BOARD MEETING MINUTES
Oregon Board of Pharmacy
800 NE Oregon Street, Portland, OR 97232
December 12-13, 2018

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 12, 2018

Rachael DeBarmore, R.Ph, Board President called the meeting to order at 8:39AM.

Roll Call
Rachael DeBarmore, President
Roberto Linares
Shannon Beaman
Dianne Armstrong
Tim Logan

Cyndi Vipperman, Vice President
Penny Reher
Wassim Ayoub
Vacant

The following staff members will be present for all or part of this session:
Brad Avy, Interim Executive Director
Karen MacLean, Administrative Director
Fiona Karbowicz, Pharmacist Consultant
Joe Ball, Chief Investigator
Jane Gin, Inspector
Laura Elvers, Inspector
Annette Gearhart, Compliance Secretary
Rachel Melvin, Executive Support Specialist

Brian Efremoff, Compliance Director
Chrisy Hennigan, Licensing Supervisor
Mo Klein, Project Manager
Cheryl Fox, Inspector
Katie Baldwin, Inspector
Brian Murch, Inspector
Kim Oster, Compliance Assistant
Loretta Glenn, Management Secretary

Tom Cowan, Sr. AAG Board Counsel

Agenda Review and Approval

MOTION

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

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 8:40 AM was made and unanimously carried (Motion by Beaman, second by Armstrong).

**MOTION**
Motion to resume Open Session at 4:55 PM was made and unanimously carried (Motion by Beaman, second by Armstrong).

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**OPEN SESSION - PUBLIC MAY ATTEND** - At the conclusion of Executive Session, the Board will convene Open Session to adjourn.

Adjourn

**MOTION**
Motion to adjourn at 4:56 PM was made and unanimously carried (Motion by Vipperman, second by Linares).

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**THURSDAY, DECEMBER 13, 2018**

**OPEN SESSION, Rachael DeBarmore, R.Ph, Presiding**

Rachael DeBarmore, R.Ph, Board President called the meeting to order at 8:37 AM.

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

The following staff members will be present for all or part of this session:
Brad Avy, Interim Executive Director
Karen MacLean, Administrative Director
Annette Gearhart, Compliance Secretary
Sherry Carter, DAS HR Business Partner
Brianne Efremoff, Compliance Director
Joe Ball, Chief Investigator
Kim Oster, Compliance Assistant

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Motions for Contested Cases & Disciplinary Actions – please see the end of the document.

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**Board Meeting Dates**
- February 6-8, 2019* Portland  (*3 day meeting)
- April 3-4, 2019 Portland
- June 5-6, 2019 Portland
- August 7-9, 2019* Portland  (*3 day meeting)
- October 2-3, 2019 Portland
- November 6-7, 2019 TBA  (*Strategic Planning – subject to change)*

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• 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 22, 2019
• July 23, 2019 (possible)
• November 26, 2019

2020 Board Meeting Dates for Consideration
• February 5-7, 2020*  Portland  (*3 day meeting)
• April 15-16, 2020  Portland
• June 17-18, 2020  Portland
• August 12-14, 2020*  Portland  (*3 day meeting)
• October 14-15, 2020  Portland
• November 18-19, 2020  TBA  (Strategic Planning subject to change)
• December 16-17, 2020  Portland

MOTION
Motion to approve proposed 2020 Board Meeting dates was made and unanimously carried (Motion by Vipperman, second by Armstrong.)

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 26, 2018-December 3, 2018
4. Pharmacy Technician Extensions – none
5. Boarc Minutes – October 3-4, 2018 and October 30, 2018

MOTION
Motion to approve Consent Agenda was made and unanimously carried (Motion by Beaman, second by Reher).

Executive Director Interviews
Introduction and Process Discussion
Board President Rachael DeBarmore asked Sherry Carter Human Resources Partner to discuss how the interview process will go today. Prior to today, individual members of the Board reviewed hundreds of interview questions and also submitted their own questions that created the questions that both candidates will be asked today. Once the interviews were completed, the Board will go into Executive Session to deliberate. When Open Session resumes, the plan is the Board will announce their preferred candidate by #A or #B in no particular order and Human
Resources will then complete their review of the selected candidate, make an offer and complete negotiations. Upon final acceptance of the candidate, there will be a public announcement.

9:30-10:40am  Candidate 1 - Joseph Schnabel
Joe was invited to introduce himself. Joe is a Pharmacist/Pharm D., he received his education at Purdue University and Oregon State University. Has worked at Salem Hospital for 31 years. Has been the Director of Pharmacy since 2011. He shared his path towards pharmacy and the evolution of this pharmacy practice.

Interview Questions Asked
Q1. Give an example of a time when you proactively moved an initiative forward as a promoter/sponsor/advocate? What did you do when you received resistance? What was the outcome?
Q2. What process do you use to make sure you are effectively carrying out the direction of a policy board?
Q3. Tell us about a time when you worked on a team and someone was not pulling their weight as part of the team. Provide an example of how you helped get the team member where he/she needed to be.
Q4. In accepting this position how would you approach the first 6 months and what would your management goals be over the first year?
Q5. Describe a time when you had to develop and implement new procedures in order to accommodate a change in law, rule or regulation. What challenges did you face? How did you overcome them?
Q6. Have you ever been assigned several important projects at roughly the same time? How did you go about setting priorities for your time?
Q7. How have you dealt with a situation in the past in which your job priorities did not align with the priorities of the management/board?
Q8. Describe a time when “politics” at work affected your job. How did you deal with it?
Q9. Describe a time when you had to intervene to solve a conflict. Why did you handle it that way?
Q10. Please explain your understanding of the term “diversity” as it applies to today's working world.
Q11. Why do you want this position?
Q12. Do you have any questions you would like to pose to the board?

BREAK

11:56 - 11:45am  Candidate 2 - Lisa Hunt
Lisa was invited to introduce herself. She is a Pharmacist and graduate of Oregon State University and has a MBA in Healthcare Management, she received her masters at Western Governors University. Lisa shared the various jobs she worked in over the years which included overseeing Oregon’s Medicaid Management Information Systems (MMIS) programs as well as three other state’s programs. Most recently, she has served as the Chief Compliance
Officer/Investigator for the Wyoming State Board of Pharmacy and in September of 2018 became the Executive Director of the Wyoming State Board of Pharmacy.

EXECUTIVE SESSION and Working Lunch
PUBLIC MAY NOT ATTEND, pursuant to ORS 192.660 (2)(a) the Board will hold an executive session to consider the employment of a public officer, employee, staff member, or individual agent.

MOTION
Motion to enter Executive Session pursuant to ORS 192.660(2)(a) at 11:37AM was made and unanimously carried (Motion by Beaman, seconded by Linares).

Following the conclusion of Executive Session the Board will reconvene Open Session

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MOTION
Motion to resume Open Session at 3:06PM was made and unanimously carried (Motion by Beaman, second by Logan).

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OPEN SESSION - PUBLIC MAY ATTEND

Motion regarding Executive Director selection

Rachael DeBarmore Board President thanked the Board for their hard work in evaluating the final candidates. For the purpose of the decision announcement, they are using Blue and Gold to identify the candidates in today’s motion; the colors in the Oregon State flag.

MOTION:
Motion that HR Manager, Sherry Carter, on behalf of the Board, do the necessary background checks, make a job offer and negotiate the pay for the Executive Director of the Oregon Board of Pharmacy, for the candidates in the following order: Candidate Blue and Candidate Gold was made and unanimously carried. Motion by Armstrong, second by Beaman.

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OPEN FORUM
Jackson Leong appeared as a member of the public. He thanked the Board for allowing the public to participate and provide input to the process of hiring a new director. He appreciated listening to all the questions and commented that it's important to have someone who cares about the Board's mission of public safety; it's about the people of Oregon. He hopes to see greater outreach to the public in the future, for example, perhaps even reaching out to the Nursing Home Association to speak at “Family Night” and ask what they need. He also commented on continuing the Board's emphasis on education and finding more ways to get pharmacists and technicians further educated to be able to provide pharmacy services correctly. He sees that board members and staff believe in patient care, and hopefully more of the public with engage in our public meetings. He thanked the Board for all their hard work.
Adjourn

MOTION
Motion to adjourn at 3:17PM was made and unanimously carried (Motion by Beaman, second by Ayoub).

Accepted by:

Joseph Schnabel, Pharm D., R.Ph
Executive Director
Executive Session of the Board was held on Wednesday, December 12, 2018 to discuss Compliance cases, followed by motions on Thursday, December 13, 2018.

Board Members present for all or part of compliance session:
- Rachael DeBarmore, RPH, President
- Cyndi Vipperman, CPT, Vice President
- Wassim Ayoub, RP-I
- Shannon Beaman, RPH
- Roberto Linares, RPH
- Penny Reher, RPH
- Dianne Armstrong, CPT
- Tim Logan, Public Member
- VACANT, 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
- Brad J. Avy, Interim Executive Director
- Karen MacLean, Administrative Director
- Fiona Karbowicz, RPH, Pharmacist Consultant
- Mo Klein, Project Manager
- Chrisy Hennigan, Licensing Program Supervisor
- Thomas Cowan, Senior AAG

**Case 2017-0477**  
Motion to accept proposed Consent Order.  
Motion by: Cyndi Vipperman; Seconded by: Roberto Linares. Motion unanimously carried.

**Case 2009-0127**  
Motion to deny request.  
Motion by: Dianne Armstrong; Seconded by: Roberto Linares. Motion carried with Wassim Ayoub recused.

**Case 2013-0509**  
Motion to grant request.  
Motion by: Penny Reher; Seconded by: Shannon Beaman. Motion carried with Wassim Ayoub opposed.

**Case 2014-0195**  
Motion to deny request.  
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

**Case 2014-0292**  
Motion to grant request to work at up to three pharmacy locations with Board staff approval.  
Motion by: Roberto Linares; Seconded by: Tim Logan. Motion unanimously carried.

**Case 2015-0055**  
Motion to deny request.  
Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion carried with Wassim Ayoub recused.
Case 2018-0426  Motion to deny request.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0129  Motion to withdraw Notice if he takes and passes MPJE within 90 days.
Motion by: Penny Reher; Seconded by: Roberto Linares. Motion carried with Tim Logan opposed.

Case 2018-0427  Motion to accept proposed Consent Order.
Motion by: Cyndi Vipperman; Seconded by: Penny Reher. Motion unanimously carried.

Case 2017-0323  Motion to accept proposed Consent Order.
Motion by: Shannon Beaman; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2018-0648  Motion to suspend technician license for 30 days and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0549  Motion to suspend technician license for 30 days and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0068  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Tim Logan; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2018-0639  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Wassim Ayoub; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0660  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 2018-0618  Motion to impose $1,000 civil penalty per violation against pharmacist; and in
Case 2018-0619  Motion to impose $1,000 civil penalty per violation against pharmacist.
Motion by: Tim Logan; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0671  Motion to close with Board direction; and in
Case 2018-0670  Motion to close with Board direction; and in
Case 2018-0503  Motion to revoke technician license and impose $1,000 civil penalty per violation against technician.
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0542  Motion to impose $10,000 civil penalty per violation against the outlet; and in
Case 2018-0543  Motion to impose $1,000 civil penalty per violation against Pharmacist-in-Charge; and in
Case 2018-0545  Motion to impose $1,000 civil penalty per violation against technician.
Motion by: Penny Reher; Seconded by: Tim Logan. Motion carried with Cyndi Vipperman opposed on Case 2018-0543.

Case 2018-0635  Motion to revoke outlet license and impose $10,000 civil penalty per violation; and in
Case 2018-0636  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Shannon Beaman. Motion unanimously carried.
Case 2018-0473    Motion to impose $1,000 civil penalty per violation against technician and close case with Board direction.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0599    Motion to close with Board direction.
Motion by: Tim Logan; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0566    Motion to revoke technician license and impose $1,000 civil penalty per violation, and close with Board direction.
Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0576 and 2018-0544 Motion to revoke technician license and impose $1,000 civil penalty per violation against technician and close with Board direction.
Motion by: Shannon Beaman; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0642    Motion to close case with Board direction.
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0395    Motion to deny pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Tim Logan; Seconded by: Roberto Linares. Motion carried with Wassim Ayoub recused.

Case 2018-0325    Motion to amend the Notice of Proposed Disciplinary Action issued in Case 2017-0355 to include Case No. 2018-0325.
Motion by: Dianne Armstrong; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2018-0483    Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Wassim Ayoub; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0613    Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0510    Motion to suspend technician license for 30 days and impose $1,000 civil penalty.
Motion by: Tim Logan; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0587    Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Penny Reher; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0551    Motion to deny pharmacy technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0633    Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Shannon Beaman; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0585    Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2018-0632    Motion to grant pharmacist license and close with Board direction.
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

**Case 2018-0578**  
**Motion to grant intern license.**  
Motion by: Tim Logan; Seconded by: Roberto Linares. Motion unanimously carried.

**Case 2018-0616**  
**Motion to deny technician license and impose $1,000 civil penalty per violation.**  
Motion by: Roberto Linares  Seconded by: Penny Reher. Motion unanimously carried.

**Case 2018-0690**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Shannon Beaman; Seconded by: Roberto Linares. Motion unanimously carried.

**Case 2018-0614**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Tim Logan; Seconded by: Cyndi Vipperman. Motion unanimously carried.

**Case 2018-0634**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Penny Reher; Seconded by: Roberto Linares. Motion unanimously carried.

**Case 2018-0692**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Roberto Linares; Seconded by: Dianne Armstrong. Motion unanimously carried.

**Case 2018-0586**  
**Motion to grant technician license, close with Board direction.**  
Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion carried with Wassim Ayoub opposed.

**Case 2018-0673**  
**Motion to deny technician license.**  
Motion by: Shannon Beaman; Seconded by: Roberto Linares. Motion carried with Tim Logan opposed.

**Case 2018-0638**  
**Motion to grant pharmacist license.**  
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

**Case 2018-0674**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Penny Reher; Seconded by: Shannon Beaman. Motion unanimously carried.

**Case 2018-0675**  
**Motion to grant technician license and close with Board direction.**  
Motion by: Shannon Beaman; Seconded by: Tim Logan. Motion unanimously carried.

**Case 2018-0615**  
**Motion to deny technician license and impose $1,000 civil penalty per violation.**  
Motion by: Roberto Linares; Seconded by: Dianne Armstrong. Motion unanimously carried.

**Case 2018-0608**  
**Motion to amend Notice of Proposed Disciplinary Action Issued In Case No. 2018-0018 to include Case No. 2018-0608.**  
Motion by: Shannon Beaman; Seconded by: Tim Logan. Motion carried with Penny Reher recused.

**Case 2018-0593**  
**Motion to revoke technician license and impose $1,000 civil penalty per violation.**  
Motion by: Shannon Beaman; Seconded by: Wassim Ayoub. Motion unanimously carried.

**Case 2018-0423 and 2018-0592**  
**Motion to ratify Stipulated Consent Order to surrender pharmacist license.**  
Motion by: Tim Logan; Seconded by: Cyndi Vipperman. Motion unanimously carried.
Case 2018-0595  Motion to Ratify Stipulated Consent Order 2017-0008 and 2018-0595 surrendering certified pharmacy technician license.
Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0432  Motion to ratify Stipulated Consent Order withdrawing intern license application.
Motion by: Penny Reher; Seconded by: Wassim Ayoub. Motion unanimously carried.

Case 2018-0505  Motion to close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0594  Motion to close case with Board direction.
Motion by: Penny Reher; Seconded by: Roberto Linares. Motion carried with Wassim Ayoub recused.

Case 2018-0449  Motion to close with Board direction.
Motion by: Roberto Linares; Seconded by: Tim Logan. Motion unanimously carried.

Case 2018-0562  Motion to close with Board direction.
Motion by: Shannon Beaman; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0612  Motion to grant Retail Drug Outlet license.
Motion by: Penny Reher; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0173  Motion to ratify Stipulated Consent Order to surrender pharmacist license.
Motion by: Tim Logan; Seconded by: Roberto Linares. Motion unanimously carried.

Case 2018-0344  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Shannon Beaman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion to impose $1,000 civil penalty per violation against the technicians; and in
Cases 2018-0700, 2018-0704, 2018-0707 and 2018-0709
Motion to ratify signed Consent Orders.
Motion by: Wassim Ayoub; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2018-0429, 2018-0515  Motion to Impose $1,000 civil penalty per violation against the outlet.
Motion by: Penny Reher; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0446  Motion to impose $1,000 civil penalty per violation against outlet; and in
Case 2018-0712  Motion to impose $1,000 civil penalty per violation against Pharmacist-in-Charge.
Motion by: Tim Logan; Seconded by: Shannon Beaman. Motion unanimously carried.

Case 2018-0622  Motion to impose $1,000 civil penalty per violation against Pharmacist-in-Charge.
Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0672  Motion to revoke intern license and deny pharmacist license and impose $1,000 civil penalty per violation.
Case 2018-0637, 2018-0694  Motion to deny technician license and impose $1,000 civil penalty per violation.
Case 2018-0691  Motion to grant pharmacist license.
Motion by: Dianne Armstrong; Seconded by: Shannon Beaman. Motion unanimously carried.
Case 2018-0722  Motion to deny technician license and impose $1,000 civil penalty per violation. Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0610  Motion to close with Board direction. Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2018-0564  Motion to close with Board direction. Motion by: Shannon Beaman; Seconded by: Wassim Ayoub. Motion unanimously carried.

Motion to accept the items on the consent agenda with case 2018-0610 and 2018-0564 pulled for discussion. Motion by: Wassim Ayoub; Seconded by: Shannon Beaman. Motion unanimously carried.

Cases Closed with Board Direction: