

BOARD MEETING MINUTES

**Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
June 10-11, 2014**

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.

TUESDAY, JUNE 10, 2014

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

The following Board Members were present:

Penny Reher, President	Dianna Pimlott, Vice President
Christine Chute	Ken Wells
Roberto Linares	Heather Anderson
Brad Fujisaki	

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

Marc Watt, Executive Director	Gary Miner, Compliance Director
Karen MacLean, Administrative Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator
Fiona Karbowicz, Pharmacist Consultant	Gregg Hyman, Inspector
Michele Cale, Inspector	Katie Baldwin, Inspector
Laura Elvers, Inspector	Brianne Cooper, Inspector
Annette Gearhart, Compliance Secretary	Kim Oster, Compliance Assistant
Devin Emerson, Licensing Representative	Jennifer Hummer, Licensing Representative

Thomas Cowan Sr. AAG Board Counsel

Agenda Review and Approval

MOTION

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

II. EXECUTIVE SESSION - PUBLIC MAY NOT ATTEND, 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. Warning Notices**

4. Case Review

MOTION

Motion to enter Executive Session at 8:34 AM was made and unanimously carried (Motion by Wells, second by Anderson).

MOTION

Motion to resume Open Session at 3:30 PM was made and unanimously carried (Motion by Anderson second by Pimlott).

III. OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the Board elected to convene Open Session to begin the scheduled agenda for June 11, 2014. Items that may be covered were noticed with an asterisk *.

Board Member/Staff Presentations

Executive Director Marc Watt stated that Representative Jim Thompson's term will be concluding later this year. He has been a strong legislative advocate for pharmacy and was planning on carrying proposed legislation to consider advanced pharmacist practice during the 2015 legislative session. Staff will be meeting with Pharmacy Coalition representatives on June 12th to discuss this proposal further.

Pharmacy Coalition – None

The next Professional Practice Roundtable is scheduled for June 12th.

Committees/Meetings

Executive Director Marc Watt and Compliance Director Gary Miner attended the Oregon Society of Health Pharmacists (OSHP) Annual Meeting held April 25th-27th. They noted that the hospital pharmacists don't seem to have as much contact with the Board as the retail pharmacists do. The OSHP indicated that they are interested in growing this relationship. Board Members indicated that there are areas such as 797 regulation, diversion issues, security requirements, inspection reports and returning drugs to Pyxis machines in which it would be in their interest to connect with the Board and its inspectors. At the meeting there was also discussion related to cross disciplinary reporting requirements for pharmacists, nurses, etc. especially as it relates to diversion.

Executive Director Marc Watt and Board Member Ken Wells attended the 2014 National Association of Boards of Pharmacy (NABP) Annual Meeting held May 17th- 20th in Phoenix, Arizona. Former Board Member Cathy Lew was also in attendance. Marc indicated that he was able to meet with Mark Johnson, Executive Director of the Idaho Board of Pharmacy. He stated that they had a good discussion around practitioner dispensing. Marc commented that it was an excellent meeting and a good opportunity to meet with his peers in other states. Ken attended the Poster Program Session. He shared that table displays were presented by the Arizona Board of Pharmacy, Center for Practice Accreditation, Pharmacy Technician Certification Board, and United State Pharmacopeia, as well as displays by the Michigan College of Pharmacy, the Ohio Board of Pharmacy and College of Pharmacy, and Oregon State University College of Pharmacy where he also presented. There were also many other student presentations. Captain Mark Kelly

was the keynote speaker at the meeting; he spoke about how to inspire others and why communication is key. Ken stated that it was a very intriguing presentation.

Ken attended the Business Meeting as the Board's voting delegate. Many topics were discussed including; compounding for office use, outsourcing facilities, cannabis regulation, physician dispensing, and medication synchronization. Six resolutions were passed, they include: illegal importation of prescription drugs, examining strategies to preventing and responding to pharmacy theft, pharmacies selling tobacco products, standards for the use of Prescription Drug Monitoring Program (PDMP) data, veterinary pharmacy education, and regulation of electronic cigarettes.

Pharmacy Inspector Brienne Cooper will be attending the 2014 University of Utah's School on Alcoholism and Other Drug Dependencies Conference the week of June 16th and provide a presentation on the content during the August Board meeting.

The Board discussed who will be attending the NABP District VI-VIII Meeting to be held September 21st – 24th in Whitefish, Montana. Board Member Roberto Linares may attend on behalf of Oregon State University, as well as the Board of Pharmacy and the cost will be split between the two organizations. Other Board Members will check their availability and notify Board staff. Executive Director Marc Watt may attend or elect to send staff member instead of attending himself.

Compliance Director Gary Miner will be participating in Pacific University's Accreditation Council for Pharmacy Education on-site evaluation October 21st – 23rd.

Research Councils – None

Financial/Budget Report

Administrative Director Karen MacLean provided a financial update. She indicates that there have been higher revenues than what was projected. This is partially attributed to an unanticipated increase in technician applicants. Additionally, the agency had savings which results in a higher than expected cash balance. Karen indicated that over the next several weeks she will be working with Executive Director Marc Watt on budget development including policy packages that must be finalized by June 30th.

ISSUES/ACTIVITIES

Reports:

Executive Director Marc Watt provided an update on practitioner dispensing. He indicates that he and Pharmacist Consultant Fiona Karbowicz have been continuing to talk to other Boards. They have received positive responses from the other Boards with exception of the Medical Board. The next practitioner dispensing meeting is scheduled for June 20th. The concept of utilizing the Emergency Dispensing Rules as a model with a proposed annual fee of \$75.00 and mandatory inspections will be discussed. Requirements for drug acquisition, storage, labeling and recordkeeping will also be considered. Marc is hoping to develop good relationships with the other Boards. Overall Marc believes that good progress is being made.

Adjourn

MOTION

Motion to adjourn at 4:34 PM was made and unanimously carried (Motion by Anderson, second by Fujisaki).

WEDNESDAY, JUNE 11, 2014

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

The following Board Members were present:

Penny Reher, President
Christine Chute
Roberto Linares
Brad Fujisaki

Dianna Pimlott, Vice President
Ken Wells
Heather Anderson

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

Marc Watt, Executive Director
Karen MacLean, Administrative Director
Courtney Wilson, Project Manager
Fiona Karbowicz, Pharmacist Consultant
Michele Cale, Inspector
Laura Elvers, Inspector
Annette Gearhart, Compliance Secretary
Devin Emerson, Licensing Representative

Gary Miner, Compliance Director
Chrisy Hennigan, Office Manager
Joe Ball, Chief Investigator
Gregg Hyman, Inspector
Katie Baldwin, Inspector
Brienne Cooper, Inspector
Kim Oster, Compliance Assistant
Jennifer Hummel Licensing Representative

Thomas Cowan Sr. AAG Board Counsel

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

ANNUAL BOARD BUSINESS MEETING

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

Nominations: President Ken Wells, Vice President Roberto Linares

Motion to appoint Ken Wells as Board President for 2014-15 was made and unanimously carried (Motion by Linares, second by Fujisaki).

Motion to appoint Roberto Linares as Vice President for 2014-15 was made and unanimously carried (Motion by Wells, second by Pimlott).

Approval of ACPE accredited schools & colleges of pharmacy and approval of ACPE Continuing Education Process.

MOTION

Motion to approve the list of ACPE accredited schools & colleges of pharmacy along with the current ACPE Continuing Education Process was made and unanimously carried (Motion by Chute, second by Linares).

Update on Board Appointments

President Penny Reher announced that pharmacist Kate James has been appointed to the Board and that her term begins on July 1st. Her Board orientation will be held on July 31st. Kate introduced herself and shared that she is in OSU graduate who has been practicing since 2001. Compounding is her passion and she is very excited to help in any way she can.

Review other Committee/Council appointments

The Board reviewed the current list of committee and council appointments. Mike Patrick's term on the Rural Health Coordinating Council expires June 2014. It was confirmed that he would like to continue to serve on the Council. Board Member Dianna Pimlott would like to be considered for a future appointment to this Council.

MOTION

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

Bill Boyce's term on the Council on Optometric Nontopical Formulary expired December 2013. It was confirmed that he would like to continue to serve on the Council on Optometric Nontopical Formulary. Bill has requested that the Optometry Board reach out to him to provide assistance with the scope of the formulary. Executive Director Marc Watt will be following up with him.

MOTION

Motion to reappoint Bill Boyce to the Council on Optometric Nontopical Formulary for two years was made and unanimously carried (Motion by Anderson, second by Pimlott).

Board Best Practices Performance Measure Review

Administrative Director Karen MacLean presented the Board Best Practice Self-Assessment and they collectively responded to the assessment questions. The results will be included in the Board's Annual Performance Progress Report.

Approve Current Version of Federal List of Controlled Substances. There was some discussion on the Board's authority to approve the current version as written in the rules. Board staff will consult with Board Counsel on this for the future, however, the Board did approve the current list as proposed.

MOTION

Motion to approve the current version of Federal List of Controlled Substances was made and carried (Motion by Wells, second by Pimlott). Wells, Pimlott, Reher, Anderson, Linares, Fujisaki in favor of, Chute opposed.

Attorney General's Model Rules of Procedure

There was a brief discussion about whether or not there is a need to approve the Attorney General's Model Rules of Procedure annually and staff will consult with Board Counsel and report back in August.

Delegation of Board Authority Update

MOTION

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

Review Board Per Diem Policy

MOTION

Motion to reaffirm Board Per Diem Policy was made and unanimously carried (Motion by Chute, second by Wells).

Recognition of Dianna Pimlott, outgoing Board Member

President Penny Reher expressed her appreciation for Dianna Pimlott's service on the Board for the last two terms. Dianna served on the Board since July 2006 and was actively involved in the following Board activities: the OBOP Council for Electronic Transmission/Signatures, the OBOP Medication Error/Patient Safety Stakeholder Summit Group, the 2011 Pharmacy Technician Duties Rules Advisory Committee, the development of the Board's position statement on patient safety and medication errors, the development and revision of the Board's hospital rules, the development of the technician checking validation program rules, the development of the emergency room dispensing machines rules; and the development of the drug outlet conduct rules. Dianna also participated in the profession by attending the National Patient Safety Foundation Congress, participating in conferences with the Oregon Association for Hospital and Health Systems Medication Reconciliation Council; and presenting at the Safety Net Hospitals for Pharmaceutical Access Conference. Penny also commented that Dianna continues to be a trusted colleague, mentor, and leader. In addition, Dianna was always the voice for rural health care and reminded the Board of patient safety and drug shortages.

The Board thanked Dianna for her years of service and presented her with a recognition plaque and gavel.

Special Recognitions

President Penny Reher acknowledged Board Member Roberto Linares for being honored by his students at Oregon State University and being named Professor of the Year. Former Board Member Ann Zweber also received this recognition.

On behalf of staff and the Board Members, Compliance Director Gary Miner recognized Board Counsel Tom Cowan for his outstanding work. Gary stated that Tom is a member of our organization who quietly goes about his work, but makes major contributions to the Board. Tom has also been a constant thread that bridges between past and present Boards and now executive directors. Tom has been willing to teach and mentor the inspectors in preparing them for presenting cases and hearings. He has also worked directly with Gary to resolve difficult

settlement negotiations. Some of Tom's significant contributions include the scheduling of pseudoephedrine, legislative initiatives such as the Health Professionals' Services Program and the Prescription Drug Monitoring Program, and the unprofessional conduct for outlets rule. Both the pseudoephedrine and the unprofessional conduct for outlets rules resulted in the Board receiving the Fred T. Mahaffey Award on two occasions from NABP. Only two other states have received this award more than once. Gary presented Tom with a plaque. Tom thanked the Board and staff and acknowledged Board Member Dianna Pimlott for all of her contributions over the years. Tom stated that he was very proud of the Board's Mahaffey awards and that Oregon continues to be a leader in the nation.

GENERAL ADMINISTRATION

Rules & Policy Discussion

Review Rulemaking Hearing Report

Administrative Director Karen MacLean shared the Rulemaking Hearing Report with the Board. She indicated that there was no testimony provided at the hearing and that the Board did not receive any written comments. Staff recommended that the Board adopt the rules as noticed.

Division 019 Pharmacists -TOEFL

The Board permanently adopted amendments in Oregon Administrative Rule 855-019-0150. These amendments update standards for new FPGEC Candidates that NABP implemented on March 1, 2014.

MOTION

Motion to amend & adopt TOEFL rules in OAR Chapter 855, Division 019, Section 150 was made and unanimously carried (Motion by Anderson, second by Wells).

Division 080 Controlled Substances

The Board permanently adopted amendments in Oregon Administrative Rule 855-080-0021. The amendments correct administrative errors/omissions and reestablish as Schedule I items gamma-butyrolactone and other cannabinoid receptor agonists that are not listed in OARs 855-080-0022 through 0026 (Schedule II through V) or that are not an FDA approved drug. In addition certain exceptions are reestablished as well as Schedule I compounds in structural classes 2a-2k.

MOTION

Motion to amend & adopt Schedule I rules in OAR Chapter 855, Division 080, Section 0021 was made and unanimously carried (Motion by Chute, second by Fujisaki).

Consider Adoption of Temporary Rules – None

Send Rules to Rulemaking Hearing – None

Policy Issues for Discussion

Hydrocodone / Tramadol – Federal Update

Compliance Director Gary Miner and Pharmacist Fiona Karbowicz provided an update on the rescheduling of Hydrocodone and scheduling of Tramadol in the Controlled Substance Act. They shared that the National Association of Chain Drug Stores (NACDS), in addition to other associations and organizations are in opposition of the rescheduling of Hydrocodone as a Schedule II Controlled Substance. However, the Federal Government is still moving forward on this. The Board asked that staff follow up to see where the American Medical Association (AMA) is on this matter, so the Board has more information if Oregon moves in that direction. Executive Director Marc Watt will also follow up with other Oregon Boards.

Compliance Director Gary Miner and Pharmacist Fiona Karbowicz also indicated that the Federal Government is still moving forward on the scheduling of Tramadol. The Board will continue to monitor the Federal Government's progression on the rescheduling of Hydrocodone and scheduling of Tramadol.

Wholesaler Updates / Drug Quality and Security Act (DQSA)

Compliance Director Gary Miner and Pharmacist Fiona Karbowicz provided some background on the Drug Supply Chain Security Act (DSCSA) and the implementation plan. The first requirement begins on January 1, 2015. Beginning January 1, 2015 manufacturers, wholesalers, and repackagers will begin sharing transaction information, history, and statements initially at the lot/batch level of identification. Staff will prepare a comparison of differences between the new Federal Law and the Board's current rules, to illustrate the changes that may need to be made to the Board's existing rules. Staff will also send a Memo with renewal notices to registered Drug Distribution Agents, Manufacturers and Wholesalers to notify them of DQSA and that there are no rules changes affecting them at this time, however, current rules will be evaluated for potential changes in the future.

Pharmacy Security

Compliance Director Gary Miner shared a summary of other states security rules for pharmacies or prescription areas. He indicated that with the increased availability of new security and surveillance technology the Board may want to consider updating its current rules. Some of the components incorporated into the other states security rules include: locks, electronic barriers, entry detection, physical barriers, alarm systems, combination lock control, passwords, positive identification of an individual, standby power backup, security cameras, and electronic and alarm system with supervised transmittal lines. With the exception of renumbering the Board's security rules, they have not been updated since 1987 and 1989. The Board would like to engage licensees and perhaps conduct a survey, then develop a work-group to gain input from stakeholders in various practice settings i.e. retail and institutional. The Board would also like staff to go back and look at where there has been disciplinary action taken for security concerns to help create additional rules that address minimum standards and establish guidelines.

Discussion Items

2014 Technician Audit Discussion

This topic was addressed during the Board's Executive Session during the case discussion and resulted in revisions to the Delegation of Staff Authority that was adopted during the Annual Business Meeting earlier in the meeting today.

Non Resident PIC Requirement and Non Resident Pharmacies Inspection Reports

Compliance Director Gary Miner and Consultant Pharmacist Fiona Karbowicz led a discussion on the Board's rule that requires an out-of-state pharmacy to have a pharmacist that is licensed with the Oregon Board of Pharmacy to serve as the Pharmacist-in-Charge (PIC) for the State. Board Members commented that the requirement for PIC licensure helps make both the pharmacy and pharmacist more accountable to the Board. It was also stated that the out-of-state pharmacy and pharmacist know that registering the PIC for Oregon is a requirement and that the pharmacist knows this prior to taking the position.

Board Counsel Tom Cowan stated that the pros of requiring an out-of-state pharmacy to have an Oregon licensed PIC, is that we have someone who is knowledgeable and serves as an educator to the rest of the pharmacy on Oregon laws and rules. The cons of not having this licensure requirements, is that we don't have someone who is knowledgeable on Oregon laws and rules and that there are too many other state rules to follow.

There was additional discussion about establishing a threshold for out-of-state mail order pharmacies i.e. 5%. This would be useful for out-of-state pharmacies that need to send something into the State on an incidental basis for continuity of care. The Board also discussed the fact that the current rules do not distinguish between out-of-state and resident pharmacies and that this may be something to consider changing in the future. The Board indicated that they have significant concerns about the knowledge of those who send prescriptions into the State. However, they are willing to consider alternatives that will still ensure patient safety.

In addition the Board will consider requirements for out-of-state pharmacies. This may include requiring out-of-state PICs to complete and submit the Oregon annual Self Inspection Report upon renewal. The Board may also consider requiring out-of-state pharmacy drug outlets to submit their resident state Board of Pharmacy most current inspection report upon renewal. Note that new applicant out-of-state pharmacies who perform non-sterile to sterile compounding are currently submitting this information for review by the Compliance Department.

Auto Refills

Executive Director Marc Watt shared an experience he had had with auto refills. He stated that he never provided authorization to be enrolled in an auto refill program; however, as the result of an auto refill program he received three different strengths of the same medication after certain therapy had been discontinued. He indicated that auto refills often create confusion with patients and also impact the Board's workplace safety rules. In 2001 there was a rule change that removed auto refill language from OAR 855-041. It was suggested that the Board consider a rule that would require pharmacies to verify that patients want to be enrolled in auto refill. Staff was directed to review this further and evaluate language for auto refills and will bring back potential suggestions for additional discussion with the Board.

Tagitol Request

Providence Health & Services submitted a request to the Board to consider allowing Tagitol, a prescription oral barium sulfate product to be dispensed by their Diagnostic Imaging Department

as part of a prep kit for virtual colonoscopy procedures. They believe that dispensing directly for the Diagnostic Imaging Department would improve patient safety. The Board asked if the product will be prepared by the pharmacy. Compliance Director Gary Miner stated that it is being proposed that the product be prepared by the Diagnostic Imaging Department. The Board indicated that they would approve this request so long as it is in their policies and procedures that the kit is prepared by the pharmacy and the patient's names are logged.

MOTION

Motion to approve to allow Providence to utilize kits prepared by the pharmacy and their policy & procedures to provide Tagitol to their patients was made and carried. (Motion by Pimlott, second by Linares). *Pimlott, Linares, Chute, Wells, Anderson in favor of, Fujisaki opposed.*

Waiver/Exception Requests

Compliance Director Gary Miner and Administrative Director Karen MacLean presented three waiver requests to the Board for their consideration.

Muhammad Akbar Sulman requested a waiver from the FPGE requirements. He passed the NAPLEX in 2002 and the MPJE in 2004. He has been licensed as a pharmacist in New York since July of 2005. His license is active and in good standing. The Board approved his request.

MOTION

Motion to approve Muhammad Sulman's request to waive FPGE requirement and allow licensure through reciprocity/license transfer was made and unanimously carried (Motion by Chute, second by Wells).

Len's Drug Store requested a waiver from the Board's Pharmacy Depot rules in OAR 855-041-1050 at the April Board Meeting. The Board reviewed their request and asked that additional items be addressed. Len's Drug Store submitted an addendum to their original waiver for the Board's consideration. Their addendum addressed counseling, security, storage, the utilization of sealed bags, and returning drugs. The Board added one more expectation.

MOTION

Motion to approve Len's Drug Store's waiver request from OAR 855-041-1050 for five years with the expectation that they add additional policies and procedures and submit them to Compliance Director Gary Miner for review and approval was made and unanimously carried. (Motion by Fujisaki, second by Anderson).

Stuart Tolman requested a waiver from OAR 855-019-0300 to allow him to be a PIC of a third pharmacy licensed with the Oregon Board of Pharmacy. He currently works as PIC of two separate Florida retail pharmacies and would like to add a third. The Board reviewed and denied his request.

MOTION

Motion to deny RPh Stuart Tolman's request to waive OAR 855-019-0300(3) for five years was made and unanimously carried. (Motion by Fujisaki, second by Wells).

Compounding Work-group Update

Compliance Director Gary Miner and Pharmacist Consultant Fiona Karbowicz provided a brief update on the compounding work-group. The last meeting was held on April 18th. Some insight was provided on the Current Good Manufacturing Practices vs Outsourcing Facility inspection process. Assignments were given to various work-group members; a GAP analysis will be conducted as well and a potential framework for the restructuring of Division 045 will be created. Dianna Pimlott is participating to represent the Rural Institutional facilities and will continue to volunteer after her term on the Board expires.

Appearances

Paige Clark, R.Ph., Director of Alumni Relations and Professional Development at Oregon State University (OSU), provided a presentation on some continuing education courses created by OSU's College of Pharmacy. These courses include Management and HR Skills for Pharmacists, Patient Safety and Medication Error Prevention for Pharmacy, and Stress Management for Pharmacists. Paige indicated that they went to the NABP Annual meeting and that many Boards were interested in their continuing education. Some of the Boards commented that they may make their continuing education a requirement when disciplinary action has been taken. Board Members applauded OSU for their excellent work.

Jeff Feyerharm, RPh, Pharmacy Manager of Asante Rogue Regional Medical Center provided a one year status report on their Technician Checking Validation Program (TCVP). They began training in September of 2012, six pharmacy technicians were validated by January 2013 and to date they have trained a total of 14 technicians. He indicated that over 500 hours of pharmacist time has been moved to clinical work, which was allowed them to further public health and safety. Jeff stated that they do a low volume of unit of use cart fill and it is very challenging to get the 1,500 doses to have pharmacy technicians validated. As a result, they have pharmacy technicians checking the ADCs and Non-Emergent Kits, but have pharmacists checking the manual Unit of Use Cart Fill instead of doing clinical work. They recommend that the accuracy rate of a pharmacy technician doing the ADC checking transfer over to the Unit of Use Cart Fill. Jeff also commented that in the future more hospitals will be using the TCVP process and when a validated technician moves from one hospital job to another and both hospitals have the TVCP process there is nothing in rule that address the training requirement. For other hospitals looking at implementing TCVP he suggests using a video for the didactic portion of the training instead of having the pharmacist spend time with every new technician that is trained. They also suggest educating many pharmacists on how to do the quality assurance process. The Board thanked Jeff for his appearance and report.

ISSUES/ACTIVITIES

Reports:

Board President Penny Reher reported that she had attended a meeting on agents of change. Sully Sullenberger, the airline captain who landed a plane on the Hudson River was the speaker. He discussed the importance of standardizing processes. Penny stated that it was a very good meeting.

Board Member Christine Chute attended a DUII Governor's Advisory Committee Meeting. She shared that they did not have a lot of success during the last Legislative Session and that they are preparing for the next Legislative Session. The Committee discussed that they were concerned with how prescription drugs impair drivers and how prescription drugs interact with alcohol. Christine shared some crime lab statistics that were provided. The crime lab determined that 20 nanograms or above is reportable as a positive test. The top three drugs identified in impaired drivers for 2013 were THC, methamphetamine, and morphine. The Committee is preparing for the ballot measure and potential passage of the legalization of marijuana. Colorado has seen a 200% increase in emergency room visits related to marijuana since it has become legal. Christine shared a website on marijuana policy; www.learnaboutsam.org.

Board Member Brad Fujisaki reported that he had attending the Compounding Work-Group Meeting as well as the Rulemaking Hearing.

Board Member Heather Anderson reported that she is coordinating with a professor at Lewis and Clark for a presentation at a future Board Meeting and will coordinate with staff to make contact.

Board Member Ken Wells reported that he had gone to NABP, attended the OSU Icons of Pharmacy banquet where former Executive Director Gary Schnabel was recognized, and participated in the Governor's office training for Board presidents.

Board Members Dianna Pimlott and Roberto Linares had nothing to report.

Executive Director Marc Watt shared that the staff member recognized for the month of April was Loretta Glenn, and for the month of May was Kate Hill. He said that he has been spending time with the Compliance Staff; sitting in on interviews and investigations and attending a couple of the PIC training classes. Marc stated that he had had a meeting with the organization, Compassion and Choices. They indicated that they were having difficulty finding medications for use in death with dignity. Staff was able to help find a solution for Oregon. Marc attended the Senate Confirmation Hearing for incoming Board Member Kate James. He indicated that during his meetings with individual staff, many had shared that improvements to the agency's database L2K were needed. The database is over 11 years old. Marc and the management team have begun evaluating upgrades and replacements, as well as their costs. A database upgrade will be included in the next budget proposal. Marc reported that he and Compliance Director Gary Miner as well as Pharmacist Consultant Fiona Karbowicz attended a meeting on Advanced Nurse Practitioners held by the Board of Nursing. He indicated that they provided some input on how to standardize some of their procedures. Marc shared that the agency has entered into a one year contract with Department of Administrative Services to handle human resource functions. They will be looking at how to improve processes. Marc introduced a short video entitled the "Red Flags". It is a video produced by NABP that Marc provided the introduction for. Its purpose is to help pharmacists identify the warning signs of prescription drug abuse and diversion. The Board thought that the video would be a useful tool and directed staff to put it on the website.

Board Counsel Tom Cowan had nothing to report.

Compliance Director Gary Miner reported that 40% on pharmacy inspections have been completed. He also indicated that there are currently 15 individuals enrolled in the Health Professional Services Program (HPSP). 14 are Board referrals and one individual is a self referral. Gary indicated that the Center for Pharmacy Practice Accreditation (CPPA) has certified

its first two pharmacies. CPPA is a partnership established by the American Pharmacists Association (APhA), the NABP, and the American Society of Health-System Pharmacists (ASHP) to oversee accreditation of pharmacy practice sites. Gary shared that he is working with staff on the following rules for consideration of possible adoption in December: reinstatement revision for pharmacists and technicians, revision for drug distribution agents, manufacturers, and wholesalers based on DQSA federal regulations, long term care updates, revisions to additional medications a home health nurse can possess, and revisions to the compounding rules. Gary met with the Oregon Health Authority's Strategic National Stockpile Program recently. They are looking at developing a Memorandum of Understanding with local retail pharmacies to help distribute immunizations or medication. The group is currently looking at the agreement in Washington that was developed. Gary and Executive Director Marc Watt attended the Nurse Practitioners work-group for advanced practice and controlled drugs. Gary said that they gained interesting insights on how another Board approaches rules, policies, and best practices.

Compliance Director Gary Miner asked the Board for guidance on two questions. He first asked the Board if staff should post the Notice of Proposed Disciplinary Action on the Board's website at the conclusion of the case after the Board Meeting. The Board indicated that staff should post the Notice of Proposed Disciplinary Action after the Board votes on a case-by-case basis. Gary also asked the Board for guidance on how to handle licensees who have been on probation prior to 2007. Should staff post a letter on the online license look-up site that indicates that probation has been completed if it is requested? The Board advised that staff should send a letter to the licensee confirming that probation has been completed and add the case information to the web as well on a case by case basis.

Pharmacist Consultant Fiona Karbowicz reported that she has been involved in a lot of outreach activity. She also attended a Washington Board of Pharmacy Meeting. She shared that they have an evaluation form at their meetings to obtain feedback on how to enhance the audience's experience. Fiona also attended a meeting on the ALERT Immunization Information System and will be working with the Oregon Health Authority Immunization Division to send an email to pharmacists to access the consolidated record and forecast immunization due for the patients that they are vaccinating. Pharmacists will be required to be prepared to demonstrate to inspectors they can access and utilize the ALERT system.

Administrative Director Karen MacLean reported that Office Manager Chrisy Hennigan attended a conference held by Systems Automation, the agency's L2k database vendor. At the meeting she learned new information about one of their product upgrades called "My License Office", which is a web-based system. Chrisy indicated that half of the people attending the conference still use L2k, and that she was able to work with developers on problems that the agency has been having with the database. Karen shared that there are now two new employees in the Licensing Department, Devin Emerson and Jennifer Hummel. She also provided an update on the pharmacist renewal cycle. She indicated that there are only 302 pharmacists and 254 preceptors that still need to renew their 2014-15 licenses. Technician renewals will be mailed July 1st and drug distribution agent, manufacturer and wholesaler renewals will be mailed July 7th. Karen indicated that she is currently working on budget development and the contract for the scanning project.

Board Meeting Dates

- August 12 - 14, 2014 Portland
 - October 7 - 8, 2014 Portland
 - December 2-3, 2014 Portland
 - February 10-12, 2015 Portland
 - April 7-8, 2015 Portland
 - June 9-10, 2015 Portland
 - August 11-13, 2015 Portland
 - September 15-16, 2015 TBA
 - October 6-7, 2015 Portland
 - December 15-16, 2015 Portland
-

Rulemaking Hearing Dates

- November 25, 2014
 - May 28, 2015
 - November 24, 2015
-

Legislative Update – None

Topics for Future Discussion

- Responsibilities of the PIC
 - PIC Requirements for site attendance
 - Counseling on all Controlled Substance dispensing
 - Workgroup for Working Conditions
 - CCO's / Medical Home
 - Temporary Pharmacies
 - Long Term Care
 - How Final Orders are published on the BOP website
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Strategic Planning

Administrative Director Karen MacLean and Pharmacist Consultant Fiona Karbowicz provided and update on the progress that has been made on items identified during the Board's 2014 Strategic Planning Meeting; specifically technician licensing, workplace safety, drug supply shortages, and non-pharmacy dispensing. They indicate that a survey will be sent out to licensees to request feedback on current technician licensing requirements. They asked the Board for guidance on the requested graphic representation of licensing and compliance issues around technician issues be created. They requested that a flow chart that reflects the life cycle of the initial and renewal process be created. They would also like to see a graphic representation of current and proposed processes. The Board also indicated that they would like staff to draft best practices for workplace safety to help empower PICs. Staff indicated that a high level root cause analysis of drug shortages has been conducted and that draft rule changes will be presented in Spring 2015. Outreach has conducted to all of the Executive Directors of the health related Boards for non-pharmacy dispensing. All stakeholders will be meeting on June 20th.

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
2. MPJE Scores
3. Executive Director Report - none
4. Pharmacist Consultant
5. Project Manager Report - none
6. License/Registration Ratification (April 5, 2014-June 6, 2014)
7. Extension Requests – none

MOTION

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

OPEN FORUM At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Pharmacist Blake Rice stated that he likes that the Board is continuing to look at PIC requirements. He would like to see more in rule to empower PICs to give them more authority. For example, if a PIC believes that the working conditions are unsafe they can be allowed to close the pharmacy. He indicated that every practice setting is different. However, the retail setting is most vulnerable. He thinks that having more in rule would help improve patient safety.

The Board needed to follow up on one Compliance case discussion item and resumed Executive Session briefly.

MOTION

Motion to enter Executive Session at 3:00 PM was made and unanimously carried (Motion by Anderson, second by Pimlott).

MOTION

Motion to resume Open Session at 3:38 PM was made and unanimously carried (Motion by Anderson, second by Fujisaki).

Adjourn

MOTION

Motion to adjourn at 3:40 PM was made and unanimously carried (Motion by Pimlott, second by Chute).

Accepted by:

A handwritten signature in black ink, appearing to read "Marcus Watt". The signature is fluid and cursive, with a prominent loop at the end.

Marcus Watt, R.Ph.
Executive Director

Oregon Board of Pharmacy
800 NE Oregon Street
Portland, OR 97232
Penny Reher, R.Ph. Presiding

Tuesday, June 10, 2014 @ 8:30 AM, Conference Room 1A
Wednesday, June 11, 2014 @ 8:30 AM, Conference Room 1A
800 NE Oregon Street in Portland, Oregon

Executive Session of the Board was held on June 10, 2014 to discuss Compliance cases, followed by motions on June 11, 2014. Working lunches held.

Board Members present for all or part of compliance session:

Penny Reher, RPh, President	Roberto Linares, R.Ph.
Dianna Pimlott, R.Ph., Vice President	Christine Chute, Public Member
Kenneth Wells, R.Ph.	Heather Anderson, Public Member
Brad Fujisaki, R.Ph.	

Staff present for all or part of compliance session:

Marcus Watt, R.Ph., Executive Director	Fiona Karbowicz, R.Ph., Pharmacist Consultant
Karen MacLean, Administrative Director	Annette Gearhart, Compliance Secretary
Gary Miner, R.Ph., Compliance Director	Kim Oster, Compliance Assistant
Joe Ball, R.Ph., Chief Investigator	Thomas Cowan, Senior AAG
Katie Baldwin, R.Ph., Board Inspector	Devin Emerson, Licensing Representative
Michele Cale, R.Ph., Board Inspector	Jennifer Hummel, Licensing Representative
Gregg Hyman, R.Ph., Board Inspector	Michael Hunt, Licensing Representative
Laura Elvers, R.Ph., Board Inspector	Chrisy Hennigan, Office Manager
Brianne Cooper, R.Ph., Board Inspector	

Case 2014-0024 Motion to deny request.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0216 Motion to accept ALJ's Ruling on Motion for Summary Determination and Proposed Order.

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

Case 2012-0029 Motion to deny early termination of probation request; change quarterly reporting sanction to semi-annual reporting.

Motion by: Brad Fujisaki; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2009-0127 Motion to give written Board authorization permitting licensee to float within Fred Meyer locations.

Motion by: Christine Chute; Seconded by: Dianna Pimlott. Motion carried with Roberto Linares, Heather Anderson and Kenneth Wells opposed.

Case 2011-0034 Motion to grant petitioner's request.

Motion by: Brad Fujisaki; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2013-0304 Motion to deny petitioner's request.

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Cases 2014-0174, 2014-0175, 2014-0176, 2014-0177, 2014-0179 and 2014-0180

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

Case 2014-0178 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Christine Chute; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2013-0151 Motion to accept signed consent order.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Cases 2012-0584; 2013-0054; 2013-0057; 2013-0058 and 2013-0059 Motion to settle contested cases with the acceptance of proposed consent orders contingent upon change in language for 2013-0059.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0528 Motion to issue Letter of Concern to outlet 1516; and
Case 2013-0529 Motion to issue Letter of Concern to outlet 1935; and
Case 2013-0530 Motion to issue Letter of Concern to outlet 429; and
Case 2013-0531 Motion to issue Letter of Concern to pharmacist.
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0127 Motion to deny pharmacist license.
Motion by: Brad Fujisaki; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2014-0195 Motion to deny license application.
Motion by: Dianna Pimlott; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2013-0162 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0080 Motion to revoke outlet license and impose \$10,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0472 Motion to impose \$10,000 civil penalty per violation against outlet; and in
Case 2014-0073 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion carried with Penny Reher recused.

Case 2014-0129 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2014-0092 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion carried with Brad Fujisaki recused.

Case 2014-0128 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2014-0145 Motion to impose \$10,000 civil penalty per violation against outlet; and in
Case 2014-0156 Motion to impose \$1,000 civil penalty per violation against pharmacist.
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2013-0540 Motion to issue Letter of Concern.
Case 2014-0036 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.

Motion by: Kenneth Wells; Seconded by: Dianna Pimlott. Motion carried with Penny Reher abstaining.

Case 2014-0067 Motion to impose \$10,000 civil penalty per violation against outlet and issue letters of concern to purchasing outlets.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

**Case 2014-0095 Motion to impose \$10,000 civil penalty per violation against outlet; and
Case 2014-0151 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.**

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

**Case 2014-0096 Motion to impose \$10,000 civil penalty per violation against outlet; and
Case 2014-0155 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.**

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

**Case 2014-0077 Motion to impose \$5,000 civil penalty per violation against outlet; and in
Case 2014-0169 Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation.**

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

**Case 2014-0152 Motion to impose \$10,000 civil penalty per violation against outlets; and in
Case 2014-0118 Motion to impose \$1,000 civil penalty per violation against technician.**

Motion by: Brad Fujisaki; Seconded by: Dianna Pimlott. Motion unanimously carried.

**Case 2014-0031 Motion to impose \$5,000 civil penalty per violation against outlet; and
Case 2014-0032 Motion to impose \$1,000 civil penalty per violation against technician; and
Case 2014-0099 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.**

Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

**Case 2014-0058 Motion to \$10,000 civil penalty per violation against outlet; and
Case 2014-0057 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and
in**

Case 2014-0056 Motion to impose \$1,000 civil penalty per violation against technician.

Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2014-0064 Motion to impose \$1,000 civil penalty per violation against pharmacist.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2014-0091 Motion to revoke technician license and impose \$1,000 civil penalty per violation.

Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0164 Motion to deny technician license.

Motion by: Heather Anderson; Seconded by: Dianna Pimlott. Motion unanimously carried.

Case 2014-0111 Motion to deny technician license.

Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2014-0088 Motion to deny technician application and impose \$1000 Civil Penalty per violation.

Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2014-0105 Motion to suspend technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2014-0166 Motion to deny technician license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0086 Motion to deny technician license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0089 Motion to revoke technician license and impose \$1,000 civil penalty per violation.
Motion by: Heather Anderson; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0125 Motion to grant technician license.
Motion by: Brad Fujisaki; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2014-0141 Motion to deny technician license and impose \$1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Heather Anderson. Motion unanimously carried.

Case 2013-0543 Motion to grant technician license.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion carried with Dianna Pimlott opposed.

Case 2013-0343 Motion to issue letters of concern with recommendation of 3 hours of CE in patient safety/medication error prevention to pharmacists and CC: letters to outlet and Pharmacist-in-Charge.
Motion by: Kenneth Wells; Seconded by: Brad Fujisaki. Motion unanimously carried.

Case 2014-0068 Motion to impose \$1,000 civil penalty per violation against pharmacist.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion carried with Roberto Linares opposed.

Case 2014-0066 Motion to issue letter of concern to outlet and Pharmacist-in-Charge.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

Motion to accept the items on the consent agenda as published.
Motion by: Heather Anderson; Seconded by: Kenneth Wells. Motion unanimously carried.

LETTERS OF CONCERN CASES:

Case: 2014-0034 Pharmacist: letter of concern
P.I.C.: letter of concern
Pharmacy: CC letters of concern

Case: 2014-0065 Drug Outlet: Letter of Concern
PIC: Letter of Concern

Case: 2014-0159 Drug Outlet: CC Letters of concern
PIC: Letter of Concern suggesting 3 hours CE in med error prevention/patient safety
Technician: Letter of Concern suggesting 3 hours CE in med error prevention/patient safety

Case: 2014-0161 Drug Outlet: CC Letters of concern
PIC: Letter of Concern suggesting 3 hours CE in med error prevention/patient safety
RPH: Letter of Concern suggesting 3 hours CE in med error prevention/patient safety

CPTs Letter of Concern suggesting 3 hours CE in med error prevention/patient safety

DEFICIENCY NOTICES:

Case 2014-0093, 2014-0097, 2014-0115, 2014-0116, 2014-0117, 2014-0137, 2014-0138, 2014-0139, 2014-0144 and 2014-0146.

UNABLE TO SUBSTANTIATE:

Cases: 2014-0011, 2014-0029, 2014-0033, 2014-0113, 2014-0120, 2014-0157 and 2014-0158.

NO VIOLATION:

Cases: 2014-0055, 2014-0070, 2014-0101, 2014-0102, 2014-0109, 2014-0130 and 2014-0160.

UNSWORN FALSIFICATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been/or will be issued Notice: Deny with \$1,000; proposed Consent: \$1,000 with \$850 stayed pending no further violations for 3 years and 3 hours of CE in law/ethics. Cases: 2014-0083, 2014-0112, 2014-0123, 2014-0124, 2014-0126, 2014-0165 and 2014-0167.

DENIAL OF APPLICATION ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board denial of licenses notices have been or will be issued in: Cases: 2014-0084 and 2014-0110.

CASES CLOSED UNDER INVESTIGATION:

Cases that have been opened and then "Closed Under Investigation" to preserve incoming complaint information should future action be necessary. Cases: 2013-0322 and 2013-0504

SURRENDERED LICENSES:

Cases 2013-0327, 2014-0087, 2014-0106, 2014-0108 and 2014-0121.