The mission of the Oregon State Board of Pharmacy is to promote, preserve and protect the public health, safety and welfare by ensuring high standards in the practice of pharmacy and by regulating the quality, manufacture, sale and distribution of drugs.

WEDNESDAY, DECEMBER 13, 2017

Penny Reher, R.Ph, Board President, called the meeting to order at 8:33AM

Roll Call
Penny Reher, President Rachael DeBarmore, Vice President
Roberto Linares Kate James
Shannon Larson Cyndi Vipperman
Dianne Armstrong Christine Chute
Second Public Member - vacant

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director Chrisy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant 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

Tom Cowan, Sr. AAG Board Counsel
Tim Frost, Board Fellow
Kim To, Legislative Fiscal Analyst

Agenda Review and Approval

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

Public Meeting Review

Executive Director Marc Watt requested that Board Counsel Tom Cowan provide the Board with a review of the Public Meeting Laws in relation to board deliberation and lobbying.

Tom explained that deliberation under the Public Meetings Law is best done where the public can see it occur. He advised that there are ramifications when any two board members deliberate on concepts before the Board and that this constitutes a Public Meeting. The requirement is to not
engage in the deliberative process; all decisions and deliberations should happen during a Board Meeting. There was question about the Board’s pre/post meetings where the officers meet with staff in preparation for or to debrief how the meeting went. Tom advised that his understanding was that these meetings are not substantive and only to help facilitate the effective running of meetings or for officer leadership development and this is acceptable under the law. Board Buddies or mentors is another example of when two members may talk outside of a noticed board meeting; this is to facilitate the orientation process for new members and help educate new members. The key is that this is not a deliberative or persuasive process to influence new members, but rather an educational opportunity to clarify how things work. If a Board Member does want to discuss something with the other members, the topic should be directed to the Board President and Executive Director for consideration and possible addition to the agenda.

Tom advised that Board Members need to resist taking on discussions with individuals, Board Members or otherwise regarding any topic before the Board. Interests strongly held within pharmacy community or industry representatives may result in lobbying and Board Members should resist engaging in discussions with one another outside of a public meeting. Individual Members should not be an access point for Board information. Tom encourage Members to refer any questions to the Board office if individuals seek to engage in discussion outside of a public meeting. Board Staff answers questions daily about concerns from the profession and the public and has to exercise judgment with regard to raising things for the Board’s discussion. A very appropriate response would be to say “thank you for your interest, please put this in writing and send it to the Board office; it will be reviewed and evaluated; not everything will be passed along to the Board.”

If a Member finds that they have engaged in a discussion outside the Board meeting, it’s appropriate to recuse from the discussion at a meeting to avoid biasing the discussion and decisions.

Executive Director Marc Watt commented that staff tries to give a 360 degree perspective when we provide information to the Board. He often speaks to people about questions and concerns they have. Marc thanked Tom for his help in addressing this topic for the Board.

Contested Case Deliberation pursuant to ORS 192.690(1) - Not Open to the Public

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 10:10AM was made and unanimously carried (Motion by James, seconded by Armstrong).

MOTION
Motion to resume Open Session at 4:32PM was made and unanimously carried
Adjourn

MOTION
Motion to adjourn at 4:33PM was made and unanimously carried (Motion by James, seconded by Vipperman).

THURSDAY, DECEMBER 14, 2017

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

Roll Call
Penny Reher, President Rachael DeBarmore, Vice President
Roberto Linares Kate James
Shannon Larson Cyndi Vipperman
Dianne Armstrong Christine Chute
Second Public Member - vacant

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director Chrisy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant 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

Tom Cowan, Sr. AAG Board Counsel
Tim Frost, Board Fellow

MOTION
Motion to revise agenda was made and unanimously carried (Motion by Chute, seconded by James).

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 – September 27, 2017- November 28, 2017
4. Pharmacy Technician Extensions – none
5. Board Minutes – October 11-12, 2017

MOTION
Motion to approve the consent agenda was made and unanimously carried (Motion by Chute, seconded by Vipperman).

ISSUES/ACTIVITIES

Board Meeting Dates

- February 7-9, 2018  Portland  (*3 day meeting)
- April 4-5, 2018  Portland
- June 6-7, 2018  Portland
- August 8-10, 2018*  Portland  (*3 day meeting)
- October 3-4, 2018  Portland
- November 7-8, 2018  Portland  (Strategic Planning)
- December 12-13, 2018  Portland
- February 6-8, 2019*  Portland  (*3 day meeting)
- April 10-11, 2019  Portland
- June 5-6, 2019  Portland
- August 7-9, 2019*  Portland  (*3 day meeting)
- October 9-10, 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.)

- May 23, 2018
- November 27, 2018
- May 22, 2019
- November 26, 2019

Committees/Meetings
OSPA Annual Convention - 10/21-22/2017, Portland - Board Member, Cyndi Vipperman reported that the meeting was a success and had a decent number of attendees.

BPA Medication Outreach - 11/15/17 – Pharmacist Consultant, Fiona Karbowicz reported that she and Board Fellow, Tim Frost attended and that the presentation was patient focused and well received.

OSHP Fall Seminar – 11/18/2017, Portland – Pharmacist Consultant, Fiona Karbowicz reported that she and Board Fellow, Tim Frost attended and hosted a booth. She also stated that she held a presentation for students regarding unique careers in pharmacy.

NABP Interactive Compliance Officer/Legal Counsel Forum 11/29-30/2017 –
Compliance Director, Brianne Efremoff, stated that she attended this meeting in Chicago where she had the ability to interact with other Compliance Officers and legal counsel from multiple states and reported it was an excellent opportunity.

OSPA Lane County – 2/17-18/2018 – Eugene – Board Vice President, Rachael DeBarmore, Executive Director Marc Watt and Board Fellow, Tim Frost will be attending and will host a booth as well as present law updates to attendees. Marc stated that this is the largest group that we speak to annually.

NABP District VI-VIII, meeting Kansas City, Missouri 9/23-26/2018 – nothing to report

**Board Member/Staff Presentations**
Pharmacy Coalition – 10/11/17, 11/14/17 – Executive Director, Marc Watt reported that this meeting was about logistics of upcoming meetings, etc.

Professional Practice Roundtable – 1/23/18 Executive Director, Marc Watt attended this meeting will be more of an update to discuss what might be coming up in the 2018 session.

**Financial/Budget Report** - Executive Director, Marc Watt reported that we are trending about 15% below of our forecasted spend but we haven’t used our funding yet for our upcoming IT projects.

**Legislative Update** – Executive Director, Marc Watt reported that a new Opioid Task Force was created and stated that there were a few takeaways from the meeting such as a proposal to require mandatory PDMP registration for prescribers, Naloxone 2.0 concept which is a referral into a treatment program instead of releasing patients to go back out and use. The task force members are just discussing ideas and are focused on a having a better outcome. Marc stated that they presented a concept regarding mandatory drug takeback program that is non-intrusive and simpler for retail pharmacies using DCBS to collect the funding from pharma possibly. He reported that we will see something in 2019.

**Reports:**
Board President/Members – Penny Reher encouraged board members to attend any NABP meetings if possible.

Executive Director, Marc Watt reported that he attended several meetings with Representative Rob Nosse, as well as a meeting with Senator, Peter Courtney regarding HB 2397 regarding diabetic drug availability specifically access to maintenance medication for diabetics. Marc reported that the new Formulary Committee will be working on this and that he and Pharmacist Consultant, Fiona Karbowicz are on an APhA committee for a how to training program for prescribing related to HB 2397. Marc gave an update about our current IT projects and reported that Executive Support Specialist, Rachel Melvin has been spending most of her time working with DAS Procurement to secure a new desktop support vendor, working with ETS to move our email services, data storage and backup services as well as wrapping up our Project Music migration. He also stated that Project Manager, Mo Klein is busy working our licensing database project.
Compliance Director, Brianne Efremoff reported that she attended the Compliance Forum at NABP headquarters, where they discussed pharmacists’ prescriptive authority in Oregon regarding birth control and how Oregon successfully implemented this legislation. At one of the sessions, they discussed the role of technicians and it was interesting to see that Oregon is quite progressive in this area currently compared to the majority of states. In open forum, states raised the issue, that as pharmacist's clinical roles expand, why is counseling not mandatory on all prescriptions, including mail order. She reported that currently her team is at 89% on inspections and the self-inspection forms for 2018 are now complete and ready for the website.

Pharmacist Consultant, Fiona Karbowicz reported that she met with the Immunization Department and they are working on a plan to streamline the program and are asking for input via a survey in regards to what’s working well and what needs improvement. She reported that she was invited to participate in the Emergency Preparedness group with OHA. It’s an exercise about how an incident response would work with licensure across state lines. She reported that she is doing Naloxone educational outreach in Eugene and Roseburg in mid-February and will present with a fellow pharmacist.

Administrative Director, Karen MacLean reported that she’s been busy working on procurement, the Board Special Records Retention schedule and rulemaking activities.

Licensing Department Supervisor, Chrisy Hennigan reported that Licensing completed the renewal cycle for Interns and currently Non-Prescription Drug outlet renewals are in progress. They are revising our documents for the upcoming Retail and Institutional Drug Outlet renewals and will be launching them in January. The 2018 CE Law Exam is also being prepared; Survey Monkey is being tested as a new platform for the exam, which could give us the ability to do some analysis regarding the survey questions and allow us to easily search the results by the individual, which we haven’t been able to do in the past. She stated they have completed about 54% of the 2015-2017 Pharmacist CE Audits and it appears that out of the 750 or so that were reviewed, around 20 of those have been found to be deficient on hours. She reported that we are now accepting credit card payments at our front reception desk and that it’s taken quite some time to finish this project due to PCI security issues and trying to find the best solution for the agency.

Project Manager, Mo Klein reported that she was busy with the Rulemaking Hearing on November 29, filing the report and the new software interface that was implemented from Secretary of State’s office that we will use for hearings and rules going forward. She stated that it was user friendly, but may require some changes to our current format and that it might be a time consuming project to rectify, giving an example that we lost the use of some sub-titles in the OARS during their transition. She reported that we are working diligently on replacing our current desktop support vendor and working with DAS Procurement on a solution. She also gave a brief update on the tasks affiliated with upgrading our existing Licensing database software to a web based solution. She stated that the scope of work includes coordination between OSCIO’s office, ETS and DAS Procurement. She attended a user’s conference in Maryland where she learned about My License Office web-based program and was able to speak with other end-users from multiple states.

Motions for Contested Cases & Disciplinary Action – please see the attached document.
GENERAL ADMINISTRATION

Rules

Review Rulemaking Hearing Report & Comments

Project Manager, Mo Klein reported that there were 8 attendees and no oral comments.

MOTION
Motion to accept Rulemaking Hearing Report was made and unanimously carried. (Motion by James, seconded by Vipperman).

Consider Adoption of Rules –

Pharmacist Consultant, Fiona Karbowicz spoke about the changes to Division 010 Board Member and Formal Advisory Committee Member compensation which moves per diem from $30 to $100 (can be pro-rated) with a minimum of 3 hours service = $50 and minimum of 6 hours = $100 and stated that no comments were submitted and proposed to make the rule effective 1/1/18.

Board Member, Kate James asked if the Formulary Committee knew about the compensation, Executive Director, Marc Watt stated that they were just informed that they were appointed as Committee Members and weren't aware, however didn't believe this would be a barrier.

MOTION
Motion to permanently adopt Compensation rules in OAR 855-010-0016 as noticed was made and unanimously carried (Motion by James, seconded by Linares).

Pharmacist Consultant, Fiona Karbowicz spoke about Division 010 Criminal Background Checks and reported that no comments were submitted for this rule and that this language will update our agency rules as required by DAS. She proposed making it effective upon filing.

MOTION
Motion to permanently repeal OAR 855-010-0045 through 855-010-0087 and adopt updated Criminal Background Check rules in OAR 855-010-0100 through 855-010-0120 as noticed was made and unanimously carried (Motion by James, seconded by Vipperman).

Pharmacist Consultant, Fiona Karbowicz spoke about changes in both Division 019 and 041 Contraceptive update, which incorporates injectable hormonal contraceptives and self-administered hormonal contraceptives pursuant to the 2017 law update and stated that it needs to be effective 1/1/18 to correspond with effective date of the law.

MOTION
Motion to permanently amend Contraceptive rules in OAR 855-019-0400 through 855-019-0435 as revised was made and unanimously carried (Motion by Vipperman, seconded by James).
Pharmacist Consultant, Fiona Karbowicz spoke about Division 019 and 041 Naloxone rules and reported 2017 HB 3440 updates will clarify pharmacist prescriptive authority and removes training requirements and stated that it will be effective upon filing and the law is currently in effect.

**MOTION**

Motion to permanently amend Naloxone rules in OAR 855-019-0455 and 855-019-0460, amend 855-041-2310 and 855-041-2340 and repeal OAR 855-041-2330 as noticed was made and unanimously carried (Motion by James, seconded by Larson).

Pharmacist Consultant, Fiona Karbowicz spoke about Division 041 Remote Distribution Facility and stated that the comments provided exceeded the scope of the Board’s intent. This change will move RDF rules to the inpatient section to clarify intent. She stated that we should make it effective upon filing and that no language was changed, it was just for clarification of intent.

Board Member, Rachael DeBarmore wanted to know why it was being moved and asked if it allows for potential technology advancements. Fiona stated that it was adopted for very specific functionality and simply clarifies this specific outlet so it’s not disruptive for what’s to come in the future in regards to technology.

**MOTION**

Motion to permanently repeal Remote Distribution Facility rules in OAR 855-041-4200 and adopt OAR 855-041-5050 through 855-041-5055 as noticed was made and unanimously carried (Motion by Larson, seconded by Chute).

Pharmacist Consultant, Fiona Karbowicz spoke about Division 080 Controlled Substances and stated that no comments were received. This revision removes Marijuana and THC from Schedule II Controlled Substance list as requested/required by legislation and Oregon State Police and that we should make this rule effective upon filing.

**MOTION**

Motion to permanently amend OAR 855-080-0022 as noticed was made and unanimously carried (Motion by Armstrong, seconded by Vipperman).

**Consider Adoption of Temporary Rules**

Pharmacist Consultant, Fiona Karbowicz spoke about Division 019 Naloxone and the substantive changes requested by OHA regarding naloxone distribution. Board Counsel recommended a temporary rule, due to efforts by many Oregon stakeholders to make naloxone as readily accessible as possible. Sub (8) recognizes that naloxone is still an Rx drug and must be obtained via legal channels. Non-substantive change requested by staff is to clarify counseling. We should make this rule effective after the previously Naloxone rules are filed.

Board Member, Roberto Linares asked for clarification and if this would mean the person who picks it up from the pharmacy can give it to whomever they want to. Executive Director, Marc Watt stated that the challenge is that it’s still a prescription drug, but the intent is to expand the access of the medication and making it available everywhere. He reported that people across the nation want this to be an OTC and have proposed that idea to the FDA. He also stated that the FDA is encouraging manufacturers to transition this to OTC for public health. He went on to say
that this is uncharted territory of prescribing related to valid patient practitioner relationship. Board President, Penny Reher stated that she wants to make sure we are considering what’s to come in the future so we don’t have to revise our rules in regards to consultation. Roberto stated that Naloxone isn’t solving the problem but it’s saving people’s lives in certain situations, but believes that the idea of increasing access to Naloxone might have unintended results for addicts. Board Member, Cyndi Vipperman stated that it’s important for the counseling from her experience.

**MOTION**  
Motion to adopt Temporary Naloxone amended rules in OAR 855-019-0460 was made and unanimously carried (Motion by Linares, seconded by James).

---

**Consider Rules and send to Rulemaking Hearing – None**

---

**Policy Issues for Discussion**

Pharmacist Consultant, Fiona Karbowicz discussed the proposed rules for Division 019 & 041 Community Pharmacy Personnel/PIC and suggested updating the language regarding compliance realities for multiple PIC’s. Board Member, Rachael DeBarmore wanted to know what would happen if there wasn’t a CPO? Fiona stated that she hasn’t seen that type of example happen, but that staff would work with the entity. Board Member, Christine Chute stated that she thinks that our rules might address this scenario in some cases.

The Board had a lengthy discussion about the definition of “direct supervisor” and the potential of renaming that position. Board Counsel, Tom Cowan said it isn’t the definition of the PIC, it’s the desire to clarify the practice and it’s the level of clarity and the lines of authority where someone might be practicing pharmacy and not licensed properly. Tom stated that the Board believes people are practicing without a license; we are clarifying our position to articulate the lines. He went on to say that we aren’t occupying new territory and that if a person is directing the behavior of pharmacy staff, they need to be licensed. He gave an example of a retail store manager and what authority they have over our licensee’s or the PIC and how different business models are creating issues for our board to determine what constitutes the practice of pharmacy. Historically these positions were filled by licensed pharmacists, but business models have changed and this is no longer always the case, which has become problematic for the agency.

**MOTION**  
Motion to send Community Pharmacy Personnel rules in OAR 855-019-0300 and OAR 855-041-2105 to Rulemaking Hearing on May 23, 2018 was made and unanimously carried. (Motion by Larson, seconded by James).

---

**Discussion Items**

**Kratom**

Executive Director, Marc Watt reported that he received a request from OHA asking if we would consider doing more research on Kratom. Marc stated that staff recommends we should continue to monitor the topic for now regarding scheduling. He also mentioned that there isn’t any real definitive information available about it and that because it’s readily available in Oregon, more people are aware of it. He reported that people are using it for detox from heroin, but it’s self-
treatment and not prescribed. He stated that action isn’t warranted at this time and that we will continue to monitor it.

### Waiver Requests

Providence Labeling Requirement waiver request renewal

Pharmacist Consultant, Fiona Karbowicz read the request to continue waiver of OAR 855-041-1130 regarding prescription labeling for 5 more years for outlet license #RP-0002790.

**MOTION**

Motion to approve Providence Investigational Drug Services Pharmacy request to continue waiver of OAR 855-041-1130 for five years was made and unanimously carried. (Motion by DeBarmore, seconded by Linares).

### Contraceptive Prescribing Update

Pharmacist Consultant, Fiona Karbowicz reported that we are ready to go and will post the information on our website and will be creating FAQ’s soon. Executive Director, Marc Watt stated that the statute is effective January 1, 2018, however, not all licensees will be able to complete the new training by that date, which will prevent them from being able to prescribe. Licensees who complete all of the training, will be able to prescribe and we are notifying existing prescribers to take the newly added training modules. If licensees haven’t completed the training by the current due date, they won’t be allowed to prescribe any birth control until they complete the new modules.

Marc asked the Board to consider extending the due date since the training has only been available for the past 2 months and only 52% have completed the new training modules. He stated that the extension will help the licensees and the insurance companies and that licensees have access to their training modules for up to 2 years.

Past Board Member, Ken Wells reported that 1250 have completed the Oregon course, 713 or 55-60% have registered and that about 52% have completed it. Board President, Penny Reher wanted to know how the Board would know who has taken it and who hasn’t and if staff has the ability to keep track. Marc stated that we might have a potential state credentialing program in the future that might help us address or possibly solve the issue of tracking.

**MOTION**

Motion to direct and advise OSU School of Pharmacy – Contraceptive Training Program on timeline for transition of new module into the training program by March 31, 2018 was made and unanimously carried. (Motion by Larson, seconded by Vipperman).

### Public Health and Pharmacy Formulary Advisory Committee Update

Executive Director, Marc Watt reported that this Governor appointed committee is an independent Advisory Committee of the Board, who will submit recommendations for the Board to consider for rulemaking for drugs and prescribing based on a formulary or protocol. Board Fellow, Tim Frost provided a presentation about the standards of care for prescribing as requested at the Board’s
strategic planning meeting and an implementation plan. He stated that Oregon isn’t the first state to have this kind of committee and proceeded to educate the Board on what we can learn from these other states regarding implementation and issues they struggled with. He mentioned that there wasn’t a lot of support from others with prescribing authority and that they didn’t have a set of rules to follow, it was simply a formulary. Nurse Practitioners (NPs) have some of the best practices that might work well for our committee in regards to standards. Historically, Oregon has been on the leading end of prescribing, we have already developed these standards, so it’s not a new concept. Working in tandem with this committee, using a scope of practice, allows an avenue to submit protocols.

Tim continued and stated that we would need to make a determination in our rules based off of this formulary, including core elements, defining clinical guidelines, utilizing current literature and education on how to prescribe. He mentioned that NPs don’t define a new educational component for each new drug or device. Patient Assessment is a newer standard, not all OR state pharmacists will be ready or able to perform an assessment and he said that there are no diagnostics going on with Naloxone and contraception prescribing. Assessments are up to interpretation and it isn’t well documented currently. He spoke about the components such as inclusion criteria, exclusion criteria and referral criteria. He stated that it’s very important that we get the referral to a more appropriate health care venue piece right when it’s outside of the RPh’s scope to prescribe and to get the patient in front of their health care provider. He stated that the follow-up care plan portion is also really important, pharmacists haven’t always been trained in this area. Notifying the Primary Care Provider (author of the diagnosis) if the patient has one, after prescribing and having some kind of protocol. He also spoke about documentation and what that should look like and what’s appropriate and consider developing a standard for discipline on standard of care, where we will clearly communicate how licensees will be held accountable. The Committee is made up of a diverse group, a few have gone through the process with the Board of Nursing when they received their approval to prescribe.

Board Member, Roberto Linares stated that he is concerned about over-credentialing and conflicts of interest from distributors and prescribers. Marc stated that our concept is to craft an entry level credentialing program and Tim mentioned that Canada has a great program and protocols. Board President, Penny Reher stated that this will take a lot of resources and it’s an exciting opportunity and that the Board fully supports staff to make this successful. Marc mentioned that he might have to ask for an additional FTE somewhere between an Inspector and Consultant in the future.

---

**Per Diem Policy**

Policy updated to match new rules and effective 1/1/18 renew next during Annual Business meeting.

**MOTION**

Motion to adopt updated Per Diem Policy was made and unanimously carried. (Motion by DeBarmore, seconded by Larson).
Strategic Planning

Administrative Director, Karen MacLean reported that we did receive notes from the November 2017 meeting facilitator and expects to have minutes to review at the February Board meeting.

OPEN FORUM –

Peter Addy – Associate Researcher, Yale School of Medicine and the VA, asked Executive Director, Marc Watt about his call from Lines for Life and stated that he has been studying Kratom for 8-10 years and spoke about the potency, purity and no regulation on the ingredients. He stated that he is pleased it’s not scheduled and then read a statement from one of his colleagues.

Paul Kemp - VP of American Kratom Association, stated that they are working on the issues of purity and potency, some chain of custody, and is currently working with vendors. He stated that there is a lot of misinformation out in the world and said people don’t die from Kratom, but a ban will result in death, because people use Kratom to keep themselves off of opioids. Kratom is a potential opioid withdrawal tool, but sellers need to know what they are putting out to the public. He stated that they want the FDA to control the process and punish the abusers and that he is in favor of some control.

Jenn Lauder, Marketing Director for PDX Aromatics agreed with the previous comments and hoped that the Board would help eliminate bad providers of Kratom.

There was one individual who wished to remain anonymous who commented on Kratom. She is a user of Kratom and has used it safely; it would be a devastating blow if restricted.

Sally Logan, Kaiser – commented re: Formulary Committee and would like to see monitoring included, which wasn’t mentioned in Tim’s presentation.

Ken Wells and Gary Miner spoke about OSPA’s newer committee for emergency preparedness and the new CE program that will contain five different modules and that it’s almost ready for release for Board approval. They wanted to let the Board know that they were wrapping up the project and asked if we would consider adding a link to the Board’s website upon approval. Their goal is to get people prepared and used Division 7 as a reference, for earthquake, outbreaks, natural disasters, etc. and the modules are geared towards pharmacists and technicians.

Adjourn

MOTION

Motion to adjourn at 2:30PM was made and unanimously carried (Motion by DeBarmore, second by Larson).

Accepted by:

[Signature]

Marcus Watt, R.Ph.
Executive Director
Executive Session of the Board was held on Wednesday, Dec. 13, 2017 to discuss Compliance cases, followed by motions on Thursday, Dec. 14, 2017. Working lunch held.

Board Members present for all or part of compliance session:
- Penny Reher, RPH, President
- Rachael DeBarmore, RPH, Vice President
- Kate James, RPH
- Roberto Linares, RPH
- Shannon Larson, RPH
- Dianne Armstrong, CPT
- Cyndi Vipperman, CPT
- Christine Chute, Public Member
- Vacant, Public Member

Staff present for all or part of compliance session:
- Marcus Watt, R.Ph., Executive Director
- 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
- Karen MacLean, Administrative Director
- Fiona Karbowicz, R.Ph., Pharmacist Consultant
- Mo Klein, Project Manager
- Chrisy Hennigan, Licensing Program Supervisor
- Annette Gearhart, Compliance Secretary
- Kim Oster, Compliance Assistant
- Thomas Cowan, Senior AAG
- Tim Frost, Board Fellow
- Kim To, Legislative Fiscal Analyst

Case 2016-0246 Motion to accept ALJ Alison Greene Webster’s Proposed Order, and to issue a Final Order.
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2014-0240 Motion to deny request.
Motion by: Dianne Armstrong; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0084 Motion to withdraw Default Order and accept signed Consent Order as submitted.
Motion by: Cyndi Vipperman; Seconded by: Shannon Larson. Motion carried with Roberto Linares recused.

Case 2017-0487 Motion to grant pharmacist license.
Motion by: Dianne Armstrong; Seconded by: Kate James. Motion unanimously carried.

Case 2016-0579 Motion to approve proposed Consent Order and QA Plan.
Motion by: Dianne Armstrong; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0484 Motion to impose $10,000 civil penalty per violation against outlet;
Case 2017-0164 Motion to suspend license for 30 days and impose $1,000 civil penalty per violation against pharmacist; and in
Case 2017-0163 Motion to close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion carried with Shannon Larson recused.
Case 2017-0081  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Kate James; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0543  Motion to impose $1,000 civil penalty per violation against technician.
Motion by: Kate James; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0294  Motion to impose 30 day suspension against pharmacist license and impose $1,000 civil penalty per violation and close with Board direction.
Motion by: Shannon Larson; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0268  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0566 & 2017-0104  Motion to impose $10,000 civil penalty per violation against outlet; and in Case 2017-0023  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0371  Motion to suspend registration and impose $10,000 civil penalty per violation against outlet.
Motion by: Shannon Larson; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0323  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0477  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0405  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 2017-0306  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0424  Motion to ratify Stipulated Consent Order surrendering pharmacist license.
Motion by: Dianne Armstrong; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0324  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0236  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0366  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0406  Motion to grant technician license.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0428  Motion to deny technician license and impose $1,000 civil penalty per violation.  
Motion by: Dianne Armstrong; Seconded by: Shannon Larson.  Motion unanimously carried.

Case 2017-0431  Motion to grant pharmacist license.  
Motion by: Kate James; Seconded by: Shannon Larson.  Motion unanimously carried.

Case 2017-0333  Motion to grant technician license.  
Motion by: Kate James; Seconded by: Cyndi Vipperman.  Motion unanimously carried.

Case 2017-0357  Motion to grant technician license.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong.  Motion unanimously carried.

Case 2017-0314  Motion to reprimand pharmacist and impose $1,000 civil penalty per violation, and close with Board direction.  
Motion by: Kate James; Seconded by: Shannon Larson.  Motion unanimously carried.

Case 2017-0307  Motion to close with Board direction.  
Motion by: Shannon Larson; Seconded by: Dianne Armstrong.  Motion unanimously carried.

Case 2017-0379  Motion to impose $1,000 civil penalty per violation against Pharmacist-in-Charge.  
Motion by: Kate James; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2017-0337  Motion to close with Board direction.  
Motion by: Shannon Larson; Seconded by: Christine Chute.  Motion unanimously carried.

Case 2017-0256  Motion to close with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong.  Motion unanimously carried.

Case 2017-0420  Motion to close with Board direction.  
Motion by: Shannon Larson; Seconded by: Kate James.  Motion unanimously carried.

Case 2017-0331  Motion to close with Board direction.  
Motion by: Kate James; Seconded by: Shannon Larson.  Motion carried with Christine Chute opposed.

Case 2017-0335  Motion to impose $1,000 civil penalty per violation against pharmacist and close with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Kate James.  Motion carried with Christine Chute opposed.

Case 2017-0365  Motion to close with board direction.  
Motion by: Shannon Larson; Seconded by: Kate James.  Motion carried with Christine Chute opposed.

Case 2017-0381  Motion to close with Board direction.  
Case 2017-0506  Motion to close with Board direction. 
Motion by: Cyndi Vipperman; Seconded by: Kate James.  Motion carried with Christine Chute opposed.
Case 2017-0385 Motion to close with Board direction.
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion carried with Christine Chute opposed.

Case 2017-0388 Motion to close with Board direction.
Case 2017-0507 Motion to close with Board direction.
Motion by: Kate James; Seconded by: Shannon Larson. Motion carried with Christine Chute opposed.

Case 2017-0383 Motion to close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0469 Motion impose $1,000 civil penalty per violation against pharmacist.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0297 Motion to close with Board direction.
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion carried with Penny Reher recused.

Case 2017-0380 Motion to impose $1,000 civil penalty per violation against Pharmacist-in-Charge.
Case 2017-0422 Motion to close with Board direction.
Motion by: Kate James; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0339 Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Shannon Larson; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0368 Motion to deny technician license.
Motion by: Cyndi Vipperman; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0430 Motion to deny intern license and impose $1,000 civil penalty per violation.
Case 2017-0443 Motion to deny pharmacist license and impose $1,000 civil penalty per violation.
Case 2017-0444 and 2017-0451 Motion to deny technician license and impose $1,000 civil penalty per violation.
Case 2017-0442 Motion to grant technician license and close with Board direction.
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Motion to accept the items on the consent agenda with case 2017-0297 pulled for discussion.
Motion by: Christine Chute; Seconded by: Kate James. Motion unanimously carried.

Consent Agenda Cases Closed with Board Direction: