

**BOARD MEETING MINUTES**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street, Suite 150**  
**Portland, OR 97232**  
**August 12 - 13, 2008**

<b>Tuesday, August 12, 2008 @ 8:30 AM, Conference Room 1A</b> <b>Wednesday, August 13, 2008 @ 8:30 AM, Conference Room 1A</b>
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**Tuesday, August 12, 2008**

Cathryn Lew, Board President, called the meeting to order at 8:40 AM.

**Roll Call**

The following Board Members were present:

Cathryn Lew, President	Lee Howard, Vice President
Ann Zweber	Linda Howrey
Larry Cartier	Dianna Pimlott
Bernie Foster	

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director	Jennifer Pickens, Compliance Assistant
Karen MacLean, Administrative Director	Jennifer Zannon, Inspector
Gary Miner, Compliance Director	Meg Aulerich, Inspector
Chrysy Hennigan, Office Manager	Katie Baldwin, Inspector
Joe Ball, Chief Investigator	Ed Schneider, PRN Director
Paige Clark, Pharmacist Consultant	Pam Aldersebaes, PRN Assistant
Annette Gearhart, Compliance Secretary	Tom Cowan, Board Counsel
Gregg Hyman, Inspector	Loretta Glenn, Management Secretary
Tony Burt, Project Manager	

Board President, Cathryn Lew, introduced new Board member, Larry Cartier to the Board members and staff and read Larry the installation speech. The Board and staff welcomed Larry and he expressed that he is happy to be serving on the Board.

**MOTION**

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

**MOTION**

**Motion to enter Executive Session was made at 8:47 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 and unanimously carried (Motion by Howard, second by Foster).**

**MOTION**

**Motion to exit Executive Session was made at 2:35 PM to enter back into Open Session was made and unanimously carried (Motion by Howard, second by Foster).**

Compliance Director, Gary Miner, read compliance cases for Motions.  
Please refer to Compliance Minutes for Motions.

In the interest of time, the Board members elected to begin the Wednesday agenda items.

## **Reports: Board President/Members & Staff**

Board member, Ann Zweber, reported that she attended her first meeting on the Governor's Advisory Committee on DUII in Salem. The primary subject discussed was the need to get a list of prescription drugs which may cause impairment included in the statutes.

Board member Linda Howrey discussed her attendance at the IPAT meeting. The main topic discussed was their Strategic Plan. Linda offered to give materials which describe IPAT to anyone with more interest.

Board member, Dianna Pimlott, stated that she participated in a teleconference with the Oregon Association for Hospitals and Health Systems (OAHHS) Medical Reconciliation Council by teleconference where we discussed a statewide standard tool for medication reconciliation.

Board Counsel, Tom Cowan, reported that there are current, ongoing discussions occurring regarding the status of impaired professional programs. As Board Counsel to a number of agencies he is tracking the proposals.

Administrative Director, Karen MacLean, announced that the Pharmacy Board Receptionist position is filled. Aubrey Buck started at the end of July. Jennifer Pickens accepted the part-time Compliance Assistant position, and all agency positions are currently filled.

Karen continues to work on the budget and the next priority is to prepare the final documents for the Agency Request, due no later than September 1, 2008. There are a number of documents which must be completed to include: narrative, affirmative action plan, diversity statistics, annual performance measure report, etc. Executive Director, Gary Schnabel and Office Manager, Chrisy Hennigan will assist with preparation of these documents. As discussed in July, this request will only include the base budget without policy packages. The 2007 Compliance Statistics will be included in the budget binder. Pharmacy Intern, Sean Toyooka from OSU assisted with the Compliance Statistics project. He gave a presentation of this information to staff last week during the Summer Intern Recognition lunch funded by the Management Staff and Inspectors. It was an opportunity to thank the great group of student-interns who have done a tremendous amount of work. They are finishing their time with the Pharmacy Board during the next few weeks and will be missed.

For the record, Karen noted that per the Board's request, the Board meeting was the first, almost entirely electronic, paperless Board meeting. She acknowledged and thanked Office Manager, Chrisy Hennigan and Management Secretary, Loretta Glenn who diligently prepared documents for this meeting. There was also discussion about the timing and the process involved which will hopefully be easier for the next meeting.

In addition, the August 2008 Board Newsletter contains the first article announcing the Board's transition to the e-newsletter which will begin February 2009. The online link to subscribe is available now.

Licensing Representative, Courtney Frank attended a recent NABP licensing training session in Chicago. The NABP invites and funds one staff person to attend this session each year. The training provided an update on access to score and eligibility information as well as a variety of other licensing subjects to include information specific to outlets, wholesalers, VAWD, and Internet Pharmacies. Courtney was able to discuss some of the challenges we continue to have with licensure and current requirements with NABP staff and Executive Secretary. Courtney will continue to work with staff to identify a way to clearly accredit these outlets.

## **MOTION**

**Motion to enter Executive Session at 3:15 PM for the purpose of contested case deliberations pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Howard, second by Howrey).**

## **MOTION**

**Motion to exit Executive Session was made at 3:50 PM to enter into Open Session and was unanimously carried (Motion by Howrey, second by Foster).**

PRN Director, Ed Schneider, reported that there are currently 80 clients in the PRN program. Ed has had discussions with representatives from other states regarding their PRN issues. There has been some discussion to move in the direction of having a 10-year contract in some cases for those clients with challenges that require additional monitoring.

The Board also discussed the legislative proposals that may impact impaired providers in the state. Executive Director, Gary Schnabel, reported that the Governor's office and Interim House Health Care Committee agree that Boards should be the "gatekeepers." The Governor would like the monitoring programs to review an individual's violations, and cases would be kept confidential from the Board as there is a perception that Boards may be protecting "their own." If this legislation is adopted, existing PRN employees would potentially be moved to an agency located outside of the Board.

## **Financial Update Budget Development & Spending & Revenue Options Discussion**

### Financial/Budget Discussion

Administrative Director, Karen MacLean, presented an overview of the Board's financial biennial operating budget using slides and hand-outs, beginning with Key Expenditure drivers from 1997 through the present.

Board Counsel, Tom Cowan, said that it would be interesting to see a break down of AG hours billed for different categories/services provided for the number of hours paid. Technician licensees have the same amount of due process and staff work load as the Pharmacists with only a modest return. The staff and Board members discussed the time consuming procedures involved with processing Technician applications which are also the least revenue producing licenses issued. Project Manager, Tony Burt, stated that some other State Pharmacy Boards "initial" license fees are higher than "renewals" and many have gone to a two-year license instead of one-year.

The Board had a lengthy discussion about raising various fees; some Board members strongly feel that our fees are not high enough. There was also discussion about multiple year licensure, inspection fees, and administrative fees. The Board inquired if there were documents which show cost savings measures. Karen said that staff has compiled this information and can email it to the Board members. There was also discussion about how other Boards manage and staff their agencies. Many have moved towards web only customer service. The Oregon Board is often complimented on availability of live staff to respond to callers.

The Board members and staff discussed revenue options, suggesting adding administrative fees for the other services provided by the Board such as mailing duplicate license renewal forms and license verifications. Karen added that there are also untouchable budget expenditure categories that cannot be reduced such as State government service charges; however, Board member, Larry Cartier, agreed with Ann Zweber that other cost saving opportunities should be evaluated. Board Vice President, Lee Howard, proposed also identifying

the impacts that any reduction would make. Gary Miner reminded the Board members that the new rule requires all Wholesalers to be inspected, which will impact Compliance workload.

The Board asked for some additional information and a specific proposal on fee increases and will meet again before the end of the month to finalize a revenue plan for the 2009-2011 biennial budget.

## **MOTION**

**Motion to adjourn at 5:40 PM was made and unanimously carried (Motion by Zweber, second by Foster).**

## **Wednesday, August 13, 2008**

Cathryn Lew, Board President, called the meeting to order at 8:33 AM.

### Roll Call

The following Board Members were present:

Cathryn Lew, President  
Ann Zweber  
Larry Cartier  
Bernie Foster

Lee Howard, Vice President  
Linda Howrey  
Dianna Pimlott

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director  
Karen MacLean, Administrative Director  
Gary Miner, Compliance Director  
Chrisy Hennigan, Office Manager  
Joe Ball, Chief Investigator  
Paige Clark, Pharmacist Consultant  
Tom Cowan, Board Counsel  
Tony Burt, Project Manager

Jennifer Pickens, Compliance Assistant  
Jennifer Zannon, Inspector  
Meg Aulerich, Inspector  
Katie Baldwin, Inspector  
Michele Cale, Inspector  
Pam Aldersebaes, PRN Assistant  
Gregg Hyman, Inspector  
Loretta Glenn, Management Secretary

## **Reports and Meetings**

Compliance Director, Gary Miner, reported that 51% of pharmacy inspections are complete, and the current compliance rate is 74%. 183 Pharmacists have now attended the PIC training. More new graduates are also starting to take the PIC training.

There is a two-tiered inspection system under consideration. One is a quick inspection, and if deficiencies are found, the pharmacy will have a long inspection the following year. Previously inspected pharmacies which had too many deficiencies would also have a long inspection. An additional time commitment by staff is now required to also inspect "Wholesalers."

Miner also informed the Board that the Compliance section had a one-day off-site meeting to discuss goals setting, inspections and questions.

Pharmacist Consultant, Paige Clark, reported the next Pharmacy Practice Roundtable meeting will be September 9th. The Pharmacy Legislative Coalition will also meet at this time. Board members Larry Cartier and Linda Howrey will attend to represent the Board.

Paige also reported that she is working on an educational symposium for physicians about a Prescription Monitoring Program (PMP). It is tentatively scheduled for this fall to discuss prescription monitoring programs and pain management.

Finally, Washington State is conducting a state-wide initiative on assisted suicide and is looking for guidance from the Oregon Board; Paige and Gary Schnabel are working to provide information and answer questions about pharmacist experience with the Oregon Death With Dignity Act.

#### Board Meeting Dates 2008

October 14 -15, 2008	Eugene
December 1 - 2, 2008	Portland

#### Board Meeting Dates 2009

January 20 - 21, 2009	Hillsboro
April 7 - 8, 2009	Portland
June 9 - 10, 2009	Portland
August 11 - 12, 2009	Portland
October 13 - 14, 2009	Portland
December 1 - 2, 2009	Portland (revised)

Board President, Cathryn Lew, discussed Board meeting dates for 2008 and 2009. Due to a conflict, the Board changed the meeting scheduled for December 9 -10, 2009 to December 1- 2, 2009. In addition, at the October 2008 meeting in Eugene, on Tuesday evening the Board is working with the Lane County Pharmacist Association to have an educational meeting.

### **Committees/Meetings**

#### National Association of Boards of Pharmacy (NABP)

Executive Director, Gary Schnabel and Board President, Cathryn Lew, will attend the District VI, VII, VIII NABP meeting mid September. Cathryn plans to run for a second term on the NABP Executive Committee and will seek the nomination at the District meeting. Cathryn reported she will serve on the TOEFL iBT Task Force as Executive Committee Liaison on October 28-29 in Chicago. Gary will attend the Annual NABP Committee Interim Budget and Finance conference on October 1-2 in Chicago where he will also present his plans for the year as NABP President. In their capacity as NABP Executive Committee members, NABP covers all travel expenses for these meetings.

#### Oregon Health Care Workforce Initiative (OHWI) Committee

Administrative Director, Karen MacLean reported that she attended the monthly meeting of the OHWI in July. The group continues to refine information for the Interim Senate Health Committee. OHWI staff met with Executive Directors and key staff to determine where each agency is in relation to online renewals and demographic survey data information. Gary Schnabel added that the Committee discussed the task of how to get the data gathered, give attention to an on-going collection system and determine whether there is a profession staffing shortage. The information and recommendation will go to the Interim Senate Health Care Committee. The committee will meet again in September and then turn-in their report.

#### Interim House Health Care Committee

Gary Schnabel, Karen MacLean and Paige Clark attended the Interim House Health Care Committee meeting on July 8, 2008. The committee discussed a number of legislative proposals

they are considering that may impact Boards and Commissions as well as health related licensing Boards.

#### NACDS Pharmacy & Technology Conference

Board President, Cathryn Lew, will attend the NACDS Pharmacy and Technology Conference in San Diego on August 23 - 27, 2008. Her primary goal is to set up meetings with chain drug outlets to discuss patient safety initiatives. Jim Dameron from the Oregon Patient Safety Commission will also join her. Additionally, Cathryn will attend some of the conference education sessions.

#### OSPA Convention

Board Member, Linda Howrey, Paige Clark and Gary Miner will speak at the September Annual Convention. Gary and Paige will present to Technicians on what duties can and cannot be done as Pharmacy Technicians. Linda and Paige will present "The Expanding Role of the Pharmacist - New Horizons" and discuss the Board's perspective on the Law CE.

#### Meth Task Force

Executive Director, Gary Schnabel and Pharmacist Consultant, Paige Clark, attended the Meth Task Force Meeting on July 11th. The task force identified their five priority bills: Metal Theft; Hidden Compartment; On-line Pharmacies; PMP; and E-prescribing of C-II Rx's.

#### National Association of State Controlled Substance Authorities (NASCSA) 2008 Annual Meeting

Gary Schnabel hopes to attend the NASCSA meeting and network with FDA and DEA personnel. The preliminary schedule was given to the Board to review. There is a \$1,000 travel grant available for this meeting that Gary has applied for. If awarded, the balance will be paid by the Board. The Board said he should attend if the grant is awarded. If we don't get the grant, it will be discussed.

### **General Administration**

#### Disclosure of Disciplinary Records

As the Board requested in June, Administrative Director, Karen MacLean, provided an update and a plan to prepare posting disciplinary records on the Board's website. Grant Moyle, IT Consultant, worked with staff to identify the process and requirements necessary to establish this link. To date, the documents have been identified; summer interns scanned redacted orders which were renamed back to January 2007. The more challenging technical aspect is with entering this information into the L2K database and Pharmacy Board website. The database field or the website connection has not been worked out yet which Chrisy and Grant plan to address. Karen hopes to provide more information on this topic at the October Board meeting. The Board members asked questions about exactly what type of information would be disclosed; for example, discipline for failure to meet CE renewal requirements or all notices of proposed discipline action and orders. Staff understood that the Board agreed to put all notices and orders on the website regardless of the severity of the violation. The Board asked staff to transcribe the June discussion for further review in October for clarification on this issue.

The Health Care Committee would like the information to be transparent to the public and eventually go back as far as the year 2000 if possible. Board Counsel, Tom Cowan, added that he recollected the topic being about "how" the public would access this information. With this information on the website, the public will have immediate access to these public records.

A lengthy discussion ensued about how names and disciplinary actions would be added to the Pharmacy Board's Newsletter or Minutes or by either of these means. At this point, the Board

members decided to focus on getting the information entered on the Pharmacy Board's website and will revisit this topic at a later time. However, Board members expressed the desire to add only brief examples to the Board's Newsletter if at all.

#### Prescription Monitoring (PMP) Update

Pharmacist Consultant, Paige Clark, stated that the Educational Outreach Symposium is tentatively scheduled for November 14th in Portland. Representatives from three states will be there to discuss their programs, and there will be a Pain CE offered for physicians. The Oregon Pain Commission will conduct a separate Round Table discussion for the purpose of reviewing proposed legislation with interested stakeholders.

Paige and Gary Schnabel went to Roseburg for a work session meeting with legislators interested in this issue. Administrative Director, Karen MacLean is working with Gary to update the scope of the federal grant which was extended to July 31, 2009. The Board must revise the original grant budget to accurately reflect where these federal funds may be spent over the next year as the plan is outdated since being approved in 2004. A bulk of the remaining planning funds will be used to pay for the upcoming education program this fall that Paige described.

#### Intern Research Council Report and discussion

There was a discussion about Intern licensure, when applications should be submitted and how long a license should be valid. The Board asked for additional information on other states' policies. This issue will be revisited at the next Board meeting. Also, the Board discussed what oversight they should maintain over clerkship sites.

#### OSU & Pacific University Exception and Site Requests

Administrative Director, Karen MacLean presented the Board with nine exception requests for the preceptor to intern ratio at approved clerkship sites. Most of these are continuation requests.

Pacific University requested to add additional clerkship sites to their Board approved site list throughout this school year. The Board members agreed to allow addition of these sites.

OSU's 4th year clerkship sites were late as they have been without a Director of Experiential Activities. The position has since been filled. The students have been at some of these experiential sites since June, therefore the Board may allow retroactive approval (June 2008-2009). With the exception of one site, there appears to be at least one valid preceptor per site. The following list also identifies a number of people which are not preceptors or pharmacists and may be part of OSU's recordkeeping:

#### **MOTION**

**Motion to approve eight exception requests and OSU/Pacific University Clerkship sites retroactive to June 2008 was made and unanimously carried (Motion by Cartier, second by Howard).**

The Board will revisit the final request for exception at a later date.

#### Medication Error/Patient Safety Research Council

Pharmacy Consultant, Paige Clark and Jim Dameron, attended a very productive meeting about a reporting mechanism change. The subcommittee was attended by Board Counsel, Tom Cowan and Gary Schnabel. Additional information on this topic will be brought to the October Board meeting.

Jim Dameron from the Oregon Patient Safety Commission spoke on the proposal done to improve the quality of medication safety and reduce medication errors in Oregon. The Commission will continue to discuss new incentives with pharmacies in other states.

The Commission is working with ISMP to develop a reporting system which would allow pharmacies to report to one source. Jim Dameron reported that a firewall was created to encourage pharmacies to report medication errors, without creating a probability of disciplinary action by the Board.

One of the firewall challenges is that there is no way to validate the actual reporting by the pharmacies to the Commission. The Board members discussed how the Board would use pharmacies' participation in Commission data collection as a mitigating factor in disciplinary action. Board Counsel, Tom Cowan, understood that this information was to be kept confidential, protected from the Pharmacy Board's overview. The Commission can remove non-reporting participants from the program. The purpose of the system is to pool, share data, and learn about serious incidents. The data will also be used to prepare a future course for Medication Safety. This program and recruiting effort for participation by pharmacies is in the formative phase. The Board would like a report on this topic at a later date.

Board members discussed the recommendations for "Optimizing Patient Safety and Reducing Medication Errors" document. There was some discussion about proposing to have another subcommittee for error reduction in institutional settings. The Board agreed that this subcommittee would be beneficial. The subcommittee will look at in-patient medication safety issues. Dianna Pimlott will head this subcommittee. Board President, Cathryn Lew offered to take comments or questions the Board may have to the Council.

Cathryn asked the Board to approve the "Optimizing Patient Safety and Reducing Medication Errors" document as it is written. Marc Cecchini thanked Cathryn for characterizing the document as a "position paper" rather than as a rule. Dianna stated she would like to move this forward to the website. Cathryn said she and Paige will draft a cover page for the Optimizing document and send it to the Board members and the Research Council to review. The cover page will be included with the DRAFT document on the website. The Board agreed to present the document as it is written to the next Roundtable professional practice meeting.

Former Board member, Marc Watt from Safeway, voiced that this document should be reviewed by a larger audience and the Board agreed. It was decided to put the Optimizing document in the "What's New" section of the website rather than the "Position Statements" section since it was still a DRAFT and had not yet been adopted by the Board as a position statement.

#### Staff Policy Questions

Compliance Director, Gary Miner, stated that although there were no staff policy questions at this time, there is a question for discussion. Miner asked the Board to clarify the appropriate type and documentation of counseling for hospice and home IV patients. The Board discussed this issue and determined that written counseling material may be given to the patient, and the pharmacy should document the use of written material.

#### Medication Therapy Management Research Council

Board member, Linda Howrey, reported that she felt the work of this Research Council was over. The Council felt that the language expanding the regulation of MTM originally included in Division 19 rules, but deleted in January, should now be re-inserted if it fits with the Board's approval. She proposed two motions.

## **MOTION**

**Motion to disband of MTM Research Council and send thank you letter to Council participants was made and unanimously carried (Motion by Foster, second by Howard).**

## **MOTION**

**Motion to adopt OAR 855-019-0250 as revised for adoption at the next rulemaking opportunity was made and unanimously carried (Motion by Pimlott, second by Foster).**

### Oregon Drug Take Back Action Group

Project Manager, Tony Burt, reported on the June "Convening Meeting" chaired by Representative Dingfelder, that he and Board President, Cathryn Lew attended. He reported that while many of the leaders of the stakeholder group favor a legislative mandate to force the drug manufacturers to institute a product stewardship drug take-back program, most of those from the state agencies do not have the authority to support such legislation. Likewise, most of the non-government agencies involved do not have the funding or the authority from their governing boards to support a lobbying effort. For a number of people, it is problematic that the percentage of drugs in water that come from "flushing," is probably miniscule compared with that from normal human excretion and agricultural use. This is industry's main argument in opposition to the proposal. Nevertheless, representative Dingfelder is proposing legislation and has developed a concept that she is taking to the Legislative Counsel.

### Emergency Planning Rules

Compliance Director, Gary Miner and Pharmacist Consultant, Paige Clark presented the proposed Emergency Preparedness draft rule which will be a new Division 007. The rules have been developed to allow distribution of drugs during a Governor's declared emergency. This includes bringing out-of-state pharmacists into Oregon for assistance if needed. The Board will review the draft rule and discuss this topic again at the October Board meeting. The plan is to file the proposed rule in January 2009. Kathy Scott, from DHS Public Health worked with Gary Miner and Tony on this draft rule.

This may be accomplished at sites other than POD locations. The mass disaster language was drawn in part from Texas State and their previous disaster experiences.

These rules are intended to replace existing rules during a declared emergency.

### Request to review reference requirements

Pharmacist Consultant, Paige Clark, received a request from an Oregon pharmacist concerned about access to online pharmacy reference materials in the pharmacy. The request pointed out that many stores do not have or allow internet access for reference materials that are no longer available in hard copy. Board members requested that Paige research which pharmacies have access to the Pharmacy Board website and report back. Dick Glatt from Target and Lis Houchen from NACDS also offered to assist with gathering information. The Board also suggested this would be a good Round Table discussion item.

### University Of Findlay School Of Pharmacy requested approval for online immunization training.

Compliance Director, Gary Miner, presented information on this request for the Board to consider. This is consistent with other programs the Board has approved.

## **MOTION**

**Motion to approve the University of Findlay School of Pharmacy training request was made and unanimously carried (Motion by Howard, second by Zweber).**

Harney District Hospital requested a waiver for their compounding aseptic isolator to be certified annually as apposed to semi-annually.

The Board discussed this request and did not approve this waiver.

## **MOTION**

**Motion to deny the Harney District Hospital waiver request was made and unanimously carried (Motion by Howard, second by Pimlott).**

### DEA new e-prescribing proposed rule

Executive Director, Gary Schnabel and Compliance Director, Gary Miner discussed the proposal to allow for e-prescribing of controlled substances with Board members. This rule is open for comment until late September 2008 and is expected to eventually go through the process of becoming a rule. Board members did not notice anything as essential to "comment" on in the draft rule, and Board President, Cathryn Lew, asked Board members to submit comments before the September deadline if they have any concerns.

### Pharmacy Technician Update

Administrative Director, Karen MacLean provided the Board with an updated hand-out on the current statistics for the Certified Oregon Pharmacy Technician licensure transition deadline of October 1, 2008. The number licensed or in the application process is 3597.

ICPT has a total of 1095 nationally certified Technicians with Oregon as their home state; 812 of those certified in 2008. Their Oregon passing rate is 87%.

PTCB has 3166 nationally certified Technicians with Oregon as their resident state; 426 certified in 2008. Their passing rate is 82%.

Staff mailed a "Final Notice" last week along with an application to 2494 Pharmacy Technicians that have not made the transition. We expect at least half of these Technicians' licenses to lapse. This conclusion is based on past history and the number of previously mailed, returned applications received earlier this year.

Board member, Ann Zweber thanked Karen and the licensing staff for their excellent, quick processing of Technician' licenses.

Board President, Cathryn Lew stated that she had contacted ICPT concerning seating availability and the new on-line electronic testing vendor. There were some delays reported to the Board office.

### Medication Counseling

Ann discussed medication counseling with Board members. The Board would like inspectors to provide a report on the current counseling procedures that pharmacies use. It was suggested that different standards and expectations exist at the different practice settings (retail verses institutional) concerning medication counseling. The Board members agreed that it would be good to publish a document clarifying counseling. It may be helpful to publish a newsletter article which emphasizes the importance of having a documented procedure for counseling and why it's important.

Board President, Cathryn Lew, referred this counseling issue to Board member, Dianna Pimlott as previously discussed.

#### Delegation of Authority Update

Compliance Director, Gary Miner, discussed the revisions to the Delegation of Authority Grid. This update incorporates the Board's delegation for staff to deal with wholesaler applications and renewals as discussed at the June 2008 Board meeting.

#### **MOTION**

**Motion to approve adding wholesalers to grid was made and unanimously carried (Motion by Howrey, second by Zweber).**

Gary also requested to update the grid to reflect the new statutory limitation to discipline outlets up to \$10,000 as it applies.

#### **MOTION**

**Motion to approve adding new statutory limitation for outlet discipline to the delegation of authority grid was made and unanimously carried (Motion by Howrey, second by Zweber).**

#### Florida Reciprocity Change

Executive Director, Gary Schnabel, informed the Board of Florida's legislative change to their Reciprocity law to remove the requirement for NAPLEX within 12 years from the date the transfer application was filed. Oregon can now freely reciprocate with Florida pursuant to ORS 689.265 (2).

#### House Interim Health Care Committee / Governor's Legislative Concepts

Administrative Director, Karen MacLean, and Executive Director Gary Schnabel reviewed the various legislative proposals that relate to health regulatory boards that are being considered. Gary commented that the Governor's office is preparing their own version of similar Legislative Concepts, but they are not available for review. All of the Boards have been asked to review proposed testimony with the Governor's office prior to testifying. The Board would like continued information on this topic.

Gary Schnabel and Karen will attend the September 16th meeting and find out what happens with the Impaired Licensee Discussion. Gary said that money the Board ear marked for PRN may be required to pay for this treatment program. Board Counsel, Tom Cowan, added that the proposed language needs to be analyzed by the Board to address the realistically complicated nature of these treatment plans and programs.

#### Housekeeping Concepts - Definition of Retail

The Board members and staff discussed the request to revise the statutory definition of the word "retail." An option would be to revise it to "community." Compliance Director, Gary Miner, would rather see the word "ambulatory." The idea is who you are taking care of, whether it's an ambulatory/outpatient individual or one living at an Adult Care setting. The Board members liked the word "community" and the definition of the word was discussed. Project Manager, Tony Burt, recommended leaving the statute the same and to amend the rule. The Board would like "community" added to the Housekeeping Concepts and use the word "ambulatory" in the rules.

#### **MOTION**

**Motion to approve the Consent Agenda including revised minutes was made and unanimously carried (Motion by Howard, second by Zweber).**

### Strategic Plan monthly timeline review

Administrative Director, Karen MacLean reviewed progress made on the Strategic Plan timeline as requested to for the second quarter of 2008. Most of the identified tasks have been worked on and staff will continue to move forward with others.

### Topics for Future Discussion

Administrative Director, Karen MacLean reviewed the topics for future discussion and identified the new items that have been added throughout the meeting with the Board. They are as follows:

Interns

Pharmacy Technician Continuing Education

Electronic Prescribing – Medicare 2009

Disclosure of Disciplinary Records - Jan

Proposed Emergency Planning Temporary Rule - Dec

Reference Material requirement

Live CE

Two Key Request Issue

Temporary Rule Re: Wholesalers

The Board concurred these topics will be discussed at future meetings.

### OPEN FORUM

The open forum was offered to the public guests present at the Board meeting and there was no response.

### **MOTION**

**Motion was made to adjourn the meeting at 4:01 PM and unanimously carried (Motion by Zweber, second by Foster).**

Minutes accepted by:

### **SIGNATURE ON FILE**

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

Executive Director

**BOARD COMPLIANCE MEETING**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street #150**  
**Portland, OR 97232**

**August 12, 2008 @ 8:30 a.m.**  
**800 NE Oregon Street, Conference Room 1A**  
**Portland, OR 97232**  
**Cathryn Lew, R.Ph., Presiding**

An Executive Session of the Board to discuss Compliance was held on August 12, 2008 at 800 NE Oregon Street Conference Room 1A in Portland.

Board Members present for all or part of compliance session:

Cathryn Lew, R.Ph, President  
Lee Howard, Vice President  
Larry Cartier, R.Ph.  
Bernie Foster, Public Member  
Linda Howrey, R.Ph.  
Dianna Pimlott, R.Ph.  
Ann Zweber, R.Ph

Staff present for all or part of compliance session:

Gary Schnabel, Executive Director

Gary Miner, Compliance Director  
Meg Aulerich, Board Investigator  
Katie Baldwin, Board Investigator  
Joe Ball, Board Investigator  
Michele Cale, Board Investigator  
Gregg Hyman, Board Investigator  
Jennifer Zanon, Board Investigator  
Annette Gearhart, Compliance Secretary  
Jen Pickens, Compliance Assistant

Karen MacLean, Administrative Director  
Paige Clark, Consultant Pharmacist  
Loretta Glenn, Administrative Secretary  
Thomas Cowan, Senior AAG  
Ed Schneider, PRN Program Director  
Pam Aldersebaes, PRN Assistant

**Motion to enter into contested case deliberation under ORS 192.690(1). (Motion by: Lee Howard; Seconded by: Linda Howrey) 3:14 p.m. Motion to exit contested case deliberation under ORS 192.690(1). (Motion by: Linda Howrey; Seconded by: Bernie Foster) 3:49 p.m.**

**Case 2008-0289**

**Motion to deny reinstatement at this time. Prior to future petitioning, take and pass the Oregon Board of Pharmacy technician law exam. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Lee Howard.**

**Case 2008-0177**

**Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

**Case 2008-0182**

**Motion to revoke technician license and impose \$1,000 civil penalty; issue Letter of Notification to PIC and pharmacy. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.**

**Case 2008-0186**

**Motion to revoke technician license and impose \$1,000 civil penalty. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Lee Howard.**

**Case 2008-0130**

**Motion to revoke technician license and impose \$1,000 civil penalty. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

**Case 2008-0230**

**Motion to revoke technician license and impose \$1,000 civil penalty. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Ann Zweber.**

**Case 2008-0235**

**Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.**

**Case 2008-0232**

**Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes; issue Letter of Notification to PIC and pharmacy. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.**

**Case 2008-0233**

**Motion to issue strong Letter of Concern against pharmacist; issue Letter of Notification to pharmacy.**

**Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Lee Howard; Seconded by: Larry Cartier.**

**Case 2008-0372**

**Motion to deny application as certified technician. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Linda Howrey.**

**Case 2008-0318**

**Motion to deny certified technician application, and impose \$1,000 civil penalty per violation. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Ann Zweber; Seconded by: Lee Howard.**

**Case 2008-0272**

**Motion to issue strong Letter of Concern to pharmacist. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.**

**Case 2008-0278**

**Motion to impose \$5,000 civil penalty against pharmacy; and issue Letter of Concern to PIC. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.**

**Case 2008-0162**

**Motion to impose \$5,000 civil penalty against pharmacy; issue Letter of Concern to PIC. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Lee Howard; Seconded by: Dianna Pimlott.**

**Case 2008-0280**

**Motion to accept technician's voluntary surrender of license. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Lee Howard.**

**Case 2008-0239**

Motion to revoke intern license and impose \$1,000 civil penalty. Motion was unanimously accepted. Motion by: Lee Howard; Seconded by: Larry Cartier.

**Case 2008-0240**

Motion to revoke technician license. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.

**Case 2008-0275**

Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Lee Howard.

**Case 2007-0465**

Motion to revoke pharmacist license, and impose \$1,000 civil penalty per violation; and issue Letter of Concern to PIC. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Lee Howard.

**Case 2008-0227**

Motion to place on 5 year probation, impose \$1,000 civil penalty per violation against PIC.

**Case 2008-0323**

Motion to impose \$500 civil penalty or one hour of CE against technician. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

**Case 2008-0245**

Motion to revoke pharmacist license. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.

**Case 2008-0243**

Motion to impose \$1,000 civil penalty per violation against pharmacy; issue Letter of Concern to PIC.

Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Lee Howard.

**Case 2008-0271**

Motion to impose \$500 civil penalty or 1 hour of CE in ethics in lieu of discipline against technician. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Linda Howrey.

**Case 2008-0128**

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. CC Letter of Concern to pharmacy; and in

Case 2008-0178, motion to impose \$1,000 Civil Penalty against pharmacist; or earn 6 hours of CE in medication error prevention to include Oregon Board of Pharmacy law exam within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes; and in

Case 2008-0179, motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

**Case 2008-0188**

Motion to impose \$1,000 Civil Penalty against pharmacist; or earn 3 hours of CE in medication error prevention and report to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0374**

Motion to impose \$10,000 civil penalty against pharmacy or regional manager to submit ISMP. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0189**

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 not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy; and in Case 2008-0375 to impose \$10,000 civil penalty or PIC and pharmacy to submit ISMP in lieu of civil penalty. Motion was unanimously accepted with Linda Howrey abstaining due to conflict of interest. Motion by: Dianna Pimlott; Seconded by: Bernie Foster.

**Case 2008-0293**

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 not eligible for CE requirements for renewal purposes. Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Bernie Foster; Seconded by: Larry Cartier.

**Case 2008-0180**

Motion to issue no jurisdiction letter and refer to Oregon Medical Board. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Bernie Foster.

**Cases 02-0241 and 03-0167**

Motion to deny request for removal of probation sanctions. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.

**Case 2008-0322**

Motion to grant exception request. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.

**Case 2006-0513**

Motion to deny request. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

**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 items on consent agenda as published. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Bernie Foster.

**LETTERS OF CONCERN CASES:**

Case: 2008-0167

**DEFIENCY NOTICES:**

Cases: 2008-0100, 2008-0140, 2008-0141, 2008-0142, 2008-0147, 2008-0185, 2008-0206, 2008-0207, 2008-0209, 2008-0210, 2008-0212, 2008-0214, 2008-0216, 2008-0217, 2008-0218, 2008-0221, 2008-0222, 2008-0223, 2008-0224, 2008-0225, 2008-0229, 2008-0236, 2008-0247, 2008-0248, 2008-0250, 2008-0251, 2008-0252, 2008-0254, 2008-0255, 2008-0256, 2008-0274, 2008-0283, 2008-0306, 2008-0313 and 2008-0314.

**NO JURISDICTION:**

Case: 2008-0291

**UNABLE TO SUBSTANTIATE:**

**Case: 2008-0161, 2008-0173, 2008-0260, 2008-0265, 2008-0267 and 2008-0290.**

**NO VIOLATION:**

**Case: 2008-0234**

**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 2/7/2008, the following applicants and licensees have been issued CE in lieu of discipline letters:

**Case: 2008-0226**

**DENIAL OF TECHNICIAN APPLICATION ORDERS:**

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 1, 2004 and amended on 4/17/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:

**Case: 2008-0115 and 2008-0315**

**LICENSES GRANTED WITH PROBATION:**

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on October 11, 2005 and confirmed on 2/7/2007, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

**Case: 2008-0138, 2008-0211, 2008-0238 and 2008-0317.**

**DEFAULT ORDERS:**

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 12, 2004 and confirmed on 2/7/2008, the following default orders have been issued:

**Case: 2008-0034**

**UPDATES:**

Update of cases for Board Members information.

Compliance Director Miner

Open cases under investigation.

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

Hearings Requested

Hearings Scheduled