WEDNESDAY, AUGUST 8, 2018

Rachael DeBarmore, R.Ph, Board President called the meeting to order at 8:47AM

Roll Call
Rachael DeBarmore, President Cyndi Vipperman, Vice President
Roberto Linares Penny Reher
Shannon Beaman Wassim Ayoub
Dianne Armstrong Sue Richardson
Tim Logan

Staff members 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 Mo Klein, Project Manager
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 II Loretta Glenn, Management Secretary

Tom Cowan, Sr. AAG Board Counsel Emad Abukhzam, Intern

New photos were taken of the Board Members for the website and other uses.

Installation of new Board Member Wassim Ayoub, RPh
Board President, Rachael DeBarmore read the Board’s installation speech and read Wassim’s bio to introduce him to the Board. Wassim thanked Rachael and the Board and expressed that he is pleased to be a contributing member of the Board.

Agenda Review and Approval

MOTION

Motion to approve the agenda was made and unanimously carried (Motion by Beaman, seconded by Armstrong).
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. Deficiency Notifications
   4. Case Review

MOTION
Motion to enter Executive Session at 8:58AM was made and unanimously carried (Motion by Armstrong, seconded by Beaman).

MOTION
Motion to resume Open Session at 4:58PM was made and unanimously carried (Motion by Beaman, seconded by Linares).

Open Session to Adjourn

MOTION
Motion to adjourn at 4:58PM was made and unanimously carried (Motion by Linares, seconded by Beaman).

THURSDAY, AUGUST 9, 2018

Rachael DeBarmore, R.Ph, Board President called the meeting to order at 8:30AM

Roll Call
Rachael DeBarmore, President                    Cyndi Vipperman, Vice President
Roberto Linares                                Penny Reher
Shannon Beaman                                  Wassim Ayoub
Dianne Armstrong                                Sue Richardson
Tim Logan

Staff members 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         Mo Klein, Project Manager
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 II  Loretta Glenn, Management Secretary
Resume Executive Session to complete remaining items:

EXECUTIVE SESSION – NOT OPEN TO THE PUBLIC, pursuant to ORS 676.175, ORS 192.660 (1) (2) (f) (k).

C. Items for Consideration and Discussion:
   1. Deliberation on Disciplinary Cases and Investigations
   2. Personal Appearances
   3. Deficiency Notifications
   4. Case Review

MOTION
Motion to enter Executive Session at 8:47AM was made and unanimously carried (Motion by Vipperman, seconded by Beaman).

MOTION
Motion to resume Open Session at 9:47AM was made and unanimously carried (Motion by Beaman, seconded by Armstrong).

Break until 11:00AM

OPEN SESSION - PUBLIC MAY ATTEND 11:00AM

Board President, Rachael DeBarmore read a bio to introduce new Board Member, Wassim Ayoub, R.Ph.

GENERAL ADMINISTRATION

Rules

Review Rulemaking Hearing Report & Comments - none
Consider Adoption of Rules - none
Consider Adoption of Temporary Rules – none
Rules Review:

Division 045 – Compounding
SP Pillar – Primarily #1 Safe Drug Accessibility & Distribution

Pharmacist Consultant, Fiona Karbowicz provided the Board with an update. In April 2018 the Board voted to send a draft of rules to the May Rulemaking Hearing where a number of comments were received. Comments have been incorporated into the draft for Board review at this meeting – this is simply a compilation used as an easy way for OBOP members to see each comment’s specific impact. This is not a new draft proposed for discussion.
On July 27, 2018 USP released the proposed USP 797 chapter revision. It’s open for public comment through 11/30/2018 and the final will be published on June 1, 2019. This draft clearly addresses a number of concerns that are not currently addressed; certain components were previously “silent” or more “open to interpretation” – USP drafters did an excellent job with clarifications and overall flow of the information provided. Staff recommends Board direction to draft a re-write of rules to continue our efforts to get new compounding rules adopted. The rules can incorporate “Oregon-specific” requirements that are still important to our Board for patient safety (such as registration, accreditation, inspection, and recall notification requirements) and for patient care considerations (such as Shared Services allowances) but which are not addressed in the new USP 797 draft.

A Board Member inquired about the accreditation and applicability. Staff read directly from the draft USP 797. The language stated “this chapter describes the minimum requirements that apply to all persons who prepare CSPs in all places where CSPs are prepared. This includes but is not limited to pharmacists, technicians, physicians, veterinarians, dentists, naturopaths, chiropractors and nurses in all places including, but not limited to hospitals and other health care institutions, patient treatments sites, infusion facilities, pharmacies, and physicians’ or veterinarians’ practice sites.

Fiona stated that staff will revise this again and anticipates bringing back a draft to the October meeting, including input from a survey to gain input and insights from all stakeholders, not just a workgroup. There is another FDA meeting coming up and they might be working with the states to address some of the ongoing compliance issues.

**PIC & Community Pharmacy Personnel and Compliance Rules Advisory Committee (RAC) – 6/29/18 Meeting Update**

*SP Pillars – Primarily #1 Safe Drug Accessibility and Distribution & #2 Entrustable Professional Activities*

Pharmacist Consultant, Fiona Karbowicz gave an update regarding the meeting held 6/29/18. The RAC discussed their purpose, learned the background to the Board’s policy prerogatives and dialogued about the policy and edits to the rule language. They will reconvene on 8/23/18 to continue discussions and to allow more time for each member to give input. Fiona will report to the Board at the October meeting.

**Consider rules and send to Rulemaking Hearing**

**Division 041 - Auto Refill correction**

*SP Pillar – Primarily #1 Safe Drug Accessibility & Distribution*

Fiona presented the Auto Refill corrected rules that need to be noticed for rulemaking to finish correcting a filing error from 2017.

**MOTION**

Motion to send Auto Refill rules in OAR 855-041-1120 to rulemaking hearing to correct the filing error was made and unanimously carried (Motion by Reher, seconded by Armstrong).

**Policy Issues for Discussion**
Drug Shortages & BUD Extension request
SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution and #3 Defined Standards of Practice

Pharmacist Consultant, Fiona Karbowicz gave background on the drug shortage and beyond use date (BUD) extension request; and mentioned that the Board has been discussing the shortage issue for the last year. She read the definition of BUD per the USP definition, it’s not a one size fits all approach, as BUD determination is dependent upon many variables.

On behalf of a number of OSHP representatives from various Oregon health systems, OSHP President, Dan Rackham submitted a request to the Board seeking a “blanket” temporary extension of all injectable opioid drugs BUD, from 30 hours (USP 797) to 6 days (2015 proposal for edits to USP 797). The new July 2018 version of USP 797 edits this request to 4 days, clarified to be made from only sterile starting components and stored at controlled room temperature (see line 1672 of USP 797). Additionally, on 8/3/2018 staff received an email requesting a modification to this request to be for ALL drugs on shortage.

Board Member, Penny Reher mentioned again that the hospitals are very concerned about the drug shortage and have weekly conference calls about how to mitigate the shortage issues as they arise. She and her colleagues are communicating with their employees in regards of what treatment options are available on any given day. She provided personal background regarding the rationale for this request as the hospital communities are looking for a standard of practice to help the patients, nurses, etc.

Fiona went on to read the difference between the purposed Category 1 and Category 2 compounded preparations. USP has guidelines based on the environment and has recommendations which vary, based on items such as location, different components, and storage conditions. Staff is awaiting a response from USP regarding the data on how they came to these conclusions.

The Board recognizes the challenges health systems are faced with due to ongoing shortages of critical medications. The Board must consider the consequences of taking a position that assumes the legal risks that come with authorizing a blanket extension of any kind. USP Chapters outline general components that a system must address via site-unique policy and procedures to make determinations of BUD and under what specific conditions a BUD may be extended. Any system may currently comply with the traditional route of extending BUD of any drug, based on evidence and analysis.

Board President, Rachael DeBarmore invited Jacob Thompson from Providence who spoke about the sterility and stability factors involved, such as clean rooms. He stated that most of his colleagues don’t want to rely on extending BUDs and that nobody wants to re-package.

Syringes follow up inquiry
SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution and #2 Entrustable Professional Activities

Pharmacist Consultant, Fiona Karbowicz stated that this mailing was informational for the Board related to its syringe position statement for increased awareness. It discussed a citizen’s concern for syringes being on neighborhood playgrounds and a response from OHA.
Inspector, Jane Gin gave a brief report about this meeting she attended and stated that it was very impactful and a great opportunity and thanked the Board for allowing her to attend.

---

**Technology and the Practice of Pharmacy Informational**

*SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution and #3 Defined Standards of Practice*

Pharmacist Consultant, Fiona Karbowicz provided a high-level educational overview of statutes and rules related to technology use in the practice of pharmacy and regulation of drug outlets. She referenced ORS 689.005 defining the “Practice of Pharmacy”, ORS 689.527 regarding Board approval of automatic vending machines, as well as various related statutes for the regulation of drug outlets. Considerations for future board discussion include: the practice of pharmacy shall generally occur in a registered drug outlet, only a pharmacist may engage in the practice of pharmacy, and that technology may be utilized to assist in the practice of pharmacy, but cannot be independent of a pharmacist.

Board Member, Wassim Ayoub inquired if our agency works with other regulatory boards to see if the non-legal use of technology practices are happening without our knowledge. Staff replied that we have mechanisms in place and authorities to handle situations as they arise. Fiona said that there are statutory safety elements which are completely in the Board’s purview and oversight. It makes sense to address technology now before we are forced to address it. Executive Director, Marc Watt stated that it’s all about our perspective and approach, and being proactive and continue to brainstorm how to address it.

---

**Public Health and Pharmacy Formulary Advisory Committee**

*SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution, #2 Entrustable Professional Activities and #3 Defined Standards of Practice*

Staff provided a broad overview of all mailings related to the Public Health and Pharmacy Formulary Advisory processes including, July meeting update and all Committee recommendations from 2018. This background provides the context for the drafted rule language. Executive Director, Marc Watt stated that he reached out to multiple Oregon Pharmacy Association leadership about the processes including how to submit requests to this group. Going forward, the associations can partner in these efforts by helping implementation. Some ways include developing model policies and procedures and model protocols.

The Board had a robust discussion about how pharmacists will be compensated for offering some of the services provided by this new scope of authority and whether any of these requests are financially driven. Board Member, Roberto Linares voiced concern about other states potentially not recognizing our state’s rule/authority when the Board adopts something not recognized in another state. For instance, will other states recognize a prescription written by an Oregon pharmacist? In order to appropriately bill claims for these services, it will be critical for the pharmacist to ensure that if it’s a billable service, it must be performed by a pharmacist, not a technician, per the legal scope. Marc stated that there are discussions occurring regarding legislation to address these financial issues.
Consider rules & send to Rulemaking Hearing (Division 020, 019 and 041 – Prescriptive Authority & Formulary draft rules)

The Board discussed the draft rules, which incorporate the foundational elements and compliance/documentation expectations, referencing established components of the pharmacist patient care process. These rules incorporate each of the recommendations of the Formulary Committee and the defined corresponding criteria, including the continuation of therapy rules requested to be fast-tracked by legislators. If approved, the recommendation is to send these rules to a Rulemaking Hearing on September 27th for consideration to adopt at the October Board meeting.

Board President, Rachael DeBarmore stated that for the record she doesn’t agree with the “face to face, in person” language thinking that it could limit patient access. Fiona stated that this was a foundational component of the committee’s core elements for a pharmacist to prescribe. Board Member, Penny Reher inquired if Skype or FaceTime with a pharmacist would count definition of face to face. Rachael stated that this could limit advanced pharmacist practice. Board Member, Wassim Ayoub stated that there could be a lot of positives for the patient, and what the employer will do, isn’t in our control. Tom spoke about the “standard of care” language and how regulatory law works with professional practice. The Board had a lengthy discussion about the “face to face” language and if it establishes a relationship.

Board Counsel, Tom Cowan stated that he thought this would more likely apply in a retail pharmacy setting and knows that conditions and staffing have changed over time. Will the pharmacist in flu season or peak times able to meet the expectation of offering these new services? Board Member, Shannon Beaman spoke of her hesitations about pharmacists new prescribing authorities. Due to a lot of new rules in a short amount of time, she was concerned with a pharmacists comfort level which might defeat the whole purpose. Is it the pharmacist or the chain who determines the “established relationship”?

The Board discussed the 10 year retention record proposed language and Marc gave some background how the medical community retains their electronic health records and the Board agreed 10 years would be appropriate to add to the rule.

Compliance Director, Brianne Efremoff stated that this rule is voluntary; a pharmacist is not mandated to provide these services. The Board discussed the idea of adding staffing requirements to the rule but in the end, agreed to remain silent. The Board had a lengthy discussion about the “diagnosis” requirement and what exactly is needed to meet those requirements. It was decided to make a minor edit to the language by removing a repeated word.

**MOTION**

Motion to send Formulary rules in OAR 855-020-0110, 0120, 0200, 0300 to Rulemaking Hearing was made and carried (Motion by Vipperman, seconded by Armstrong). Beaman opposed

**MOTION**

Motion to send Formulary related rules in OAR 855-019-0200 to Rulemaking Hearing was made and unanimously carried (Motion by Vipperman, seconded by Armstrong).

**MOTION**

Motion to send Formulary related rules in OAR 855-041-1040 to Rulemaking Hearing was made and unanimously carried (Motion by Vipperman, seconded by Armstrong).
OPEN FORUM –
Board President, Rachael DeBarmore offered the audience the opportunity to speak at Open Forum at the end of regular Board business. Nobody signed up for open forum.

Adjourn

MOTION
Motion to adjourn at 4:47PM was made and unanimously carried (Motion by Linares, seconded by Beaman).

FRIDAY, AUGUST 10, 2018

Rachael DeBarmore, R.Ph, Board President called the meeting to order at 8:36AM

Roll Call
Rachael DeBarmore, President  Cyndi Vipperman, Vice President
Roberto Linares  Penny Reher
Shannon Beaman  Wassim Ayoub
Dianne Armstrong  Sue Richardson
Tim Logan

Staff members 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  Mo Klein, Project Manager
Joe Ball, Chief Investigator  Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant  Rachel Melvin, Executive Support Specialist II
Loretta Glenn, Management Secretary
Emad Abukhzam, Intern

Thomas Cowan, Sr. Assistant AG – excused

Motions for Contested Cases & Disciplinary Action –

Strategic Planning

Board President, Rachael DeBarmore reminded the Board that at last year’s Strategic Planning meeting, the Board discussed goals and having touch points to check in about those goals. She asked the Board if they were ok with adding back a second day to the upcoming meeting in November at PSOB, and the Board agreed.
General Administration

Discussion Items:

Waiver Requests
SP Pillar – Primarily #1 Safe Drug Accessibility & Distribution

In 2017, Planned Parenthood made a request to waive the drug access requirement in OAR 855-043-0720(3). The Board approved a limited waiver and requested that they report back in 1 year. Their report was provided and this year, they are asking to continue this waiver at two locations for two individuals.

MOTION
Motion to approve Planned Parenthood request for five years was made and unanimously carried. (Motion by Beaman, seconded by Ayoub).

Technician Checking Validation Program:
SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution

Columbia Memorial Hospital (CMH) requested to implement TCVP. It would only occur in the inpatient pharmacy and only apply to their Pyxis fill (non-patient-specific) and surgical tray restocking. They do not perform cart-fills.

MOTION
Motion to approve Columbia Memorial Hospital request to implement TCVP, provide a written report in 1 year on implementation progress and renew in 6/2023 was made and unanimously carried (Motion by Reher, seconded by Beaman).

Other:
SP Pillars – Primarily #1 Safe Drug Accessibility & Distribution, #2 Entrustable Professional Activities, and #3 Defined Standards of Practice

Board President, Rachael DeBarmore stated that the Board asked Executive Director, Marc Watt to report-out progress to goals at the October Board meeting. She went on to say that the Board has been working to prioritize items for staff, but there is still work to do to clarify the Board’s expectations. During the June meeting she asked the Board “what are the desired results to each of the priorities” and “what will it look like when it’s considered successful completion”. She asked if staff are clear about expectations with each priority and what does each priority bucket mean and how do we get stakeholder input earlier in the process. Also, can the staff provide what steps come after a rule is adopted, including the resources needed for implementation, enforcement, and follow-up. The Board decided the top 5 priorities are:

1. Public Health and Pharmacist Formulary Advisory Committee – Pharmacist Consultant, Fiona Karbowicz explained the process including receiving the concept, the recommendation, submission to the Board, the results if the Board approves, rule languages submitted to Rulemaking and adopted. This is roughly done on a 6 month timeline to complete the process. Executive Director, Marc Watt stated that the associations are going to help educate licensees with outreach and perhaps some CE opportunities.
Marc stated that the part of the rules that you normally see represent about 10-20% of the effort that go into them. So you are seeing about the mid-point of the activity; prior to this, there is research, performing a full 360 walk-around to attempt to discern the implications, and then craft in the way that meets the Board’s goals. Once a rule is adopted, then it goes back to staff for implementation.

Items like HB2397 take a lot of work and resources. Compliance Director, Brianne stated that after the rule is approved her staff have to update the rules, edit self-inspection forms, outreach, education, FAQs and newsletter articles. Fiona described the many communication avenues for internal and external outreach. Licensing Program Supervisor, Chrisy Hennigan added that it’s critical to make sure that the Licensing Department understands the rules and revisions, policy changes, and any application changes needed. This requires a lot of internal communication and often updates to our website. Administrative Director, Karen MacLean stated that all of the logistics of adopting a rule, including the potential for a fee includes a whole additional level of expertise and time consuming internal processes. Another consideration is that the general public’s knowledge of pharmacist’s ability to prescribe and offer these advanced services is still very limited.

Paige Clark from OSU was invited to speak to the Board and stated that OSU is hosting a summit in September in Portland, where associations and everyone can get together to discuss elements of pharmacists prescribing prior to the Rulemaking Hearing. She spoke about the billing piece and how Oregon is the only state that pays pharmacists for the patient assessment via traditional medical billing, which is why the documentation component is critical. A clinician does not get paid to prescribe a drug; they get paid to treat a patient.

2. Compounding –
No additional discussion; the Board went over USP 797 and next steps at this meeting yesterday.

3. OR licensed supervisor/PIC empowerment –
No discussion

4. Pharmacy Technician –
Board President, Rachael DeBarmore asked the Board if they would like to make changes to the priorities, particularly between technology and technicians. Executive Director, Marc Watt asked the Board to give staff a sense of what they want to see at a higher level. Rachael proposed that she would like this to be a discussion at the upcoming Strategic Planning meeting. Marc asked if our concept from the previous Strategic Planning meeting was on point with what the Board wanted. Rachael said that since we have a lot of new Board members, we probably need to review the previous minutes from the meeting and then make decisions on the topics. Pharmacist Consultant, Fiona Karbowicz offered to put something together of the current rules on the books in regards to Technicians for future discussions. Board Member, Roberto Linares stated that there are a lot of elements from this discussion that are out of the Boards scope and would like to focus on the items that they do have the ability to impact. Board Member, Penny Reher suggested adding some information to the resources folder of whitepapers of what works and doesn’t work. Marc stated that we did do some research and that our state is still in an upper position in relation to the rest of the country.

5. Use of Technology for Drug Distribution, Drug Dispensing & Drug Delivery –

Executive Director, Marc Watt asked the Board how much time they will need for this topic during Strategic Planning.
6. **ABCs** -

Board President Rachael DeBarmore asked the Board to also consider what they are spending time on and mentioned that much of their work is spend on discipline and rules and asked them if they were unhappy with the meetings and what would they like to improve and if the Board would consider delegating more authority to staff through the ABCs. Rachael asked Compliance Director Brianne Efremoff if she could bring back a revised ABC, identifying more areas staff could address without the Board direction. Brianne stated that she would need some time to work with staff and Board Counsel to create an analysis. Rachael stated she was looking for something next year, not by the upcoming Strategic Planning meeting.

The Board had a lengthy discussion about not having the summaries read during case review during board meetings due to time constraints. Board members discussed the pros and cons of having more/less information presented to them. Executive Director Marc Watt stated that we would shorten a few summaries for the October meeting and see how it goes.

Additionally they discussed presentations, working lunches, subject points and their general opinions regarding board meeting content. Board Member, Tim Logan mentioned that the ability of Board members to socialize should be revisited, to allow the Members to form relationships.

---

**Key Performance Measures & Board Best Practices Performance review**

Administrative Director, Karen MacLean reviewed the legislatively approved KPMs and last year’s report and how the Board Best Practices exercise fits within the legislative requirement. This exercise will be completed for the 2018 Annual Report.

---

**Approve Consent Agenda**

*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 – none
2. MPJE Scores – none
3. License/Registration Ratification – May 26, 2018 – August 1, 2018
4. Pharmacy Technician Extensions – June 1, 2018 – June 30, 2018
5. Board Minutes – April 4-5, 2018, June 6-7, 2018, July 10, 2018

**MOTION**

Motion to approve Consent Agenda was made and unanimously carried (Motion by Beaman, seconded by Linares).

---

**ISSUES/ACTIVITIES**

**Board Meeting Dates**
• October 3-4, 2018  Portland
• November 7-8*, 2018 Portland  (Strategic Planning *2 day meeting)
• December 12-13, 2018  Portland
• February 6-8, 2019* Portland  (*3 day meeting)
• April 3-4, 2019 Portland
• June 5-6 (7*), 2019 Portland  (*may extend to 3 days)
• August 7-9, 2019* Portland  (*3 day meeting)
• October 2-3, 2019 Portland
• November 6-7, 2019 Portland  (Strategic Planning)
• December 11-12, 2019 Portland

Rulemaking Hearing Dates
(The following dates are reserved for potential rulemaking hearings and identified only for planning purposes and approved by the Board. Actual Rulemaking Activities will be noticed as required by law and may deviate from this schedule as needed.)

• September 27, 2018
• November 27, 2018
• May 22, 2019
• November 26, 2019

Committees/Meetings

OSPA Annual Convention, 10/12-14/2018, Portland – Compliance Director Brianne Efremoff, an Inspector and a Board Member usually attend and help with a booth and presentation.

NABP District VI-VIII, Mtg Kansas City, MO 10/14-17/2018 – Marc Watt and Cyndi Vipperman will attend this meeting.

OSHP Fall Meeting –11/10/18, Portland – Pharmacist Consultant Fiona Karbowicz stated that we were invited for law update and she and Marc will be attending and speaking.

OSPA Lane Co. Mid-Winter CE Seminar, Eugene 2/16-17, 2019 – Fiona stated that we were asked to have a booth and provide a law update, similar to the OSHP fall meeting.

Board Member/Staff Presentations

Pharmacy Coalition – September 14, 2018

Professional Practice Roundtable – none

Financial/Budget Report –

Executive Director, Marc Watt reported that our current budget for the current biennium is right on track, however we do have some concerns about our database upgrade project, as it will possibly require more funding. Marc discussed the 2019-21 proposed license fee increase and methodology for fees proposed in our 2019-21 Agency Budget Request. The agency hasn’t increased fees since 2001. Staff did some research on neighboring states fees and how we compare.
Legislative update –

Executive Director, Marc Watt gave an update on the Drug Take Back legislative group. There continues to be a lot of meetings, but we will see more as we get closer to the legislative session by December. He said pharmaceuticals are a “hot topic”.

Reports:

Board President/Members – Rachael DeBarmore informed members about the new NABP CE Monitor app for smart phones.

Executive Director, Marc Watt reported that he and Pharmacist Consultant, Fiona Karbowicz attended a Health Intelligence meeting with OHA and a member of an OHA Opioid Acute Prescribing task force for pain. They discussed PDMP and working with practitioners. The task force is moving forward and will come up with guidelines.

Board Counsel – none

Compliance Director, Brianne Efremoff reported inspections 50% Feb to Feb, 15% resulted in a deficiency notices/non-compliant; 22 people are enrolled in HPSP; we currently have 550 cases, whereas last year 2017’s total was 566 cases. The pharmacist CE audit is still looming and will add to the case numbers. We have a Compliance quarterly meeting in September, ongoing application review with Licensing Program Supervisor, Chrisy Hennigan to standardize the applications to best address ongoing issues.

Pharmacist Consultant, Fiona Karbowicz reported she is working with Interns and OR Immunization Program to create a webpage with the goal of getting it built and active soon. She will continue to push out communication regarding the Oregon Health Plan pharmacist enrollment deadline.

Administrative Director, Karen MacLean reported that she’s been actively working on the My License Office database upgrade contract requirements and details and working closely with the Enterprise Security Office, Oregon State Police and Oregon State Treasury on specific items that needed to be addressed. This project’s anticipated costs are more than we budgeted for due to converting to an unplanned cloud based system and unexpected expenses for the many reports that we are required to send to other agencies that are currently automated. The new desktop support vendor, CTA contract in place and implemented and thanked Executive Support Specialist II Rachel Melvin for her work on keeping this project on schedule. Karen also reported working on the 2019-21 Budget submission, new Board Member orientation for Wassim and the FBI audit. The Affirmative Action Plan for 2019-21 is due in September and Rachel is currently working on the draft.

Licensing Program Supervisor, Chrisy Hennigan reported that we had our FBI National Identity Services Audit in June and passed. We’re required to add a new Privacy Act Statement and Applicant Record Notification and have added it to our applications, which will require the applicant’s signature. She will be attending the annual OSP LEDS conference to keep up with the ever changing Oregon and FBI CJIS security requirements. Due to a date issue that required a rule change in Division 110 after the renewal cycle in 2016, we incorrectly charged a late fee to a number of CPT renewals and now are in the process of refunding those delinquent fees that were collected in error.
We lapsed over 600 pharmacy technicians on 6/30/18 and ended up with a total of 40 Technician Extension Requests. We noticed a trend that of those 40, 7 were for pending Pharmacy Interns and 19 were for employees from the same corporation and in some cases, the same store. The Licensing team met with Compliance Director, Brianne Efremoff and team and did a thorough review of applications. With the new database upgrade coming our way, this is a great time to be taking on these important reviews and revisions. They are currently working on setting priorities and timelines for this major project; with over 30 unique applications, this is a very ambitious undertaking.

Regarding renewals, Licensing Representative Sean Gilbert is working on the Wholesaler / Manufacturer & Drug Distribution Agent registrations. We have decided to mandate online renewals for this license type to be certain we receive all required information in a timely manner. We are hopeful that this will significantly reduce the workload for our staff towards license expiration and will hopefully make it easier on the licensees as well. The Pharmacist applications for the recent grads are trickling in and it’s currently taking approximately 2 ½ months to become licensed after graduation.

Project Manager, Mo Klein - None

OPEN FORUM – At the completion of regular Board business, the Board provides an opportunity to make comments or present issues of general interest. The Board will not deliberate any issues or requests during Open Forum. Therefore, Open Forum should not be used to make formal requests to the Board, nor to address issues currently under investigation or requests pending before the Board. If you wish to be called upon, please sign up on the sheet at the podium in advance for inclusion.

Jackson Leong, with ProPac Payless asked Compliance Director, Brianne Efremoff about the caseload and why it is so high, so he could inform his company in order to stay compliant. Brianne responded that we are experiencing a record number of diversion cases, probation violations, in addition to the normal caseload involving dispensing errors and professional conduct. Board Member, Roberto Linares stated that some of our rule changes have increased some of the cases as well as an increased number of licensees.

Adjourn

MOTION
Motion to adjourn at 12:57PM was made and unanimously carried (Motion by Beaman, seconded by Logan).

Accepted by:

Karen S. MacLean,
Administrative Director
Executive Session of the Board was held on Wednesday, Aug. 8, 2018 and Thursday Aug. 9, 2018 to discuss Compliance cases, followed by motions on Friday, Aug. 10, 2018.

Board Members present for all or part of compliance session:
- Rachael DeBarmore, R.Ph., President
- Cyndi Vipperman, CPT, Vice President
- Wassim Ayoub, RPH
- Shannon Beaman, RPH
- Roberto Linares, RPH
- Penny Reher, RPH
- Dianne Armstrong, CPT
- Tim Logan, Public Member
- Sue Richardson, Public Member

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

Cases 2018-0072 and 2018-0382 Motion to accept the Stipulated Consent Order surrendering pharmacist license.
Motion by: Shannon Beaman; Seconded by: Sue Richardson. Motion unanimously carried.

Case 2018-0424 Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Tim Logan; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0423 Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0018 Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion carried with Penny Reher recused.

Case 2018-0248 Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Tim Logan; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0426 Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Tim Logan. Motion unanimously carried.
Case 2018-0138  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Cyndi Vipperman; Seconded by: Sue Richardson. Motion unanimously carried.

Case 2018-0011  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Sue Richardson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0337  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 2018-0277  Motion to close with Board direction. Motion by: Tim Logan; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0328  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0367  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0340  Motion to impose 30 day suspension of technician license and impose $1,000 civil penalty per violation. Motion by: Dianne Armstrong; Seconded by: Tim Logan. Motion carried with Wassim Ayoub opposed.

Case 2018-0339  Motion to suspend technician license for 30 days and impose $1,000 civil penalty per violation against technician. Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion carried with Wassim Ayoub opposed.

Case 2018-0302  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Dianne Armstrong; Seconded by: Sue Richardson. Motion unanimously carried.

Case 2018-0303  Motion to ratify Stipulated Consent Order to surrender technician license. Motion by: Tim Logan; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0208  Motion to close with Board direction. Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0439  Motion to close with Board direction. Motion by: Penny Reher; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0086  Motion to revoke technician license and impose $1,000 civil penalty per violation. Motion by: Dianne Armstrong; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0237  Motion to suspend technician license for 30 days and impose $1,000 civil penalty per violation against technician. Motion by: Tim Logan; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0465  Motion close with Board direction. Motion by: Shannon Beaman; Seconded by: Tim Logan. Motion carried with Wassim Ayoub opposed.
Case 2018-0297  Motion to impose $10,000 civil penalty per violation and the $5,000 civil penalty stayed in Consent Order 2015-0568 against outlet; and in
Case 2018-0428  Motion to suspend pharmacist license for 30 days and impose $1,000 civil penalty per violation.

Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0132  Motion to suspend pharmacist license for 30 days and impose $1,000 civil penalty per violation against pharmacist.

Motion by: Tim Logan; Seconded by: Sue Richardson. Motion unanimously carried.

Case 2018-0250  Motion to close with Board direction for outlet and Pharmacist-in-Charge; and in
Case 2018-0488  Motion to issue reprimand and impose $1,000 civil penalty per violation against pharmacist; and in
Case 2018-0489  Motion to issue reprimand and impose $1,000 civil penalty per violation against pharmacist.

Motion by: Cyndi Vipperman; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0419  Motion to close with Board direction.

Motion by: Shannon Beaman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0010  Motion to close with Board direction.

Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0305  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.

Motion by: Penny Reher; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0291  Motion to close with Board direction.

Motion by: Cyndi Vipperman; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0271  Motion to close with Board direction.

Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0413  Motion to close with Board direction.

Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0370  Motion to close with Board direction.

Motion by: Tim Logan; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0381  Motion to close with Board direction.

Motion by: Sue Richardson; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0385  Motion to close with Board direction.

Motion by: Penny Reher; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0304  Motion to close with Board direction.

Motion by: Shannon Beaman; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0352  Motion to close with Board direction.

Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.
Case 2017-0374  Motion to grant change of ownership application and close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Tim Logan. Motion unanimously carried.

Case 2017-0375  Motion to grant change of ownership application and close with Board direction.
Motion by: Tim Logan; Seconded by: Sue Richardson. Motion unanimously carried.

Case 2017-0336  Motion to grant wholesaler license and close with Board direction.
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0295  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Cyndi Vipperman; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0231  Motion to revoke outlet license and impose $10,000 civil penalty per violation; and in
Case 2018-0232  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Tim Logan; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0195  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0280  Motion to accept Stipulated Consent Order to withdraw pharmacist application.
Motion by: Shannon Beaman; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0285  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0316  Motion to grant technician license and close with Board direction.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0420  Motion to grant license.
Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0318  Motion to grant intern license.
Motion by: Shannon Beaman; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0315  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Sue Richardson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0459  Motion to grant pharmacist license.
Motion by: Dianne Armstrong; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0460  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Penny Reher. Motion unanimously carried.

Case 2018-0479  Motion to grant technician license.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0466  Motion to grant technician license.
Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.
Case 2018-0467  Motion to grant technician license.  
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0320  Motion to grant technician license.  
Motion by: Sue Richardson; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0393  Motion to close with Board direction.  
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0331  Motion to grant technician license.  
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0317  Motion to grant technician license.  
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0035  Motion to close with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0323  Motion to impose $10,000 civil penalty per violation against outlet.  
Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0443  Motion to close with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Shannon Beaman. Motion carried with Wassim Ayoub opposed.

Case 2018-0245  Motion to close with Board direction.  
Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion carried with Shannon Beaman and Wassim Ayoub opposed.

Cases 2018-0334, 2018-0392  Motion to grant technician license.  
Cases 2018-0333, 2018-0386, 2018-0398, 2018-0402, 2018-0431, 2018-0457  Motion to deny technician license and impose $1,000 civil penalty per violation.  
Motion by: Cyndi Vipperman; Seconded by: Tim Logan. Motion unanimously carried.

Motion to accept the items on the consent agenda with case number 2018-0245 pulled for discussion.  
Motion by: Dianne Armstrong; Seconded by: Roberto Linares. Motion unanimously carried.

Cases Closed with Board Direction:  