

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
August 11-12, 2009**

**Tuesday, August 11, 2009 @ 8:30 AM, Conference Room 1A
Wednesday, August 12, 2009 @ 8:30 AM, Conference Room 1A**

TUESDAY, AUGUST 11, 2009

President Linda Howrey, R.Ph. opened the meeting at 8:28am.

Roll Call

The following Board Members were present:

Linda Howrey, President
Dianna Pimlott, Vice President
Larry Cartier
Ken Wells
Ann Zweber
Lee Howard

Bernie Foster was absent.

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

Gary Schnabel, Executive Director	Michele Cale, Inspector
Karen MacLean, Administrative Director	Jennifer, Zanon, Inspector
Gary Miner, Compliance Director	Meg Aulerich, Inspector
Katie Baldwin, Inspector	Pam Adlersebaes, PRN Assistant
Tony Burt, Project Manager	Ed Schneider, PRN Director
Paige Clark, Pharmacist Consultant	Annette Gearhart, Compliance Secretary
Gregg Hyman, Inspector	Kim Whitson, Compliance Assistant
Chrisy Hennigan, Office Manager	

Tom Cowan, Board Counsel

President Howrey introduced new Board member, Ken Wells, R.Ph and read him the Board's new member speech. Ken is currently employed by Safeway as a regional pharmacy manager. Ken has a strong community pharmacy background and most recently served as the 2008-2009 President of OSPA. The Board welcomes Ken as the pharmacist replacement vacated by Cathryn Lew.

MOTION

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

*Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Board without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

1. NAPLEX Scores (January 1 - April 30, 2009)
2. MPJE Scores (January 1 - April 30, 2009)
3. Executive Director Report
4. Pharmacist Consultant Report
5. Project Manager Report
6. License/Registration Ratification (June 5, 2009 –August 7, 2009)
7. NABP Memos
8. Approval of Board Meeting Minutes (June 9 -10, 2009)
9. Approval of Board Meeting Minutes (July 1, 2009)
10. PRN Director Report - none

MOTION

Motion to approve the consent agenda and Board Minutes as revised was made and unanimously carried (Motion by Wells, second by Zweber).

Conflict of Interest Presentation

Senior Assistant Attorney General, Thomas Cowan provided a handout and presentation on reporting of conflicts of interest, voting and recusal. He discussed use of an *official position* in the regulatory setting. Tom also pointed out the steps to consider before participating in any action, recommendation or decision of a member. They include:

- Determining whether a potential or actual conflict exists.
- If the action involves a potential or actual conflict of interest (or if there is an exception).
- For a potential conflict you must publicly announce and describe the nature of the conflict. You may then participate in the action.
- For an actual conflict, you must publicly announce and describe the nature of the conflict. You may not participate in the action.
- Additionally, as part of the code of ethics, a public official shall not use or attempt to use their official position to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the official's holding of the position /office.

Tom also covered the topic of Public Meetings of a "public body". The Board is a "governing body" of a "public body" pursuant to ORS 192.630. As such, two or more board members comprise a governing body. For example, if the purpose of a meeting is for board research, fact finding or data gathering, to develop, learn or grow and two members are present, the meeting should be noticed as a public meeting and the appropriate record keeping should be maintained. Counsel's advice is to only have one Board Member on a council or committee.

Alternatively, it's the member's responsibility to acknowledge whose "hat" they are wearing. It the meeting related to private business or Board business? If Board members participate in

non-Board meetings such as the Professional Practice Roundtable or attend a conference where multiple members are in attendance, this is acceptable, but it needs to be clear to the participants in what capacity the member is attending the meeting.

President Howrey thanked Tom for the review for existing Board Members and new member, Ken Wells.

MOTION

Motion to move into Executive Session was made at 9:05 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Zweber, second by Cartier).

MOTION

Motion to exit Executive Session was made at 10:10 AM for an appearance in Open Session was made (Motion by Howard, second by Wells).

MOTION

Motion to resume Executive Session was made at 10:30 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Wells, second by Cartier).

MOTION

Motion to resume Open Session at 3:20pm was made and unanimously carried (Motion by Cartier, second by Wells).

Motions for Disciplinary Action please see Compliance Minutes.

ISSUES/ACTIVITIES

Board Members

The following Board members reported on recent activities.

President Howrey attended the Legislative Pharmacy Coalition meeting, commenting that it was well attended and this year participation has been very strong. Linda also attended the Immunization Practices Advisory Team (IPAT) meeting, which continues to be very active and includes a lot of discussion on H1N1. DHS is reviewing administration protocol and they expect to have information to local health departments by September 15th.

Ann Zweber spoke at a Technician CE where 19 Technicians attended for 1 hour of law.

Larry Cartier attended the Legislative Pharmacy Coalition and agreed with Linda that it was well attended and participation increasing. He's also been working on the American Pharmacist Month and the Board is participating in this October.

Board Counsel – no report

Compliance Director - Gary Miner reported on the latest statistics for inspections and PIC training. The inspectors have complete 50% of the retail and institutional inspections. The PIC training class has currently had 406 participants. Inspectors toured the Hillsboro Gennentech

Agenda - August 11-12, 2009

NOTE: The Board may rearrange its agenda to accommodate Board or members of the public.

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facility. Genentech was in the FDA's verification process and were starting to produce final products. The facility was characterized as a refill facility taking refrigerated and frozen biologically produced drugs and packaging the final product. The Board members expressed a desire to tour the plant. Gary will follow up.

Administrative Director Karen MacLean reported on a number of statewide budget reductions this biennium that are impacting the agency and staff. These include the elimination of the Department of Administrative Services Recruitment Services. Karen and Office Manager, Chrisy Hennigan are learning how to use the current statewide recruitment system. Additionally, this system will be replaced later this year, and they will get training for the new system at that time. With this new information, Karen and Chrisy are currently completing the Compliance Assistant recruitment. The position is currently filled temporarily with Kim Whitson who worked as an Intern assisting with the Certified Pharmacy Technician transition last year.

The second impact is the mandated unpaid time off or furlough days for all staff. The union contract is expected to be ratified and it will include 10, 12, or 14 days off between now and June 30, 2011 depending on the base salary for each employee. Ten of the days have been scheduled for statewide closures and the remaining days will be taken on a floating basis to be coordinated by the supervisors. The first of the statewide closures is October 16, 2009, which also happens to be a scheduled Board meeting week along with June 18, 2010. Staff will need to limit work hours to 32 hours on furlough weeks. The budget has been reduced to reflect the savings associated with these mandatory days off.

Karen also reported that Licensing Representative Rene Sanders attended the July 22 NABP training for licensing staff. NABP presents this training annually and pays for one staff person to attend the training which covers the various systems NABP uses to communicate exam scores and transfers to the states. Karen followed up with the Board on the new sample website that includes disciplinary actions. The Board approved moving forward to finalize the new format.

Finally, Karen reported on the staff plans for the Certified Pharmacy Technician audit, taking credit card options and renewal statistics for the current licensing cycles.

Board Meeting Dates 2009

- October 13 -14, 2009 Portland
- December 14 - 15, 2009 Portland (*note: date change*)

2009 Rulemaking Hearing Date

- November 23, 2009 Portland (*note: date change*)

Board Meeting Dates 2010

- January 26 - 27, 2010 Portland
- March 9 - 10, 2010 Strategic Planning
- April 6 - 7, 2010 Portland
- June 15 - 16, 2010 Portland
- August 10 - 11, 2010 Portland
- October 12 - 13, 2010 Portland
- **December 14-15, 2010 Portland (*approved date change*)**

Board Meeting Date Cost Analysis Presentation

As requested, Administrative Director Karen MacLean and Office Manager Chrisy Hennigan presented a cost analysis of the current meeting schedule and proposed options for fewer, but longer meetings as well as additional conference call meetings as needed. Ultimately, the Board agreed that the current meeting structure is the most cost effective and efficient meeting option with the addition of periodic conference calls as needed to facilitate meeting agenda management. The Board added a conference call meeting for September 23, 2009 at 9:00.

There was a brief discussion about having outreach Board meetings at OSU and Pacific University. Board Staff regularly meet with students at the schools throughout the year. Member, Ann Zweber and Administrative Director Karen MacLean will contact the schools to see if they want the full Board to visit and what they hope to accomplish if so and report back in October.

MOTION

Motion to adjourn at 4:35pm was made and unanimously carried (Motion by Wells, second by Cartier).

WEDNESDAY, AUGUST 12, 2009

President Linda Howrey, R.Ph. opened the meeting at 8:27AM.

Roll Call

The following Board Members were present:

Linda Howrey, President
Dianna Pimlott, Vice President
Ken Wells
Ann Zweber
Lee Howard

Bernie Foster - absent
Larry Cartier - absent

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

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

Tom Cowan, Board Counsel

President Howrey re-introduced new Board Member, Ken Wells on the second day of the meeting for the benefit of those present in the audience.

MOTION

Motion to move into Executive Session was made at 8:38 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 was made and unanimously carried (Motion by Howard, second by Wells).

MOTION

Motion to resume Open Session at 8:45 AM was made and unanimously carried (Motion by Pimlott, second by Howard).

MOTION

Motion to accept Consent Orders in cases 2008-0430 and 2009-0133 was made and unanimously carried (Motion by Pimlott, second by Wells).

Committees/Meetings

NABP Meetings

Executive Director Gary Schnabel reported on the NABP meetings he's participated in since the last meeting as the President of NABP. These include the JCCP meeting, NABP Executive Committee Strategic Planning meeting where topics included multistate licensure, a pilot project for communication and NABP partnering with states to meet the needs of increasing budget reductions and the beginning of the NABP District Meetings.

There was a brief discussion about budget availability for out-of-state travel and who will attend our District 7 meeting and the upcoming Fall Symposium. Members think it's important to be represented and value the networking, educational opportunities and information sharing that occurs at the district and national meetings.

Professional Practice Roundtable Meeting, 7/14/09

Member Larry Cartier, Executive Director Gary Schnabel, Compliance Director Gary Miner and Pharmacist Consultant Paige Clark attended the recent meeting. Topics included a debrief of the legislative session, continuing education issues and intern/preceptor sites.

Manufacturer Rules Advisory Group Update, 7/29/09

Project Manager Tony Burt reported on a recent conference call with manufacturer stakeholders. In general, stakeholders are supportive of the new temporary rules. They expect to have some suggestions for the proposed rules this fall; the main point of concern seems to be registration of parent companies.

National Association of State Controlled Substances Authorities Annual meeting, 10/20-23/09

Executive Director Gary Schnabel reported that he's been invited to speak at this meeting and NASCSA will pay for travel and one night of accommodation. The Board approved for Gary to attend the remainder of this meeting at the Board's expense.

Research Councils

Medication Errors and Patient Safety, Sub-Committee on Counseling Update

Member Ann Zweber provided the Board with notes from the July 31st Sub-committee on Counseling meeting. There was a discussion about the role of the sub-committee and what the

Board asked the Council to originally do. There was discussion around Research Councils generally and what they are for, i.e. to gather information and bring to back to the Board, not to make recommendations. The Board agreed to discuss Research Councils further at the October meeting. Board Counsel Tom Cowan reiterated that it's important to consider the public meetings requirements if more than one Board Member participates; the mission needs to be clear, if recommendations are to be included, the Board needs to articulate that up front.

In this case, Member Ken Wells participated in the sub-committee before he was on the Board. Ken commented that it's a very dynamic group.

The sub committee recognizes that the Board may not accept their recommendations. Member Dianna Pimlott thanked Ann, Ken and Paige for the work they've done and asked if this was a final report. The sub-committee is not finished with their work and plans to give the Board a final report in December.

GENERAL ADMINISTRATION

Discussion Items

Staff Policy Questions – No staff questions for this meeting.

OHSU Pilot Project updates

Compliance Director Gary Miner reported on the latest updates on the pilot project. There was a retirement in June and a new Director is in place. The project continues to go well.

FPGEC waiver request

Compliance Director Gary Miner presented a request for FPGEC waiver.

MOTION

Motion to approve FPGEC waiver request for Eman Gad EIRab was made and unanimously carried. (Motion by Howard, second by Wells)

Continuing Education Report

Member Ann Zweber, Pharmacist Consultant Paige Clark and Pharmacist Irene Crowell handed out a report and recommendations from the Professional Practice Roundtable. Recommendations were not expected and the Board did not have the materials in advance of the meeting for review and consideration. The Board may consider this at a later date. The Board thanked Irene and Pacific Student Amy Devine for their work on this topic.

Outlet waiver requests

Compliance Director Gary Miner and Administrative Director Karen MacLean presented information on a number of waiver requests.

MOTION

Motion to approve wholesale license renewal for Care Fusion formerly owned by Cardinal Health where VAWD transfer is pending was made and unanimously carried. (Motion by Pimlott, second by Howard)

MOTION

Motion to waive VAWD for two Teleflex wholesaler outlets of medical devices. These outlets are not eligible for VAWD accreditation motion was made and unanimously carried. (Motion by Zweber, second by Howard)

MOTION

Motion to waive surety bond requirement for Medical Teams Northwest was made and unanimously carried. (Motion by Howard, second by Wells)

MOTION

Motion to waive equipment requirements for drugless pharmacies Onmicare and Medco at Home, LLC. was made and unanimously carried. (Motion by Wells, second by Zweber)

In relation to these requests, Gary asked the Board for approval to consider adding language to the staff delegation grid that would allow staff to review and approve waiver requests for future waivers of VAWD, surety bond and PIC extensions. The Board conceptually approved and asked staff to bring recommendations back in October.

Intern extension request

Administrative Director Karen MacLean presented a request for extension of an Intern license.

MOTION

Motion to approve extension of Intern License for Dustin August was made and unanimously carried. (Motion by Howard, second by Wells)

Pacific University exception/site requests

Administrative Director Karen MacLean presented requests from Pacific University for a 2:1 Intern/Preceptor waiver, additional out-of-state rotation sites for approval and an additional list of preceptors for approval.

MOTION

Motion to approve a 2:1 Preceptor/Intern ratio for Kela Schmidt was made and unanimously carried. (Motion by Cartier, second by Wells)

The Board asked that the College/Schools of Pharmacy verify all preceptors and out of state sites before submitting them to the Board for approval in the future.

MOTION

Motion to approve additional out-of-state rotation sites for Pacific University was made and unanimously carried. (Motion by Cartier, second by Zweber)

MOTION

Motion to approve additional list of preceptors for Pacific University was made and unanimously carried. (Motion by Cartier, second by Wells)

Oregon State University 2:1 Preceptor/Intern exception request

MOTION

Motion to approve a 2:1 Preceptor/Intern ratio for Stephen Garret was made and unanimously carried. (Motion by Howard, second by Wells)

Technician Research Council Final Report

President Linda Howrey presented the final report, highlights include:

- Only Minor Modifications to Existing Rules are envisioned
- When writing rules, parameters should be broad enough to allow the wide variety of practice sites to use technician support based on their specific needs.
- Should different levels of techs exist?
- What part does “formal” training/education play? Site Based or Academic environment?
- Access the role of technology to improve the dispensing process. Be open to technology driven options (possibly involving demonstration projects) to improve dispensing accuracy and patient safety. Technology may be able to enhance/improve current functions performed by both techs and pharmacists.

The Council determined while a number of issues should probably be looked at, it was premature until current rule writing was completed; especially the Division 041 rules that are currently being revised.

Linda asked if the Council had completed the Board’s work as requested, the answer was yes and it will be disbanded with a thank you to the Council participants.

Appearance

Re: Marijuana & Methamphetamine Rescheduling Informational Enforcement Presentation

The following individuals appeared to present information on the rescheduling of marijuana pursuant to SB 728. Bracken McKey of the Washington County District Attorney’s office and Katie Suver, Deputy District Attorney of Marion County appeared on behalf of The Oregon District Attorney’s Association; Jerry Moore the City of Salem, Chief of Police and Dave White, a Detective Sergeant of the Hillsboro Police Department; Mike Dingeman, Oregon State Police and Rob Bovett Legal Counsel for the Oregon Narcotics Enforcement Association.

All speakers presented supporting information and a request to schedule marijuana no less than a Schedule II. Marijuana use is directly linked to a high percentage of crimes including: neglect of children, sexual abuse, child abuse, teen usage is higher than any other category; it’s the number one illegal drug for DUI’s is marijuana, violence is escalating, growers are attacking each other, etc. Also discussed were the legal ramifications associated with existing law and the new law, and how drug crimes are required to be handled in Oregon. There is now a conflict of the criminal laws with the new rescheduling requirement. State Police indicate that Oregon is one of seven states labeled as the top marijuana states in the country. Rob Bovett reiterated the Schedule II support in addition to Scheduling I for methamphetamine and Schedule II for hydrocodone as presented to the Board in June of this year.

The Board thanked all the presenters for taking time to appear and provide information on the rescheduling of marijuana and methamphetamine.

Rules Discussion

Project Manager Tony Burt, Compliance Director Gary Miner and Administrative Director Karen MacLean presented information on rule updates & possible temporary rules for adoption.

The Board discussed each rule and moved them forward as follows:

Division 019 – Administration of Vaccines by Pharmacists to persons who are at least 11 years of age as required by new legislation.

MOTION

Motion to adopt temporary rules in OAR 855-019-0270, 0280 and 0290 was made and unanimously carried. (Motion by Zweber, second by Wells) *(NOTE: As HB 3236 is not effective until January 2011, it was subsequently decided not to file these temporary rules, but to proceed with permanent rulemaking in summer 2010)*

Division 007 - Public Health Emergency temporary rule update to accommodate H1N1. This amendment adds the President of the United States or another federal official and the Public Health Director when authorized by the Governor to take action in the case of a public health emergency or public health action.

MOTION

Motion to adopt temporary rules in OAR 855-007-0010 was made and unanimously carried. (Motion by Zweber, second by Pimlott)

Intern eligibility update

Staff have been working with stakeholders and will have draft concepts for review in October. Rulemaking proposed for early 2010 in time for preparation for the 2010-2011 academic year.

Expedited Partner Therapy update

Staff has been working with DHS and is preparing draft rules to implement HB 3022. Staff intends to have drafts to DHS in September and will update Board in October.

Out of State Pharmacist Licensure update

Executive Director Gary Schnabel and staff have been working with stakeholders on out of state pharmacy licensure issues. The Board discussed this briefly and request to have stakeholders appear to present information on their concerns. Staff will arrange for an appearance.

Division 041 Draft Hospital Rule Review

Compliance Director Gary Miner presented a power point presentation prepared by Intern Kevin DeClercq from Pacific University School of Pharmacy. The presentation outlined proposed concept changes to Division 041. Changes include renumbering the division and reorganizing it into a simplified and user friendly structure; establishing rules within the federal structure of rules i.e. residential vs. ambulatory and updating it to incorporate new technology. Board Members were given draft rules for review and asked for comment within the next month for further rule development in October. Stakeholder groups have been meeting with Board Staff since October 2008 to review rule language and provide input.

Financial Report

Administrative Director Karen MacLean reviewed the June 2009 financial report with the Board. She expects to have a report on the 2009-11 Legislatively Adopted Budget at the next meeting.

Topics for future discussion

President Howrey asked Karen for a review of topics for future discussion. These include:
Family Planning Clinic Request

Technician Training Programs
Research Councils generally
Continuing Pharmacist Education

OPEN FORUM

President Howrey opened the meeting for Open Forum.

Pharmacist Consultant Paige Clark acknowledged Member Dianna Pimlott for her article in the Florence newspaper.

MOTION

Motion to adjourn at 2:47pm was made and unanimously carried (Motion by Howard, second by Wells).

Minutes accepted by:



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

Oregon State Board of Pharmacy

**800 NE Oregon Street #150
Portland, OR 97232**

BOARD COMPLIANCE MEETING

August 11 and 12, 2009 @ 8:30 a.m.

**800 NE Oregon Street, Conference Room 1A
Portland, OR 97232**

Linda Howrey, R.Ph., Presiding

An Executive Session of the Board to discuss Compliance will be held on August 11 and 12, 2009 at 800 NE Oregon Street Conference Room 1A in Portland.

Board Members present for all or part of compliance session:

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

Absent:
Bernie Foster, Public Member

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director
Gary Miner, R.Ph., Compliance Director
Meg Aulerich, R.Ph., Board Inspector
Katie Baldwin, R.Ph., Board Inspector
Michele Cale, R.Ph., Board Inspector
Gregg Hyman, R.Ph., Board Inspector
Jennifer Zanon, R.Ph., Board Inspector
Annette Gearhart, Compliance Secretary
Kim Whitson, Compliance Assistant

Joe Ball, R.Ph., Chief Investigator
Loretta Glenn, Administrative Secretary

Karen MacLean, Administrative Director
Paige Clark, R.Ph., Consultant Pharmacist
Thomas Cowan, Senior AAG
Ed Schneider, R.Ph., PRN Program Director
Pam Aldersebaes, PRN Assistant

Case 2008-0434

Motion to re-instate suspended pharmacist license.

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

Case 2009-0288

Motion to close under investigation.

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

Case 2009-0043

Motion to impose \$10,000 civil penalty per violation against unregistered outlets.

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

Case 2009-0225

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

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

Case 2009-0268

Motion to deny intern application.

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

Case 2009-0169

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.
Motion by: Lee Howard; seconded by: Dianna Pimlott. Motion was unanimously accepted.

Case 2009-0155

Motion to deny Pharmacist License application and impose \$1,000 civil penalty per violation; and in

Case 2009-0343

Motion to reprimand pharmacist and impose \$1,000 civil penalty.

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

Case 2009-0220

Motion to deny pharmacist application ; and in

Case 2009-0222

Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation;

Case 2009-0223

Motion to issue letter of concern to pharmacy.

Motion by: Ken Wells; seconded by: Lee Howard. Motion was unanimously accepted with Larry Cartier recluse from discussion and abstaining due to conflict of interest.

Case 2009-0253

Motion to close case, no discipline.

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

Case 2009-0139

Motion to revoke certified pharmacy technician license and impose \$1,000 civil penalty per violation.

Motion by: Dianna Pimlott; seconded by: Lee Howard. Motion was unanimously accepted.

Case 2009-0269

Motion to impose \$10,000 civil penalty per violation against pharmacy; and in

Case 2009-0273

Motion to issue Letter of Concern to Pharmacist-in-Charge.

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

Case 2009-0095

Motion to accept requested documentation from outlet.

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

Case 2008-0501

Motion to impose \$10,000 per violation against pharmacy, and issue letter of concern to current Pharmacist-in-Charge; and in

Case 2009-0190

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention; and in

Case 2009-0191

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention; and in

Case 2009-0192

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention; and in

Case 2009-0193

Motion to impose \$1,000 Civil Penalty per violation and place pharmacist license on 5 year probation; and in

Case 2009-0196

Motion to impose \$500 Civil Penalty per violation against certified pharmacy technician *or* earn 3 hours of CE in medication error prevention.

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

Case 2009-0126

Motion to suspend certified pharmacy technician license and impose \$1,000 civil penalty per violation; and in

Case 2009-0374

Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge K.M.; and in

Case 2009-0375

Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge D.L.; and in

Case 2009-0260

Motion to impose \$5,000 civil penalty per violation against pharmacy #568; and in

Case 2009-0262

Motion to impose \$5,000 civil penalty per violation against pharmacy #507.

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

Case 2009-0243

Motion to suspend certified pharmacy technician license and impose \$1,000 civil penalty; and in

Case 2009-0244

Motion to impose \$1,000 civil penalty per violation against pharmacist; and in

Case 2009-0245

Motion to impose \$5,000 civil penalty per violation against pharmacy.

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

Case 2009-0257

Motion to suspend certified technician license and impose \$1,000 civil penalty per violation; and in

Case 2009-0266

Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and in

Case 2009-0267

Motion to impose \$5,000 civil penalty per violation against pharmacy.

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

Case 2009-0207

Motion to suspend pharmacist license; and issue Letter of Concern to pharmacy.

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

Case 2009-0289

Motion to deny technician application.

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

Case 2009-0259

Motion to impose \$1,000 civil penalty per violation against pharmacist.

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

Case 2009-0170

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.

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

Case 2009-0203

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 2009-0241

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

Case 2009-0208

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 2009-0303

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 2009-0275

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 2009-0319

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 2008-0460 and 2008-0092

Motion to accept signed consent orders.

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

Case 2009-0341

Motion to grant appearance to request petition to reinstate pharmacist license.

Motion by: Larry Cartier; seconded by: Ann Zweber. Motion was accepted with Dianna Pimlott opposed.

Case 2009-0227

Motion to grant technician license with 3 year probation.

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

Motion to accept the consent agenda as published.

Motion by: Ken Wells; seconded by: Dianna Pimlott.

DEFICIENCY NOTICES:

Cases: 2009-0055, 2009-0181, 2009-0186, 2009-0206, 2009-0230, 2009-0231, 2009-0234, 2009-0235, 2009-0236, 2009-0238, 2009-0240, 2009-0247, 2009-0249, 2009-0250, 2009-0255, 2009-0256, 2009-0262, 2009-0263, 2009-0264, 2009-0271, 2009-0272, 2009-0274, 2009-0277, 2009-0278, 2009-0279, 2009-0280, 2009-0281, 2009-0282, 2009-0287, 2009-0291, 2009-0294, 2009-0306, 2009-0309 and 2009-0338.

UNABLE TO SUBSTANTIATE:

Cases: 2009-0215, 2009-0226, 2009-0248 and 2009-0332.

NO VIOLATIONS:

Cases: 2007-0232, 2009-0218 and 2009-0232.

“PRODUCT IDENTIFICATION LABEL” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on 6/10/2003 and amended on 10/11/2005, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty if more than 5% sampling of labels is missing the PIL] and confirmed on 2/7/2008, the following notices with Historical orders have been issued:

Case: 2009-0056

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

By authority delegated to Oregon Board of Pharmacy Staff by the Board on Jan. 26, 2005 and amended on 8/9/2005 and confirmed on 2/7/2008, [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 for first month, additional \$1,000 civil penalty per week thereafter up to \$5,000. (PIC gaps lasting more than two months are to be presented to the Board for discipline.)] the following notices with Historical orders and/or Letters of Concern have been issued:

Case: 2009-0197

“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board on August 9, 2005 and confirmed on 2/7/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-041-0020(1)(f) 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: 2009-0160

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board 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: 2009-0290

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board 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: 2009-0239

Board Members present for 8/12/2009 compliance session:

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

Absent:
Bernie Foster, Public Member

Case 2008-0430 and 2009-0133

Motion to accept terms of the proposed orders with the addition of additional inspections of pharmacy.
Motion by: Dianna Pimlott; seconded by: Ken Wells. Motion was unanimously accepted.