likely July 1, 2017 with a proposed twelve-month delay in enforcement.

MOTION
Motion to send Prescription Refill rules in OAR Chapter 855-041-1120 to rulemaking hearing was made and unanimously carried (Motion by Wells, seconded by Vipperman).

Division 065 - Wholesaler Reporting Requirement

Pharmacist Consultant, Fiona Karbowicz read the proposed language and asked for comments. Board President, Kate James asked about the oldest stock being used first and wanted clarification of what 5(a) is trying to accomplish. Board Member, Christine Chute asked why this is necessary to regulate and is the expectation for the distributor to rotate stock? Kate asked the Board if they wanted this language in the rule. The Board discussed removing the language, because most believed it’s a regular best practice in their business. Board Counsel, Tom Cowan asked for clarification if the Board is trying to put a procedure in place to account for the stock? He stated that we are asking for a procedure, if we eliminate it, the distributor doesn’t have to account for it all. Tom asked Fiona if it was necessary to have the language in (9) regarding “suspicious orders”. Fiona said it’s good to have it because it’s similar to DEA language and that Wholesalers are already required by the DEA to provide this information, so they can report it to the Board at the same time.

MOTION
Motion to send Wholesaler reporting rules in OAR 855-065-0010 to rulemaking hearing was made and unanimously carried (Motion by DeBarmore, seconded by Ken).

Consider Adoption of Rules - none

Policy Issues for Discussion

TCVP Rule Change Request
Pharmacist Consultant, Fiona Karbowicz explained that the Board is tasked with reviewing rules every 5 years. The Board received a request for language edits related to the TCVP rules that are set for a 5-year review later this year. Among the requests included, they propose reducing the number of doses required for initial validation process. Fiona stated that the rule was intended to maintain safety and free up pharmacist resources and stated that OBOP staff recommended no change in the 1500 doses required for initial validation. Board Member, Christine Chute stated that when they created the rule, they just landed on that specific number and thinks that rural hospitals have challenges and thinks the 1500 doses is a stumbling block and that we should reconsider this rule. Inspector Katie Baldwin clarified that this number was validated by a formal study the Board used when creating the TCVP rules in 2012. Board Vice President, Penney Reher, stated that at her hospital system the work is distributed very well and that the largest issue they face is staffing. Board Member, Roberto Linares is open to considering a revision if a smaller hospital can benefit. Penny said it would be a lengthy process to achieve this for smaller hospitals. Christine asked if we could do a trial period at a smaller hospital and perhaps report back to the Board in 6 months. Board Member, Ken Wells asked Board Counsel, Tom Cowan if we would need to add a waiver and Tom replied yes, an exception would need to be added to the rule to allow this consideration. Tom stated that our Board is innovative compared to other Boards across the country. Ken’s concern is that he is not sure they would have the right staff in place to do this and would need more man-power. Penny stated that it will not fit every hospital’s infrastructure, but she believes it might work for hospitals that fall right in the middle, but is not sure if the sample size is right.

Administrative Director, Karen MacLean said that she would compile all of the suggestions received to date on the one-year reports from existing TCVP locations. She anticipates staff will convene a group to review these rules for Board discussion in early 2018. Penny said that convening a group is important to learn how the TCVP process can be streamlined with patient safety at the forefront. Compliance Director, Brianne Efremoff stated it is patient specific, not an automated dispensing cabinet. Board Member, Dianne Armstrong’s concerned about the limits, if the Technicians can do one thing, can they do another? Penny stated that wristband ID barcode verification is what makes it safe, because if a nurse picked it wrong, or chose from the wrong bin or wrong stock, the wristband should catch it. Executive Director, Marc Watt stated that less than 10 hospitals are using this TCVP. He asked that we wait until legislative session is over before we address this because we might have some bills come through that will need new rules January 1, 2018. Roberto commented that the state of Idaho is allowing some of this in community pharmacy and that we should look at what Idaho is doing when we begin to explore this further. Marc asked the Board if they are looking for anything specific as the first outlet is up for renewal of their TCVP after five years of implementation in August. Nothing specific was identified.
Discussion Items

Waiver Requests – none

Tri-County Opioid Trends
Executive Director Marc Watt, reviewed the Tri-County Region Opioid Trend reports and statistics such as the latest PDMP downward prescribing trends. The impact of Naloxone is helping, as well as the writing habits are contributing to less prescribing. Board Member, Roberto Linares, stated that insurance providers are putting limits on opioids and are denying claims and noting that pharmacists cannot override and that’s frustrating. Marc stated that there is a bit of over-reaction from doctors and this has resulted in complaints from patients. There is a PDMP bill that would allow them to do outreach to help pinpoint over prescribing abuse, where it’s happening in a non-regulatory way, but we aren’t sure if the bill will pass. There is another bill that would limit opioids to a 7- day limit supply, which has not passed yet. Roberto stated that legitimate patients are being impacted.

Open Forum Procedural Discussion
Board President, Kate James addressed concerns about the current system used for open forum at meetings. She reviewed the current procedures in place and offered up a solution to address individual requests so they do not interfere with the pre-arranged agenda. Board Counsel, Tom Cowan stated that part of the issue is clarification of the proper approach to address issues with the Board. There are a variety of ways to bring things to the Board and sometimes it’s ok for certain types of requests, but stated that we need clarification on what is considered during open forum and using it in the proper way. It is not ok when a record needs to be created, there is a proper procedure and open forum isn’t the place. Kate reviewed the proposed updated language and procedure for requests to speak during open forum. Board Member, Christine Chute stated that we need to be flexible and Board Member Roberto Linares asked what is considered a formal request in our language; he’s not sure the public will understand what is and is not “formal”. He doesn’t want people to feel restricted and wants the public to self-identify themselves, before they submit their request or use open forum.

Tom explained that a formal request might be a complaint or request for waiver or accommodation, not just comments or statements. These types of request require that the Board be accountable to answer to the requests and it becomes a public record request and request for action. For example, a request to discuss a disciplinary action in open forum would not be appropriate. Tom continued to say that if the Board does not respond appropriately, we could be liable in certain situations. His concern is that there have been topics addressed or requested for discussion that are resolved or currently in process that have been brought up in open forum where information has been inconsistent and erroneously stated for the record and this is very concerning. Kate gave an example of a closed case where someone requested to appear before the board and wanted to explain and negotiate their case in open forum; this is not the right time or place for such an issue. Roberto wants to make sure the audience will still come forward. Tom stated that most Boards do not entertain open forum, and agreed that we are all for communication and that everything is informal until it’s not. His job is to protect the Board and stated that open forum is good for concepts, ideas, opinions, etc., and we want to help people find the right avenue. Roberto asked what other vehicles can people use if not open forum and Tom advised that people need to go through staff, not directly to the Board. Requests are then
processed by staff and determine if it’s legal, or if it’s a record request and that it’s always a best to go through OBOP staff to help figure out the best path. The Board is to consider things like a grand jury, to make decisions legally and appropriately and a record is created. There are a variety of ways for people to navigate the communication. Board Member, Ken Wells asked if the chair would interrupt the person or would Counsel if they realized that the comment is not appropriate for open forum.

Kate said that she wants to be proactive with our process, that we should be able to identify when to prevent someone from speaking in open forum. Tom, stated that the Board President is in control of terminating any speaker if needed and that we really want to educate the speaker and give the appropriate options available. Board Vice President, Penny Reher said that she appreciated all of the comments on this topic and said the Board might want to consider revising the language on our current proposed language to make it clearer, however no revisions were made and the Board agreed to try the new procedure starting that day. Going forward, a sign-up sheet will be available during the meeting for staff to review requests for open forum appropriateness.

**Board Meeting Start Time Discussion**
Executive Director, Marc Watt asked the Board about possibly starting board meetings in the future at a later start time such as 8:45 or 9:00AM due to increasing traffic congestion in the Portland area and challenges getting to the office. The consensus was that we do not change to a later start time. Marc thanked everyone for late start time for this meeting on day one and pointed out the cost savings to the agency in reduced hotel stay costs.

**Appearance**
Christopher Hamilton, PhD, MPA, Monitoring Programs Director,
Reliant Behavioral Health (RBH) Health Professional Services Program (HPSP) Update

Christopher Hamilton provided an update regarding RBH and the HPSP program as it relates to the Board. He touched on several items such as referrals, eligibility, contacting HPSP, costs, program requirements and non-compliance related issues. He then opened the floor for questions. Executive Director, Marc Watt asked if he could address the mental health referrals, they receive from other state health boards. Christopher provided statistical information including diagnosed gambling addiction issues and requirements.

Board Counsel, Tom Cowan stated that we are seeing new types of language in the evaluations, specifically in the way abuse is being defined and diagnosed, especially where marijuana is a factor. Christopher respond that in the last 6 months they’ve seen more THC positive results than in the last 6 years with other boards. He advised there is new terminology used including mild, moderate, to severe with multiple criteria. Marc asked about lower level licensees being able to afford the program. He advised that because the costs of the program is so high, OBOP does not include pharmacy technicians in the HPSP program. Christopher responded that they do offer a lower cost program for underemployed and un-employed candidates and factor in if they have insurance that is willing to cover the cost. Treatment providers often decide on what and who is covered. RBH does offer reduced cost panels and stated that dental technicians are included for the Board of Dentistry.
**ISSUES/ACTIVITIES**

Reports:

Board Vice President, Penny Reher highlighted the recent outcome in national news regarding the NECC case where contaminated drug killed more than 60 people and hundreds of illnesses resulted. A Pharmacist who was charged with 2nd degree murder; in March was convicted of racketeering and other charges. She said that luckily, in Oregon, it did not affect any patients and she stated “hats off” to our past Compliance Director, Gary Miner and staff, because they were aware of the concerns with this outlet and took action prior to potentially affecting Oregon citizens. She continues to be concerned about how compounders filled a niche because of the national shortfall of drugs and the future of compounding accessibility.

Member Ken Wells clarified a statement he’d made on Wednesday that his understanding is that the DEA requires controlled substances must be stored in a cabinet of substantial construction or throughout the pharmacy.

Members Kate James, Cyndi Vipperman, Diane Armstrong, Roberto Linares, Rachael DeBarmore, and Christine Chute had nothing to report.

Executive Director - Marc Watt has been spending most of his time in Salem for legislative activities. He continues remain informative in his comments to the Committees as requested by the Governor’s office and stated that he has a good relationship with the Health Advisor. A new public member for our Board has been identified but has not submitted an application yet and but expects that they will fast track the application when it’s received. The budget for the Fellowship with Pacific University School of Pharmacy was approved and Tim Frost was selected by Pacific to fill their position. Marc stated that this is the first Fellowship like this in the country. He thanked Chief Inspector Joseph Ball and Inspector, Cheryl Fox for handling the MPJE question drafting last month, especially since we have recently been short-handed in Compliance. He also thanked the entire Compliance team for their hard work.

Board Counsel – Tom Cowan stated that we are resolving a good number of cases, and mentioned how pleased he is with the seamless transition of our Compliance Directors and stated that Brianne Efremoff has a good reputation in the community. We have some large cases coming up, but we have also resolved some large cases recently.

Compliance Director – Brianne Efremoff stated that her team is finally full staffed and how pleased she is with the onboarding process and she thanked Chief Investigator Joe Ball and Inspector Cheryl Fox for all of their hard work on cases. She also thanked Inspectors Katie Baldwin and Laura Elvers for their help training the new staff. Brianne did a presentation with Board Member, Ken Wells at Lane County and she mentioned that they had a booth and visitors had excellent questions for her and Ken. She also gave a high-level report on HPSP agency activities.

Pharmacist Consultant – Fiona Karbowicz gave a brief report about a complex request received that she and Compliance Director Brianne Efremoff are evaluating. This is for a health system that desires to utilize a variety of innovative drug delivery processes, including new technology.
She mentioned that she could see some of the processes fit into Division 41’s Remote Processing and Central Fill. We will be assessing this and working with the health system to see their model fits the established rules. Additionally, the request incorporates new technology that will likely require rulemaking in the Automated Pharmacy System (APS) rules.

Fiona reported that she has been doing Naloxone outreach statewide and this is ongoing at a county level. She also reported that more states are coming online with contraceptive rules like ours, kudos to the Board. She’s been working on links for our website, busy helping to manage OSU meningitis outbreak and gearing up for the Fellowship Program to start in July. She reported that she is working with OSU on their new APPE-readiness curriculum.

Administrative Director - Karen MacLean has been working on the HPSP Statement of Work and Work Order Contract for the transition of HPSP from OHA to the Health Board’s new contract and is working closely with Executive Director, Marc Watt, Compliance Director, Brianne Efremoff and Compliance Assistant, Kim Oster. Karen announced that NABP is moving to an electronic version only for their newsletter starting in July 2017. We included this change announcement in the May newsletter and reach out to those that have asked to receive the printed newsletter that will no longer be available. Karen stated that going forward; we are also changing the Interested Party email distribution lists for the Agenda and Rules to a subscription. This will allow end users to manage their own subscription if they need to make changes or unsubscribe. We have included information about this change in the May Newsletter and will be sending this to the agency list-serve when the links to subscribe are ready on our website. This means that our customary practice to send a postcard to all licensees/registrants that may potentially be effected by proposed rules will be discontinued unless they specifically request to receive notice by paper through the US mail or subscribe to the Rulemaking Notices/Adoptions of Rules list. This information is being added to various outreaches for the spring and will also be sent via the agency list-serves. This change will result in a significant savings for printing and mailing costs as well as update the interested party lists in general. Karen shared that she’s also been helping with legislative fiscals and session activities, creating reports, busy with a variety of writing projects, handling some complex public records requests and that there is a lot of cross collaboration and ongoing training within the office.

Licensing Department Supervisor- Chrisy Hennigan reported that the Licensing team is also fully staffed now. We forget how many acronyms we use in our daily communication until we have someone new join the team. Kim is definitely getting up to speed with our “board speak” and getting a lot more comfortable with routing calls and answering questions. We just completed the pharmacy renewal cycle. Of the 1490 retail & institutional pharmacies, 528 or 35% of those renewed online. We had 30 in-state licensees that expired on 3/31. Five of those, still show as unpaid and the other 25 are just waiting for the pharmacies to respond with the information needed to renew their license. Sixty-five non-resident pharmacies expired.

We are coming to the end of the Community Health Clinic (CHC) license transition. We have several CHC’s that opted to register even though they do not currently have an RN that is dispensing. The rationale is that if they are registered, they could utilize an RN to dispense in the future.

Pharmacist biennial renewal notices went out in the mail on Wednesday. We have made a change in our notifications this year. Rather than sending out letters, we have switched to a postcard notifying them that the renewal is available online. We will also send out a list-serve
message later this week with additional renewal information such as the Renewal and Continuing Education FAQ’s. This change anticipated to save about two full days of staff time, not to mention the postage, envelopes and paper. The renewal went live last night and we have already had four people complete their renewal.

Chrisy also reported they are putting together FAQ’s for the audit this year. Because of the new biennial, two-year license cycle, we will be auditing approximately 1500 pharmacists this fall. The new eligibility process through NABP for testing kicked off last Saturday. NABP will now be evaluating all candidate’s eligibility to sit for the NAPLEX & Oregon MPJE. The new process allows graduates to schedule and take the licensing exams without waiting on prior approval from the Board. All of the information has been posted on the website along with the Pharmacist Application. Communication with both of the Oregon schools has occurred and NABP also notified the schools separately. She will have an update in June about how this is working for us.

Project Manager - Mo Klein will be attending a Project Management training over the next several months. Mo’s been working on gathering information to update our licensing software from L2k to MLO and working with the vendor regarding processes and timeline. She has been drafting legislative fiscal impact statements by reviewing various bills to identify the potential effect on agency resources.

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**Board Member/Staff Presentations**

Pharmacy Coalition – Marc attended 3/14/17 and stated that the Coalition is progressing well throughout Session; next meeting is 4/11/17.

Professional Practice Roundtable – N/A

Health System Outreach Meeting – N/A

Health Futures – Pharmacist Consultant Fiona Karbowicz and Compliance Director, Brianne Efremoff attended and presented at this meeting in Eugene on 2/17/17 where they discussed DEA, Controlled Substances, Best Practices and how the Board is a resource.

Pharmacist Consultant Fiona Karbowicz reported that she presented to 120 health practitioners at the Douglas County Pain Summit in Roseburg on 3/21/17, where she discussed Naloxone and drug take back and fielded many questions.

Southern OR CCO’s Naloxone & Drug Take Back Outreach - Pharmacist Consultant Fiona Karbowicz presented in Grants Pass and Medford on 3/21 & 3/22. 35-40 pharmacists attended an evening meeting to make it easier for people to attend and she presented the same information in Coos Bay on 4/11.

Marion Polk Yamhill Pharmacy Association – Law Update 4/6/17 – Fiona, Cheryl and Intern will be presenting.

PRN Annual Conference –Law Update/Naloxone – April 8, 2017, Inspector Cheryl Fox will be presenting. New Inspectors Jane Gin and Brian Murch will attend for orientation and training.
Linn Benton Pharmacy Association – Law Update 4/19/17, Pharmacist Consultant Fiona Karbowicz is scheduled to present.

May 6th, Pharmacist Consultant Fiona Karbowicz will be giving a general law update and speak about Naloxone at Kaiser Permanente.

Compartes/Meetings

OSPA Lane Co. Mid-Winter Mtg. 2/18-19/2017, Eugene, OR
Board Member, Ken Wells stated that Compliance Director Brianne Efremoff did a great job, while Inspectors, Cheryl Fox and Katie Baldwin oversaw the booth and overall they received good questions and positive comments. The naloxone presentation went very well and they were able to answer rule questions for participants, especially related to the new mandatory reporting rules relating to terminated employees. They also gave a general law update and participants were very appreciative.

OSHP 2017 Annual Seminar – April 28-30, 2017, Salishan – Executive Director Marc Watt and Compliance Director, Brianne Efremoff will both attend and will be available at a booth to field questions.

NABP Annual Mtg. 5/20-23/2017, Orlando, FL – NABP awarded an additional travel grant to the agency for an award the Board is receiving. The recommendation is to send Executive Director, Marc Watt. Board Member, Roberto Linares is in favor and agreed that Marc should attend this event. Marc shared that Representative Buehler will be speaking at a CE program at the meeting regarding contraception and advanced practice. All of the Board agreed that Marc should attend. As previously announced, Board Vice President Penny Reher will be attending as the Board’s voting delegate to this meeting. Administrative Director Karen MacLean reported that we received a travel grant to help defray the costs for the voting delegate. The Board was asked to speak directly to Penny and Marc if they have input related to resolutions or votes for the meeting. Karen also reminded the Board that they should submit their information if interested in being considered for the upcoming year for NABP Committees & Task Force volunteer opportunities.

APhA Institute on Alcoholism and Drug Dependencies 6/1-4/2017, Salt Lake City, UT – Brian Murch is scheduled to attend for training.

Board Meeting Dates

- June 7-8, 2017 Portland
- August 9-11, 2017* Portland (*3 day meeting)
- October 11-12, 2017 Portland
- November 8-9, 2017 Silverton (Strategic Planning)
- December 13-14, 2017 Portland
- February 7-9, 2018 Portland (*3 day meeting)
- April 4-5, 2018 Portland
- June 6-7, 2018 Portland
- August 8-10, 2018* Portland (*3 day meeting)
- October 3-4, 2018 Portland

Minutes – April 5-6, 2017
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Financial/Budget Report
Administrative Director, Karen MacLean stated that we are right on track with expenditures and are ahead on revenue as we move toward the end of this biennium. The Ways and Means Education Sub-Committee has completed their work and we are awaiting Full Ways and Means Committee for approval, the full House and Senate then on to the Governor for final approval and signature.

Legislative Update
Executive Director, Marc Watt advised that we are currently tracking 35 Bills and provided updates on the following:

- HB 2114 prohibits issuing initial prescription for opioids or opiates to adults for outpatient use in quantity exceeding seven-day supply and stated that an amendment is being considered to require licensees to follow state opioid prescribing guidelines; he anticipates it will pass.
- HB 2128 relates to pseudoephedrine, he believes this bill will not move.
- HB 2394 allows participating health boards to refer licensees to HPSP for monitoring who have been convicted of certain alcohol and drug related crimes; no hearings scheduled.
- HB 2395 relating to prescription labels; no hearing is scheduled.
- HB 2517 relates to PDMP and sharing information with other states etc.; no hearings scheduled.
- HB 2518 relates to PDMP and requires pharmacy to report de-identified information upon dispensing prescribed Naloxone; a public hearing was held; no action since then.
- HB 2527 adds two new categories that were left out of original contraception bill. This will allow pharmacists to prescribe and dispense self-administered hormonal contraceptives such as NuvaRing and Depo-Provera, but would not allow Norplant. A Public Hearing was held and we anticipate this moving to the Senate soon. He anticipates it should pass and there may be an amendment to be able to charge for the pharmacist / pharmacy service.
- HB 2645 relating to Drug takeback program; it’s written vaguely, there is a potential option would pair us up with DEQ, they would collect the funding and pay for kiosk, transportation and destruction of product.
- HB 2397 related to the Public Health & Pharmacy Formulary Advisory Committee passed House, no know opposition; he believes it will pass.
- SB 50 relating to pain management CE requirements, an amendment will remove Pharmacy Technicians from this requirement and remove ongoing CE that is proposed.
- SB 743 relating to dextromethorphan passed the Senate and is now going to the House, re: prohibits retail sale to people 17 years of age or under.
Strategic Planning

Administrative Director, Karen MacLean secured the Oregon Garden Resort for the upcoming November meeting as requested. She needs some direction on whether or not the Board wants to use a facilitator and if the meeting should be 2 days. Board President, Kate James asked the Board if they wanted a facilitator and Board Member, Roberto Linares asked how much the facilitator costs for this meeting. Board Member, Christine Chute stated that she likes someone from the outside that is unbiased and Board Vice President, Penny Reher stated she likes the skillset of a professional facilitator. Board Member Dianne Armstrong stated she likes that they don’t bring their own drama with them and keeps us on track and Board Member, Cyndi Vipperman said she wants a facilitator. Karen stated that we use the DOJ approved list for Alternative Dispute Resolution and Meeting facilitators that have contracted with the state and we look for someone who has experience with a regulatory health board. Executive Director, Marc Watt stated that if we are revisiting the Technician piece from the last meeting, we will want continuity rather than starting from scratch. Board Member, Ken Wells thinks we have to address the Technician topic and it must continue to progress. Roberto thinks we should explore our options and consider last year’s facilitator if we continue Technician topic. Karen will work with Board President Kate James to send the Board a list of topics to prioritize for consideration for this year’s meeting and follow up on facilitators.

OPEN FORUM
Pursuant to the conversation earlier in this meeting, Board President Kate James revisited the newly changed format for Open Forum and reviewed the sign up sheet.

Jackson Leong, from Payless addressed the Board with questions about the MPJE. He wanted to know if an applicant is able to know what questions they miss and how to help licensees learn what they are getting wrong on the exam. He acknowledged that it could lead to cheating on the test.

Kate thanked him for his comment. Seeing no others interested in commenting, she called for the meeting to adjourn.

Adjourn

MOTION
Motion to adjourn at 1:46PM was made and unanimously carried (Motion by DeBarmore, seconded by Armstrong).

Accepted by:

Marcus Watt, R. Ph.
Executive Director
Executive Session of the Board was held on Wednesday, April 5, 2017 to discuss Compliance cases, followed by motions on Thursday, April 6, 2017. Working lunch held on April 5, 2017.

Board Members present for all or part of compliance session:
- Kate James, R.Ph., President
- Penny Reher, R.Ph., Vice President
- Christine Chute, Public Member [arrived 12:30pm on Wednesday]
- Rachael DeBarmore, R.Ph
- Roberto Linares, R.Ph
- Kenneth Wells, R.Ph
- Dianne Armstrong, CPT
- Cyndi Vipperman, CPT
- Public Member - vacant

Staff present for all or part of compliance session:
- Brianne Efremoff, R.Ph., Compliance Director
- Joe Ball, R.Ph., Chief Investigator
- Katie Baldwin, R.Ph., Board Inspector
- Laura Elvers, R.Ph., Board Inspector
- Cheryl Fox, R.Ph., Board Inspector
- Jane Gin, R.Ph., Board Inspector
- Brian Murch, R.Ph., Board Inspector
- Marcus Watt, R.Ph., Executive Director
- Karen MacLean, Administrative Director
- Fiona Karbowicz, R.Ph., Pharmacist Consultant
- Chrisy Hennigan, Licensing Program Supervisor
- Annette Gearhart, Compliance Secretary
- Kim Oster, Compliance Assistant
- Rene Sanders, Licensing Representative
- Kim Hartley-Arambula, Licensing Representative
- Thomas Cowan, Senior AAG

Cases 2017-0037  Motion to ratify signed Stipulated Consent Order.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2015-0316  Motion to accept Stipulated Consent Order surrendering license.
Motion by: Kenneth Wells; Seconded by: Rachael DeBarmore. Motion carried with Penny Reher recused.

Case 2014-0292  Motion to grant request.
Motion by: Rachael DeBarmore; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2014-0195  Motion to deny request.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2013-0353  Motion to grant request, reduce UAs to 12/year.
Motion by: Rachael DeBarmore; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2016-0525  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0019  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0088  Motion to revoke outlet license and impose a $10,000 civil penalty per violation;
Case 2017-0115  Motion to revoke outlet license and impose a $10,000 civil penalty per violation; and
Case 2017-0089  Motion to revoke pharmacist license and impose a $1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2016-0579  Motion to impose $10,000 civil penalty per violation and $4,500 civil penalty stayed in 2014-0298 against outlet;
Case 2017-0116  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0047  Motion to deny pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Rachael DeBarmore; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0007  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2016-0547  Motion to deny technician license.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0040  Motion to deny technician license.
Motion by: Rachael DeBarmore; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0008  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Rachael DeBarmore; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0009  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0005  Motion to grant technician license.
Motion by: Rachael DeBarmore; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0032  Motion to grant technician license.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0031  Motion to close with Board direction.
Motion by: Rachael DeBarmore; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0021  Motion to suspend technician license for a period of 30 days and impose $1,000 civil penalty per violation against technician.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion carried with Roberto Linares opposed.
Case 2016-0584  
Motion to suspend pharmacist license for a period of 7 days and impose a $1,000 civil penalty per violation and close case with Board direction.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion carried with Roberto Linares opposed and Rachael DeBarmore recused.

Case 2016-0493  
Motion to impose $1,000 civil penalty per violation against pharmacist.
Motion by: Cyndi Vipperman; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2017-0059  
Motion to revoke technician license and impose $1,000 civil penalty.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0072  
Motion to revoke technician license and impose $1,000 civil penalty.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0073  
Motion to revoke technician license and impose $1,000 civil penalty.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0029  
Motion to close with Board direction.
Motion by: Kenneth Wells; Seconded by: Christine Chute. Motion unanimously carried.

Cases 2016-0451, 2017-0020 and 2017-0027  
Motion to close with Board direction.
Motion by: Rachael DeBarmore; Seconded by: Dianne Armstrong. Motion unanimously carried.

Cases 2017-0012  
Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Motion to deny technician licenses and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion to accept the items on the consent agenda with case 2017-0029 pulled for discussion.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.

Cases Closed with Board Direction: