

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
June 5-6, 2012**

TUESDAY, JUNE 5, 2012

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

The following Board Members were present

Larry Cartier, President	Ann Zweber
Ken Wells, Vice President	Christine Chute
Penny Reher	Dianna Pimlott

1 Vacant Public Member position

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

Gary Schnabel, Executive Director	Karen MacLean, Administrative Director
Gary Miner, Compliance Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator
Fiona Karbowicz, Inspector	Gregg Hyman, Inspector
Katie Baldwin, Inspector	Michele Cale, Inspector
Meg Aulerich, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

Agenda Review and Approval

MOTION

Motion to approve the agenda as revised was made and unanimously carried (Motion by Wells, second by Pimlott).

MOTION

Motion to enter Executive Session pursuant to ORS 192.660(1) (2) (f) (i) (k) at 8:40 AM was made and unanimously carried (Motion by Wells, second by Zweber).

The Executive Director's Performance Evaluation was conducted during Executive Session as requested.

MOTION

Motion to enter Open Session at 4:03 PM was made and unanimously carried (Motion by Chute, second by Wells).

MOTION

Motion to adjourn at 4:04 PM was made and unanimously carried (Motion by Zweber, second by Reher).

WEDNESDAY, JUNE 6, 2012

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

The following Board Members were present

Larry Cartier, President	Ann Zweber
Ken Wells, Vice President	Christine Chute
Penny Reher	Dianna Pimlott

1 Vacant Public Member position

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

Gary Schnabel, Executive Director	Karen MacLean, Administrative Director
Gary Miner, Compliance Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator
Fiona Karbowicz, Inspector	Gregg Hyman, Inspector
Katie Baldwin, Inspector	Michele Cale, Inspector
Meg Aulerich, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan, Board Counsel

Motions for Disciplinary Action - Please see Motions for Disciplinary Cases at the end of this document.

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. Executive Director Report
4. Project Manager Report
5. License/Registration Ratification (April 7, 2012-June 1, 2012)
6. Intern Extensions (none)
7. Approval of Board Meeting Minutes (April 10-11, 2012 and May 24, 2012)

MOTION

Motion to approve the consent agenda was made and unanimously carried (Motion by Reher, second by Zweber).

President Cartier welcomed the pharmacy students and residents that were present, asked them to introduce themselves and thanked them for attending the meeting.

ANNUAL BOARD BUSINESS MEETING

President Larry Cartier opened the Board's Annual Business meeting by requesting nominations for the election of new officers.

Nominations: President Ken Wells by Zweber, Vice President Christine Chute by Pimlott

MOTION

Motion to accept Ken Wells as Board President and Christine Chute as Vice President for 2012-13 was made and unanimously carried (Motion by Reher, second by Zweber).

Approval of ACPE accredited schools & colleges of pharmacy

MOTION

Motion to approve the list of ACPE accredited schools & colleges of pharmacy was made and unanimously carried (Motion by Wells, second by Chute).

Approval of ACPE Continuing Education Process

MOTION

Motion to approve the current ACPE Continuing Education Process was made and unanimously carried (Motion by Chute, second by Zweber).

Review other Committee/Council appointments

The Board reviewed the current list of committee and council appointments. Mike Patrick's term on the Council on Rule Health for two years expires in June 2012.

It was confirmed that Mike would like to continue to serve on the Council on Rural Health and no other pharmacist expressed interest. The Board requested an update on the Council from Mike at a future Board Meeting. Staff will coordinate an appearance.

MOTION

Motion to reappoint Mike Patrick to the Council on Rural Health for two years was made and unanimously carried (Motion by Wells, second by Pimlott).

Approve current version of Fed. List of Controlled Substances

MOTION

Motion to approve the current version of Federal List of Controlled Substances was made and unanimously carried (Motion by Zweber, second by Chute).

Attorney General's Model Rules of Procedure – January 2012

MOTION

Motion to approve the January 2012 Attorney General's Model Rules of Procedure was made and unanimously carried (Motion by Chute, second by Wells).

Delegation of Board Authority update

MOTION

Motion to approve as revised the Delegation of Board Authority to Staff was made and unanimously carried (Motion by Wells, second by Pimlott).

Review Board Per Diem Policy

MOTION

Motion to reaffirm Board per diem policy was made and unanimously carried (Motion by Zweber, second by Wells).

Update on Board Appointments

Executive Director Gary Schnabel indicated that pharmacists Brad Fujisaki and Roberto Linares were confirmed by the Senate on May 21st. Both Brad and Roberto were present and introduced themselves. Gary indicated that the Governor has not appointed a new public member.

Recognition of outgoing Board Members Ann Zweber and Larry Cartier

President Larry Cartier expressed his appreciation for Ann Zweber's service on the Board for the last two terms. He commented on her dedication, professionalism and perservance. Other Board Members commented that she was a great mentor. Former Board Member Bernie Foster stated that he was thankful for all of the work that she has done and for instrumental role in the pseudoephedrine issue. Ann served on multiple Councils, participated in many local and national conferences, presented CE for associations and participated in the Governor's Advisory Committee on DUII. Ann thanked the Board for the privilege to serve and that it had been very interesting.

Board Member Ann Zweber expressed her appreciation for Larry Cartier's service on the Board for the last term. She stated that Larry is a natural leader, he is gracious, respectful and is a great role model for pharmacy students. Other Board Members commented on Larry's devotion, determination and leadership skills. They also recognized Larry for being selected as one of the 2012 Icons of Pharmacy. Larry is an active participant in Pharmacist Practice Roundtable and Coalition Meetings, he presented CE at many pharmacy events, he attended NABP District and Annual Meetings and served as the Board's voting delegate for NABP's 2011 Annual Meeting.

President Larry Cartier expressed his appreciation to Board Staff and acknowledged their professionalism and dedication behind the scenes.

The Board thanked Ann and Larry for their years of service and were presented with recognition plaques and gavels.

ISSUES/ACTIVITIES

Reports

Ken Wells reported that he attended the Professional Practice Roundtable meeting on May 8th. He also traveled to the National Association of Boards of Pharmacy (NABP) to attend the 108th Annual Meeting with Executive Director Gary Schnabel.

Ann Zweber reported that she had attended the NABP's Items Writer Workshop for the NAPLEX. She also went to the Governor's Advisory Committee on DUII. She indicated that they are working with Representative Jim Thompson to create a Legislative Concept to revise the definition of intoxicant by Statute for the Oregon Vehicle Code. Ann suggested that the Board take a position on this matter. Executive Gary Schnabel indicated that the Oregon State Pharmacist Association (OSPA) has typically taken a position against the subject because they do not want to interrupt drug therapy. Ann will no longer serve on the Committee and she nominated Christine Chute to serve on the Committee as a representative for the Board. Christine agreed to participate on the Governor's Advisory Committee on DUII.

Christine Chute reported that she and Executive Director Gary Schnabel met with Representative Jim Thompson, her Legislator, to discuss three items. They discussed the results of the Board's Workforce Survey, prescriber dispensing and Pharmacy Benefit Managers (PBM). Representative Thompson wasn't aware of the survey, but was not surprised by the results Christine indicated that it was a successful and interesting meeting.

Penny Reher reported that she had attended the Professional Practice Roundtable on May 8th via telephone.

Larry Cartier reported that he attended the Professional Practice Roundtable and the Oregon Society of Health-Systems Pharmacists Annual Seminar with Gary Schnabel. Larry and Board Inspector Gregg Hyman presented a law class at Professional Society of Pharmacists (PSOP). Larry also participated in the Oregon Patient Safety Commission Taskforce Meeting.

Board Counsel Tom Cowan indicated that the Board should discuss Legislative Concept 180 at a future Board Meeting. Tom reported that the contested case process is working well. Tom indicated that Compliance Director Gary Miner is settling cases efficiently. Tom stated that both Boards he represents have had recent Strategic Planning Meetings. He suggested that the Board create paradigms for dealing with cases relating to subjects such as medication errors and dealing with impaired professionals at a future Strategic Planning or Board Meeting. Compliance Director Gary Miner and Tom will work together to help facilitate discussion with the Board and define these paradigms. Vice President Ken Wells stated that the Board should start on one topic at a time. For instance medication errors should be discussed at the August Board Meeting. Ann Zweber volunteered Dianna Pimlott to work with Gary and Tom on the subject of medication errors.

Compliance Director Gary Miner reported that there are currently 18 referrals to the Health Professionals Service Program (HPSP). Two of these are self referrals. Gary indicated that this is a stable number and it hasn't changed much. Gary reported that he had done a cost analysis on hearings. The cost analysis was broken down into three phases. Board meeting to pre-hearing which costs about \$82.00, pre-hearing up to hearing \$1,600 and all the way to conclusion is \$5,300. This analysis does not include staff time. Ann Zweber asked if there is a burden of cost on licensees she commented that some other Boards require this. Executive Director Gary Schnabel indicated that historically there was an agency legislative concept that requested this information; however, this portion of language was not approved and removed from the final bill. Gary stated that the opponents argued that the licensee should not have to pay for due process. Gary stated that the Naturopathic Board is going to attempt this next year and the Staff will monitor its progress.

Compliance Director Gary Miner indicated that their Pharmacist-in-Charge training class has passed its 1,000 attendee mark. The Compliance Department is preparing to conduct PIC

training classes in Portland, Roseburg and one for all of Wal-Mart's PICs. He stated that he has had requests for a technician law Continuing Education (CE) as well as a training class for technicians. Gary reported that the Compliance Department has completed 342 of their inspections.

Administrative Director Karen MacLean pointed out two reports in the ratification book. One contained information from the National Institutes of Health (NIH) regarding their exam passing rate. From 2011 to the first quarter of 2012, NIH indicated that their passing rate for Oregon was 57% the passing rate overall was 68%. There are currently 171 or 24% technicians who have their national certification from the NIH. The Pharmacy Technician Certification Board (PTCB) indicated that their passing rate overall is 78%. There are currently 534 or 76% technicians who have obtained their national certification from the PTCB. The Board indicated that they would like the Technician Work-Group which will commence in 2014 to gather more information regarding the exam and the need to require technicians to maintain their national certification once they have successfully passed the exam.

Karen also provided statistics relating to fingerprinting. These statistics represent data from February 1, 2011 to February 1, 2012. They revealed that there were 190 referrals to the Compliance Department. Of those that were sent to Compliance if they were granted a license it takes about 56 days to become licensed. Statistics also showed that completed applications with no deficiencies take about three days for a license to be issued once the fingerprints are completed. Staff asked if it would be helpful to the Board for additional research on the cost benefits of fingerprinting. The Board requested that staff conduct an analysis on the benefits and deficiencies of fingerprinting for the October Board Meeting. President Larry Cartier mentioned that the Board should consider items such as the cost to licensees, Board staff time and delays in the processing of applications.

Karen indicated that the Licensing Staff is doing a great job processing applications and renewing licenses. She reported that there were only 353 pharmacist renewals left and that 94% had renewed. Karen shared that new Licensing Representative Karissa Shaw had been hired and will be a great addition to the Licensing Team. Karen indicated that desk manuals for licensing are almost complete. She also reported that she will be attending a NABP licensing training meeting in July. All expenses for this meeting have been satisfied by NABP.

2012-2013 Board Meeting Dates

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|--------------------------|-----------|--------------------|
| • August 7 - 8, 2012 | Portland | |
| • October 9 -10, 2012 | Portland | |
| • December 11 - 12, 2012 | Portland | |
| • February 12-13, 2013 | Portland | |
| • March 12 -13, 2013 | Silverton | Strategic Planning |
| • April 16 - 17, 2013 | Portland | |
| • June 11 - 12, 2013 | Portland | |
| • August 13 - 14, 2013 | Portland | |
| • October 15 -16, 2013 | Portland | |
| • December 17-18, 2013 | Portland | |

2012 Rulemaking Hearing Dates

- November 29, 2012

Board Member/Staff Presentations

Executive Director Gary Schnabel and Vice President Ken Wells attended the May 8th Professional Practice Roundtable Meeting. Gary shared information regarding the Board's Supervising Physician Dispensing Outlet rules and provided a brief update on Board activities. Ken received feedback on auto refills.

Inspector Gregg Hyman attended and spoke at the PSOP Meeting with Larry Cartier. Board Members commented that his presentation was very informative.

Board Member Penny Reher commented that Inspector Gregg Hyman also did a nice presentation for the Northwest Pharmacy Council.

The Board briefly discussed the upcoming OSPA Annual Convention. They indicated that they would like to do a panel discussion similar to last year. Vice President Ken Wells and Inspector Gregg Hyman volunteered to participate in the panel discussion. The Board determined that they would like the participation of another Board Member.

Vice President Ken Wells received an inquiry from Ann Murray in Heppner, Oregon. She asked if staff would be available to do a CE presentation in Eastern Oregon next Fall, possibly in October. She indicated that they could get a good gathering of attendees.

Committees/Meetings

Executive Director Gary Schnabel and Vice President Ken Wells attended the NABP 108th Annual Meeting in Philadelphia. Gary commented that there were good Continuing Education (CE) Programs and Gil Kerlikowske the White House Drug Czar gave a great presentation on prescription drug abuse.

Oregon State University Intern Tiina Andrews participated in the poster session. The poster contained information regarding the Board's workforce survey results. Gary commented that it generated a lot of interest. The poster will be displayed on NABP's AWARxE website. Ken reported that the Resolutions Committee adopted 11 resolutions including topics such as drug shortages, PBM's, online drug safety etc. He indicated that the Committee spent a lot of time drafting and revising the resolutions and that they looked at issues effecting every state. Ken commented that there are many similarities. Ken indicated that it was an honor to be a member of the Resolutions Committee and that he was very impressed with the meeting.

The Board discussed upcoming NABP meetings. They concluded that Penny Reher will attend the Board Member Forum, Dianna Pimlott will attend the District Meeting. The Board decided that they should not send more than one Board Member to this meeting.

Inspector Michele Cale will be attending the University of Utah's School on Alcoholism and Other Drug Dependencies June 17-22. A NABP Foundation grant will cover the travel costs and registration for this meeting.

Research Councils – none

GENERAL ADMINISTRATION

Rules & Policy Discussion Rulemaking Hearing Report None

Consider Adoption of Proposed Temporary Rule

Project Manager Courtney Wilson and Compliance Director Gary Miner led a discussion pertaining to a Staff recommendation to reclassify distributors of Oxygen USP from a Class I Wholesaler to a Class II Wholesaler. This would eliminate the need for these outlets to obtain VAWD Accreditation or obtain an Inspection Report that is accepted by the Board as well as secure a \$100,000 surety bond or irrevocable letter of credit. There are currently about 20 outlets that fall under this category. NABP indicated that they have not VAWD Accredited any wholesalers that distribute medical gases and Oxygen USP only. Staff recommended that the Board consider adopting a temporary rule at this meeting to classify Oxygen USP distributors to Class II Wholesalers. Adopting a temporary rule at this time would be beneficial for the upcoming renewal period as these outlets would not need to renew their \$100,000 surety bond or irrevocable letter of credit. The Board concluded this would be a good decision.

MOTION

Motion to amend OAR 855-065-0005 as a temporary rule was made and unanimously carried (Motion by Wells, second by Pimlott).

Consider Sending Rules to Rulemaking Hearing

None

Rules Policy Decisions

Compliance Director Gary Miner presented a series of points for discussion to understand the Board's intended use of dispensing machines in the Emergency Department. The Board concurred that they would like to create a separate section of the rules for dispensing machines. They also agreed that the dispensing machine should be used for Emergency Room dispensing only and it should be located inside the Emergency Room. However, they would like a waiver process for certain instances when it cannot be inside the Emergency Room. The Board determined that it would not be acceptable for the dispensing machine to be located near a vending machine. The Board agreed that the following items shall be required:

- Ensure that the prescribing practitioner consults with the patient on the proper use of the medication.
- Access for refilling the machine must be limited to pharmacists, technicians and pharmacy interns.
- 24 hour surveillance of the machine must be implemented.
- The patient will only be allowed a two hour time interval of access to the machine after the completion of their ER visit.

- The patient will need to be accompanied by a medical professional in order to have access to dispensing and that a Registered Nurse shall perform a final check of the medications.
- The drug formulary must be limited to items for emergency needs only.
- Refills will not be authorized.
- Pharmacists shall be responsible for reviewing the print out of the drugs utilized in the dispensing machine to ensure proper utilization and use of the drug.
- Errors or discrepancies need to be included in the hospital and pharmacy quality assurance review and that need to be documented within 24 hours.

The Board expressed their desire to require the dispensing machines to have a reporting requirement to the Prescription Drug Monitoring Program. However they understand this will require legislation. Dianna Pimlott and Penny Reher volunteered to review the draft rules before they go to the Board.

Future Rulemaking & Policy Discussion

Compliance Director Gary Miner presented an overview on future rulemaking. It was noted that staff will resume drafting long term care rules to review with the Long Term Care Stakeholders Work Group.

- Long Term Care
- Reorganization/renumbering *Rulemaking anticipated 12/12*
(Includes: Consulting Pharmacies, Central Fill, Drug Rooms and Retail Drug Outlets, etc.)
- Non-Prescription Drug Outlets *Rulemaking anticipated 12/12*
- Tech. Duties *Rulemaking anticipated 1/14*

Discussion Items

Compliance Director Gary Miner presented two drug outlet waiver requests and Administrative Director Karen MacLean presented two NABP reciprocity application extension requests.

Outlet Waiver Request

MOTION

Motion to approve Providence Investigational Drug Pharmacy request to waive OAR 855-041-0065 was made and unanimously carried (Motion by Zweber, second by Wells).

MOTION

Motion to approve Providence Home Services request to waive OAR 855-041-0026 was made and unanimously carried (Motion by Chute, second by Wells).

Extension Waiver Requests

MOTION

Motion to approve T. Aboagye's request for an extension for expired NABP application was made and carried (Motion by Chute, second by Pimlott). *Chute, Pimlott, Wells & Reher in favor; Cartier and Zweber opposed.*

MOTION

Motion to approve S. Habeeb's request for an extension for expired NABP application was made and unanimously carried (Motion by Wells, second by Reher).

Auto Refills

Ken received feedback from the Professional Practice Roundtable regarding auto refills and its relation to patient safety, medication errors, duplicate therapies and changes made by the Doctor. Board Members expressed concern about how drugs are returned to stock, how pharmacies ensure that there is not a mix up and accumulation of patient's medications. The Board concluded that they need to continue to monitor these issues.

Forged Prescriptions Meeting Update

Project Manager Courtney Wilson gave an update on the May 17th Work-Group Meeting. She reported that Lisa Millet from the Prescription Drug Monitoring Program came to the meeting and provided the work-group with an update on the program. Lisa indicated that outreach specialists will be reaching out to law enforcement and the program is developing informational material regarding how law enforcement can utilize the program. Board Inspector Fiona Karobwicz provided the Work-Group with an update on fraud trends and rings within the State. She also shared information relating to the Board's listserve and how these communications have been effective in notifying pharmacies of fraudulent activity. Staff advised the Work-Group that the Board decided at its December Meeting that they did not want to consider rule writing for recordkeeping of identification for controlled substances or mandatory reporting requirements for reasonable cause within a specified time period. At the Work-Groups May 17th Meeting the work-group asked that the Board re-consider pursuing mandatory reporting requirements for reasonable cause. The Board directed Staff to continue to work with law enforcement to conduct additional research and to see if law enforcement can designate a location as to where reporting documents could be sent. The Board would like this information highlighted at a future OSPA presentation and to write an article in the newsletter to notify licensees of the Board's efforts.

Project Manager Courtney Wilson presented a prescription fraud and pharmacy robbery informational brochure that had been updated as well as a voluntary reporting form and non-emergency phone numbers throughout the State. The Board liked the material and believes it will help facilitate awareness. The Board directed Staff to make the material a mailing for pharmacies in Oregon and to utilize the listserve to notify pharmacists that the material is available.

OBOP Website Consumer Information/Education Presentation

Compliance Assistant Kim Oster presented a sample consumer information webpage that she had developed. It was suggested that the NABP VIPPS and AWAARxE logos be added to the webpage. The Board commented that it is a great start and will be a useful tool for consumers.

Federation of State Medical Boards and Nursing - Social Media Video

Executive Director Gary Schnabel presented guidelines that were developed by the Federation of State Medical Boards regarding social media. He also introduced a short video on social media created by the National Council of State Board of Nursing. The Board had a brief discussion on the agency use of social media and professional practice use of social media. The Board commented that the video is very informative and has good principals to follow.

Probationer Policy Discussion

Compliance Director Gary Miner presented draft probationer policy language for the Board's 2012 Delegated Authority Grid as it relates to drug and alcohol violations. The policy addressed how to manage probation violations and the handling of new applicants. The Board discussed the policy and decided to move forward with it.

MOTION

Motion to approve the 2012 Practitioner Probation Policy language as presented was made and carried (Motion by Zweber, second by Wells). *Zweber, Wells, Pimlott, Cartier & Reher in favor; Chute obtained.*

Frequently Asked Questions

President Larry Cartier had specific questions regarding the Board's Frequently Asked Questions. These questions were related to prescription professional discretion and central fill. Larry reviewed these with Compliance Director Gary Miner and Board Council Tom Cowan. The Board decided that they will divide the FAQ's among themselves for review and to determine if any updates need to be made. Board Staff is also reviewing the FAQ's.

APPEARANCES

Drug Shortages and Emergency Medical Services

Dr. Ritu Sahni, Medical Director for the Oregon Emergency Medical Services/Trauma Program and a practicing Emergency Room practitioner appeared before the Board to provide an update of drug shortages and its relation to Emergency Medical Services. He indicated that the media often highlights shortages related to cancer drugs. However, the reality is that all generic injectables are also in short supply. These types of drugs are essential for the practice of medicine. Dr. Sahni shared a list of drugs that are on back order. These shortages inhibit access for EMS ambulatory services as well as Emergency Room hospitals. Dr. Sahni shared that EMS services do partner with local hospitals; however, it is difficult to share because hospitals also need many of the same drugs.

Arizona is one of the State's who have also been impacted by the shortages. The Arizona Bureau of Emergency Medical Services and Trauma System requires EMS providers to comply with minimum supply requirements for certain drugs. However, due to national or regional

shortages for certain drugs the Bureau will not site a deficiency for 90 days after the EMS provider submits a proposal to address the shortage that ensures the health and safety of the public is protected.

Dr. Sahni also discussed how many outlets, including pharmacies, have outdated drugs. Pharmacist Jackson Leong concurred that many pharmacies do have outdated drugs. Jackson suggested that the Board consider drafting a rule that would allow pharmacies to sell expired drugs during emergency situations. Dr. Sahni indicated that an expression of support from the Board to extend expiration dates would be helpful.

The American Society of Health-System Pharmacists collaborates with the University of Utah Hospital to track drug shortages nationwide. This information is accessible at <http://www.ashp.org/menu/PracticePolicy/ResourceCenters/DrugShortages.aspx>

E-Prescribing Update

Pharmacists Rachel Firebaugh, Nan Robertson from the Robertson Group working as consultants for Oregon's Office of Health Information Technology (OHIT) provided a presentation about e-prescribing and national progress toward the Health Information Exchange (HIE). They have been working on collecting, monitoring, reporting data and sharing findings with other states.

In 2011 they began conducting phone outreach to pharmacies to understand their current operations and to identify barriers to e-prescribing. E-prescribing data from 2010 had identified 62 independent pharmacies that had not adopted any e-prescribing functionality. The independent pharmacies shared that they were interested in more information about adopting e-prescribing. They also shared the barriers and challenges that they have faced. These include transaction costs, security, lack of internet access and a lack of e-prescribing standards for long-term care and compounding pharmacies.

Their focus groups revealed that there is a primary concern of accuracy amongst participants. Participants believe that there are more errors with e-prescriptions than other transmission methods. This requires increased calls back to the prescribers and potentially reduces patient safety. They think that providing prescribers with additional training with Electronic Health Records would help improve accuracy. The work group also identified that not being able to utilize e-prescribing for controlled substances creates work flow issues. The consultants indicate that a federal rule that will allow e-prescribing for controlled substances will most likely be finalized in 2013.

OHIT indicates that they will continue to work with ONC to increase adoption and ongoing usage of e-prescribing in Oregon to improve patient safety and prescribing efficiency. They will also continue to work on enhancing the Oregon health care community's understanding and utilization of e-prescribing. Their targets for the end of the year for chain pharmacies located in Oregon include increasing the amount of pharmacies enabled to e-prescribe with Surescripts from 98.8% to 99.6%. They hope to increase independent pharmacies from 79.9% to 85%. Finally they also hope to increase the number of prescribers actively e-prescribing utilizing Surescripts from 6,353 to 6,500.

Chelsea Hollingsworth, Policy Analyst for OHIT also providing a brief overview of CareAccord direct secure messaging. CareAccord direct secure messaging provides secure, encrypted email services that are available to health care organization and professionals within the state of

Oregon. It is compliant with HIPPA security guidelines and can be used for treatment, payment and operations. There is no cost to Oregon health care providers and organizations through the ONC Cooperative Agreement. This system allows providers or organizations to rely less on fax, telephone, regular mail or couriers to transfer patient clinical information. For more information visit www.CareAccord.org.

GSL Solutions

Pharmacist Shelton Louie, Stephen Garrett and Joe Intile from GSL Solutions Inc presented a technology video demonstration of GSL's IntelliCab and IntelliSys. They indicate that their system utilizes RFID technology which helps to reduce and eliminate some distribution errors. Their system also requires employee authentication in order to retrieve any drug. The Board thanked them for coming and presenting information about this technology.

Financial/Budget Report

Administrative Director Karen MacLean shared the Board's financial reports for March and April as well as its biennial comparisons thru quarter three. She reported that the Board is on target with its expenditures and that there were some variances in the biennial comparisons which were expected. This included the Council on Licensure, Enforcement and Regulation (CLEAR) training that Board Inspectors attended last October. Karen indicated that the Board's Program Bid Form had been submitted to the Governor's Safety Bid Team.

Legislative Update

Executive Director Gary Schnabel indicated he had received an email from the House Democratic Office Executive Director Tim Inman. He asked if there was anything the Legislature could help with as it related to the Drug Outlet Conduct Rules. Board Members discussed this and thought that it would be helpful if they would reiterate the Board's authority to require breaks and rest periods for pharmacists.

Gary also discussed the status of the Pharmacy Benefit Managers (PBM) Interim Work-Group. They had their first meeting the week of May 28th which was more of an organizational meeting. Gary reported that the work-group is comprised of pharmacists, legislators as well as PBM members who will also give input and answer questions. The work-group had a consensus to keep the group going. At a future meeting they would like to contact the Mississippi Board of Pharmacy and ask them to participate at a meeting via conference call. Gary indicated that Mississippi has a wealth of knowledge, experiences and successes. They currently have 43 PBM's registered. The next work-group meeting will be held sometime after July 4th.

Administrative Director Karen MacLean reported that the Board did not file any Legislative Concepts. Board Staff compiled a list of housekeeping issues that were identified when the Board Member reviewed after their Strategic Planning. Karen shared that the Board of Chiropractic Examiners filed a Legislative Concepts on behalf of themselves and the Board of Pharmacy which proposes to remove fee maximums from Statute. Whether the statutes include the fee maximums or not, the Board is required to adopt all fee increases through the rulemaking process and get the fees ratified by the legislation during the budget approval process. This change will streamline the process by removing the maximums from statutes.

Topics for Future Discussion

President Larry Cartier reiterated that the following topics will be discussed in the future.

- Best Practices for Retail Settings
 - Prescriptive Authority for OTC's
 - Pharmacist roles in ACO/CCO organizations
 - Pharmacy Benefit Managers
 - Failure to Cooperate
 - Impaired Professional Legislative Concept 180
 - Medication Errors Policy Discussion
 - Impaired Professional Policy Discussion
-

Strategic Planning Follow Up

Administrative Director Karen MacLean presented the Board's 2012-2014 Strategic Plan and Timeline. Board Members discussed having medical marijuana on the timeline it was decided that medical marijuana would remain on the timeline as it relates to professional impairment. The Board accepted the plan as written.

OPEN FORUM

President Larry Cartier invited comments from the public.

Pharmacist Jackson Leong suggested that the Board examine the need for Certified Technicians to continue their national certification once they pass the exam. He proposed that the Board should make the renewal of national certifications a voluntary process for Certified Technicians. Jackson suggested that in lieu of the renewal of national certifications the Board could increase annual Continuing Education to five hours with one of the hours being related to law.

Pharmacist Jackson Leong also notified the Board that he and two other individuals are working on writing an article for the Oregon Medical Board. The article is related to the Drug Enforcement Agency's (DEA) requirement that will not allow a pharmacy to pre populate a prescription. They will also prepare a letter and submit their article to the DEA. The Board will also be given a copy of the article once it is complete.

Jackson also thanked outgoing Board Members Larry Cartier and Ann Zweber and echoed the comments that were made about each of them during their recognition and plaque and gavel presentation. Jackson stated that he liked the changes that the Board has made during the last 12 years. He indicated that the Board makes a lot of tough decisions and he is proud of what we've done.

Adjourn MOTION

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

Approved by:

A handwritten signature in black ink that reads "Gary A. Schnabel". The signature is written in a cursive style with a large initial 'G'.

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

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Larry Cartier, R.Ph., Presiding

Tuesday, June 5, 2012 @ 8:30 AM, Conference Room 1A
Wednesday, June 6, 2012 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on June 5 to discuss Compliance cases, followed by motions on June 6.

Board Members present for all or part of compliance session:

Larry Cartier, R.Ph., President	Dianna Pimlott, R.Ph.
Kenneth Wells, R.Ph., Vice President	Penny Reher, R.Ph.
Christine Chute, Public Member	Ann Zweber, R.Ph.

Staff present for all or part of compliance session:

Gary Schnabel, R.Ph., R.N., Executive Director	Annette Gearhart, Compliance Secretary
Gary Miner, R.Ph., Compliance Director	Kim Oster, Compliance Assistant
Joe Ball, R.Ph., Chief Investigator	Karen MacLean, Administrative Director
Meg Aulerich, R.Ph., Board Inspector	Courtney Wilson, Project Manager
Katie Baldwin, R.Ph., Board Inspector	Thomas Cowan, Senior AAG
Michele Cale, R.Ph., Board Inspector	
Gregg Hyman, R.Ph., Board Inspector	
Fiona Karbowicz, R.Ph., Board Inspector	

ADMINISTRATIVE DISCUSSION:

Case 2011-0397 Board instructed staff to deny settlement offer of indefinite suspension of pharmacist license.

Case 2012-0263 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.

Motion by: Kenneth Wells; seconded by: Christine Chute. Motion unanimously carried.

Case 2011-0581 Motion to accept technician applicant's signed consent order.

Motion by: Penny Reher; seconded by: Kenneth Wells. Motion unanimously carried.

Case 2003-0158 Motion to grant pharmacist early release from probation.

Motion by: Ann Zweber; seconded by: Penny Reher. Motion unanimously carried.

Case 2009-0494 Motion to grant pharmacist's request.

Motion by: Ann Zweber; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2011-0120 Motion to grant probationer's request.

Motion by: Kenneth Wells; seconded by: Dianna Pimlott. Motion unanimously carried.

Cases 2012-0137, 2012-0139 and 2012-0143 Motion to withdraw Notices and close cases with no discipline against technicians.

Motion by: Dianna Pimlott; seconded by: Ann Zweber. Motion unanimously carried.

Case 1998-0162 Motion to deny request.

Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

BOARD APPEARANCES:

Case 2011-0549 Motion to grant reinstatement of technician license with probation.

Motion by: Christine Chute; seconded by: Kenneth Wells. Motion carried with Ann Zweber opposed.

CASE REVIEW:

Case 2011-0508; 2011-0585 and 2011-0494 Motion to close cases under investigation and issue letters.
Motion by: Christine Chute; seconded by: Penny Reher. Motion carried with Kenneth Wells recused from discussion and motion.

**Case 2011-0457 Motion to impose \$10,000 Civil Penalty per violation against unregistered outlet; and
Case 2011-0685 Motion to impose \$1,000 Civil Penalty per violation against owner/operator of unregistered drug outlet.**
Motion by: Kenneth Wells; seconded by: Christine Chute. Motion unanimously carried.

Case 2012-0113 Motion to revoke intern license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Dianna Pimlott. Motion carried with Ann Zweber recused.

Case 2012-0061 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Christine Chute; seconded by: Kenneth Wells. Motion unanimously carried.

Case 2012-0106 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0120 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0075 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Christine Chute; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0102 Motion to suspend technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Christine Chute. Motion unanimously carried.

Case 2012-0148 Motion to deny technician license.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0096 Motion to grant technician application.
Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0121 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0201 Motion to deny technician license.
Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0109 Motion to deny technician application.
Motion by: Christine Chute; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0227 Motion to deny technician application and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; seconded by: Penny Reher. Motion unanimously carried.

Case 2012-0107 Motion to deny technician license and impose \$1,000 civil penalty per violation.
Motion by: Christine Chute; seconded by: Kenneth Wells. Motion unanimously carried.

Case 2012-0208 Motion to issue Letter of Concern to pharmacist.
Motion by: Christine Chute; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0059 Motion to impose \$10,000 civil penalty per violation against outlet, and issue Letter of Concern recommending CE in patient safety/medication error prevention to all pharmacists.
Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0294 and 2012-0228 Motion to impose \$10,000 civil penalty per violation against pharmacy; and

Case 2012-0114 Motion to impose \$1,000 civil penalty per violation against pharmacist;
Case 2012-0275 Impose \$1,000 civil penalty per violation against technician.
Motion by: Kenneth Wells; seconded by: Penny Reher. Motion carried with Ann Zweber opposed in cases 2012-0114 and 2012-0275.

Case 2012-0228 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacists; CC: Letter of Concern to Pharmacist-in-Charge and outlet.
Motion by: Christine Chute; seconded by: Kenneth Wells. Motion unanimously carried.

Case 2012-0074 (read into motions as 2012-0076 due to clerical error) Motion to impose \$1,000 civil penalty per violation against pharmacist; and issue Letter of Concern recommending CE in patient safety/error prevention to technician.
Motion by: Kenneth Wells; seconded by: Penny Reher. Motion carried with Ann Zweber opposed.

Case 2012-0218 Motion to impose a \$1,000 civil penalty per violation against pharmacist. Letter of Concern to outlet; CC: Pharmacist-in-Charge.
Motion by: Penny Reher; seconded by: Christine Chute. Motion carried with Ann Zweber opposed and Kenneth Wells recused.

Case 2012-0225 Motion to impose \$1,000 civil penalty per violation against pharmacist.
Motion by: Penny Reher; seconded by: Christine Chute. Motion carried with Ann Zweber opposed and Kenneth Wells recused.

Case 2012-0025 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist and technician; CC: outlet and Pharmacist-in-Charge.
Motion by: Kenneth Wells; seconded by: Ann Zweber. Motion unanimously carried.

Case 2012-0108 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to pharmacist and technician; CC: letters to Pharmacist-in-Charge and outlet.
Motion by: Penny Reher; seconded by: Kenneth Wells. Motion unanimously carried.

Case 2012-0115 Motion to issue Letter of Concern recommending CE in patient safety/medication error prevention to Pharmacist-in-Charge and technician.
Motion by: Kenneth Wells; seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2012-0138 Motion to close as unable to substantiate.
Motion by: Penny Reher; seconded by: Christine Chute. Motion unanimously carried.

COMPLIANCE CONSENT AGENDA:

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

Motion to accept the items on the consent agenda with cases 2012-0115, 2012-0138 and 2012-0108 pulled out for discussion.
Motion by: Kenneth Wells; seconded by: Penny Reher. Motion unanimously carried.

LETTERS OF CONCERN CASES:

Case 2012-0149: Letter of Concern to Pharmacist-in-Charge and technician; CC: outlet.

Case 2012-0116: Letter of Concern to Pharmacist-in-Charge and CC: pharmacy.

Case 2012-0073: Letter of Concern to pharmacist recommending CE in patient safety/medication error prevention.

Case 2012-0124: Letter of Concern recommending CE in error prevention to pharmacist and technician; CC: PIC and outlet.

Case 2012-0103: Letter of Concern to technician recommending CE in patient safety/medication error prevention; cc Pharmacist-in-Charge and outlet.

Case 2012-0123: Letter of Concern to technician recommending CE in patient safety/medication error prevention; cc Pharmacist-in-Charge and outlet.

Case 2012-0047: Letter of concern to pharmacist recommending CE in medication error prevention; CC: Pharmacist-in-Charge and outlet.

Case 2012-0223: Letter of concern to pharmacist and technician recommending CE in patient safety/medication error prevention; CC: Pharmacist-in-Charge and outlet.

Case 2012-0224: Letter of concern to pharmacist and technician recommending CE in patient safety/medication error prevention; CC: outlet and PIC.

Case 2012-0158: Letter of concern to pharmacist and technician recommending CE in patient safety/medication error prevention; CC: outlet and PIC.

DEFICIENCY NOTICES:

Cases: 2012-0077, 2012-0110, 2012-0111, 2012-0122, 2012-0125, 2012-0126, 2012-0150, 2012-0151, 2012-0152, 2012-0153, 2012-0154, 2012-0155, 2012-0156, 2012-0157, 2012-0198, 2012-0202, 2012-0203, 2012-0210, 2012-0211, 2012-0212 and 2012-0239.

UNABLE TO SUBSTANTIATE:

Cases: 2011-0599, 2012-0105 and 2012-0266

NO VIOLATION:

Cases: 2012-0104, 2012-0118, 2012-0119, 2012-0206, 2012-0207 and 2012-0219.

DENIAL OF TECHNICIAN APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of technician licenses notices have been issued in:

Case: 2011-0699

TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

Cases: 2012-0038, 2012-0117 and 2012-0159.

UPDATES / For Your Information:

Correction:

Case 2012-0070: reported at April 2012 meeting as denial of license, should have been reported as proposed Surrender of License.

Surrendered license: Case 2012-0099