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

WEDNESDAY, JUNE 7, 2017

Kate James, R.Ph, Board President, called the meeting to order at 8:35AM

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

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director   Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director   Chrisy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant   Joe Ball, Chief Investigator
Cheryl Fox, Inspector     Jane Gin, Inspector
Katie Baldwin, Inspector     Laura Elvers, Inspector
Brian Murch, Inspector     Annette Gearhart, Compliance Secretary
Rene Sanders, Licensing Representative

Tom Cowan, Sr. AAG Board Counsel

Agenda Review and Approval

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

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

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

A. Items for Consideration and Discussion:
   1. Deliberation on Disciplinary Cases and Investigations
2. Personal Appearances  
3. Warning Notices  
4. Case Review

MOTION  
Motion to enter Executive Session at 8:39AM was made and unanimously carried (Motion by Chute, seconded by Vipperman).

MOTION  
Motion to resume Open Session at 12:50PM was made and unanimously carried (Motion by DeBarmore, seconded by Vipperman).

Employee Performance Review pursuant to ORS 192.660(2)(i).

MOTION  
Motion to enter Executive Session pursuant to ORS 192.660(2)(i) at 12:51PM was made and unanimously carried (Motion by DeBarmore, seconded by Armstrong).

MOTION  
Motion to resume Open Session at 3:54PM was made and unanimously carried (Motion by Chute, seconded by Armstrong).

OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the Board may convene Open Session to begin the scheduled agenda for June 8, 2017.

Approve Consent Agenda*

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

1. NAPLEX Scores – none  
2. MPJE Scores – none  
3. License/Registration Ratification - April 4, 2017 – May 2, 2017  
5. Board Minutes – January 9, 2017, February 8-9, 2017 and April 5-6, 2017

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

Adjourn  
MOTION  
Motion to adjourn at 3:55PM was made and unanimously carried (Motion by DeBarmore, seconded by Vipperman).

Minutes – June 7-8, 2017  
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THURSDAY, JUNE 8, 2017

Kate James, R.Ph, Board President, called the meeting to order @ 8:35AM

Roll Call
Kate James, President  Penny Reher, Vice President
Roberto Linares  Rachael DeBarmore
Ken Wells  Cyndi Vipperman
Dianne Armstrong  Christine Chute
Second Public Member position – vacant

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director  Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director  Chrisy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant  Joe Ball, Chief Investigator
Cheryl Fox, Inspector  Jane Gin, Inspector
Katie Baldwin, Inspector  Laura Elvers, Inspector
Brian Murch, Inspector  Annette Gearhart, Compliance Secretary
Rene Sanders, Licensing Representative  Rachel Melvin, Executive Support Specialist

Tom Cowan, Sr. AAG Board Counsel

Introductions – Executive Director, Marc Watt welcomed newly appointed Board Members, Pharmacist, Shannon Larson and Public Member, Vicki Guinn who were present, their first official meeting will be in August 2017.

Motions for Contested Cases & Disciplinary Action – Please see Motions for Disciplinary Cases at the end of this document.

GENERAL ADMINISTRATION

Rules
Review Rulemaking Hearing Report & Comments

Project Manager, Mo Klein recapped the Rulemaking Hearing Report regarding Auto-refill of prescriptions by pharmacy outlets and reporting of suspicious orders by wholesalers. She presented a brief summary that included, who attended and who testified, comments received both written and oral, individuals who voiced their support and those who opposed, as well as proposed language revisions.

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

Consider Adoption of Rules
Division 041 – Auto Refill

Pharmacist Consultant, Fiona Karbowicz read the rule and suggested it will be effective July 1, 2017 and asked that we allow time for compliance, but they do expect full compliance by June 2018 and added that Inspectors will continue the discussion on future inspections until then. She discussed a requested revision to the rule, to add “suspended or” and asked the Board for their opinion. Board Members, Christine Chute and Roberto Linares voiced some concerns thinking it might bypass the Pharmacist being able to have a conversation with the patient if it pops back into auto refill status. Board Member Ken Wells stated that he is under the impression that if a patient did not pick up the prescription, it would suspend auto-refill and the patient themselves have to prompt it to go back in to auto-refill. Roberto inquired about adding controlled substances and Fiona said she recommended that we do not add anything about controlled substances to this rule and address it through policy and procedure. Board Member, Rachael DeBarmore asked if a waiver process would be available and Fiona responded that we could begin taking examples and pursue it further by possibly adding a list of drugs. Board Member, Dianne Armstrong asked if this program is voluntary and Fiona stated that it is voluntary and end users can terminate the program at any time.

MOTION
Motion to permanently amend and adopt rules in OAR Chapter 855 Division 041 as revised was made and unanimously carried (Motion by Chute, seconded by Reher).

Division 065 - Wholesaler Reporting Requirement

Fiona Karbowicz, Pharmacist Consultant stated that the intention of this rule is centered around asking Wholesalers to notify us in writing the same way they currently report suspicious orders to the DEA. Board Member, Dianne Armstrong asked if this was for all Wholesalers headquartered in the US or just licensed in Oregon. Fiona clarified that this requirement is for all Oregon licensed Wholesalers (those doing business in Oregon).

MOTION
Motion to permanently amend and adopt rules in 855-065-0010 as presented was made and unanimously carried (Motion by Chute, seconded by Armstrong).

Consider Adoption of Temporary Rules – None

Consider Rules and send Rulemaking Hearing

Division 043 & 110 – Dispensing Practitioner Drug Outlets and Fees

Pharmacist Consultant, Fiona Karbowicz stated the intention of this rule is to describe the Board’s registration and compliance expectations for practitioner’s outlets who have been granted dispensing privileges from their licensing board and who engage in dispensing from their practice location. Fiona discussed the requested revisions proposed from the Oregon Medical Board (OMB), Oregon Board of Dentistry and Oregon Medical Association (OMA). She stated that staff proposes that though the rule will be effective upon filing, we will accept applications now, but not charge the required fee until the 2019 renewal. Dental Board suggested carving out non-opioids;
staff concluded that the focus of the rule is on drug acquisition, storage, labeling and recordkeeping on larger scale dispensing (>72 hours and ongoing refills) not whether a drug is scheduled. No edits proposed.

Fiona addressed the comment from OMA regarding the suggested cost of staffing needed for these rules and clarified the clinic is not obligated to hire a pharmacist, nor should they need to be, for compliance with the proposed rules.

To address OMB/OMA’s concerns regarding rural/medically underserved locations, Fiona read the definition of what the state of Oregon considers “rural” and shared a map that showed all rural hospitals, clinics and pharmacies. This data was then over-layered with the urban, rural and frontier areas of Oregon and determined that our fiscal is very accurate and that there are multiple opportunities for patients to get medication within Oregon, with the exception of 1 to 2 places that were more than 25 miles away from pharmacy/clinic location. The Board wrapped up the discussion by asking for a few minor edits to the rule and stated they were pleased with the work that staff put into the research and that citizens have the access opportunities to get medication. Fiona stated that staff intends to do a lot of outreach and education.

Believing the edits were substantial enough, the Board elected to re-notice these rules for a rulemaking hearing in July.

MOTION
Motion to send Dispensing Practitioner Drug Outlet rules in OAR Chapter 855-043-0505, 0515, 0520, 0525, 0530, 0535, 0540, 0545, 0550, 0555 and 0560 to rulemaking hearing as revised was made and unanimously carried (Motion by Wells, seconded by Vipperman).

MOTION
Motion to send Dispensing Practitioner Drug Outlet fee rules in OAR Chapter 855-110-0007 to rulemaking hearing was made and unanimously carried (Motion by Wells, seconded by Armstrong).

Policy Issues for Discussion

Executive Director, Marc Watt asked the Board for guidance in regards to compounding accreditation and whether they want to consider having sterile and/or non-sterile compounders pass routine inspections by an outside expert/accreditor. He stated that staff can evaluate available programs and provide a comparison and he mentioned that this would NOT replace annual OBOP inspections of these pharmacies.

Board President, Kate James stated that as a compounder, she strongly believes in this type of accreditation and that it would raise the bar and at the same time understands that a number of pharmacies could not perform at this level and that would affect some businesses potentially in a negative way. Pharmacist Consultant, Fiona Karbowicz stated that our focus is to add a second set of eyes and mentioned that if the FDA were to inspect, these are the rules they would follow. Board Member, Roberto Linares agreed that we want to have high standards, but in order to make an educated decision; he wants to know how this would affect our state if we implemented this rule. He is concerned it could close some businesses, create a drug shortage and affect patients. Board Member, Christine Chute wants more than just our normal fiscal impact study, to see how this would affect our licensees. Board Vice President, Penny Reher stated that coming
from a hospital system that had 19 inspections, she would like something that works with other accrediting bodies. Kate stated that multiple states have already moved in this direction and that we would not be the first to implement, the Board agreed more research is needed and asked staff to come back with more ideas and data.

Pharmacy Depot

Pharmacist Consultant, Fiona Karbowicz presented concepts for discussion to OAR 855-041-1050 that included revising the title to Pharmacy Drug Delivery and Depots to further define the Board’s intent with this rule. Concerns continue to focus on maintaining a similar standard of care provided via traditional pharmacy, clarifying that depot for the “location of the patient” is intended to be pursuant to a single patient’s individual request; whereas, routine ‘depoting’ at the patient’s practitioner office is a different scenario and needs additional clarification.

The Board had a lengthy discussion on the topic that extended to the future, use of technology such as video conferences between the pharmacist and patient vs. mail order, as well as the potential of Amazon impacting the industry. Fiona said that staff has been working on technology rules, RDM’s and that type of technology is in our rules and staff is currently researching what options are available. Board Member, Roberto Linares voiced concern that for large health systems, it could be used as a shuttle system to increase business assuming all of their employees will only fill within that hospital system, making it unfair to local pharmacies in the respective communities. Board Member, Rachael DeBarmore stated that the Board needs to be open minded about large health systems, if they can offer higher standards at depots and that we need to look at what’s acceptable for delivery and what isn’t. Roberto stated that the Board needs to decide if it’s important we continue to have an interaction with the pharmacist regardless of how drugs are distributed. Executive Director, Marc Watt stated that we currently have multiple ways of delivery now and Rachael stated that a lot of patients in her health system don’t want drugs mailed.

There was discussion about using a waiver clause and do they want to make it more specific on when it would be used, such as limited quantities or for frontier type locations? Board Member, Ken Wells thinks our definitions need to be specific and that if not, we are going to spend too much time on waiver requests. Marc cautioned against leaving it too open based on requests staff have seen and there are concerns about safety if it’s opened up too widely. Fiona said it’s a learning process on both sides and Christine asked about long term care as a priority and Marc finished the conversation stating that it keeps getting pushed down due to legislative items or federal priorities.

Marijuana as a Controlled Substance

Executive Director, Marc Watt stated that our rules are aligned with the statutes. 2017 SB 302 was signed by Governor Brown on 4.21.2017; it essentially de-classifies cannabis as a controlled substance in Oregon. Oregon State Police sent an email asking when Oregon Board of Pharmacy was planning to update the Division 080 rules, as they still list marijuana as a Schedule II drug in Oregon. We are awaiting input from DOJ to see if there is a ramification of simply striking OAR 855-080-0022(1), as 855-080-0021(5)(c) exempts marijuana from Oregon Schedule I.
Discussion Items

Waiver Requests – Planned Parenthood of Southwestern Oregon

Pharmacist Consultant, Fiona Karbowicz reviewed the waiver request from Planned Parenthood of Southwestern Oregon regarding drug security per OAR 855-043-0720(3). This request would allow access for additional staff such as the facility director after hours, during an emergency at the central clinic. Board Member, Christine Chute wanted to know why staff would need access to this room where drugs are stored and Fiona stated that their server is also in that room and that this request isn’t for IT related situations but for true emergency situations. Executive Director, Marc Watt stated that due to the nature of their business, they are sometimes targeted and officials such as law enforcement need to inspect the facility/building for threats and that it would be uncommon that these particular staff would actually access the room.

Board Members asked a variety of questions: could the clinic track who’s going in and out of that room and when; could they provide the Board with a picture of the room so they could see the layout; what kind of drugs are currently stored in the room and why they couldn’t install a locked cabinet or relocate the server and are these people are licensed with other boards. Fiona stated they are storing over the counter drugs, birth control, etc., and that relocating and adding a locked cabinet is not an option and that it’s just storage, not where they distribute. She went on to say that theft is the potential issue, but that as a licensee, they have to be compliant and it’s their duty to report a loss if there is a security breach. Fiona believes the room is small and locked all of the time. The conversation ended with the Board Members agreeing that they would like to see a report in one year to see if the room was accessed.

MOTION
Motion to approve Planned Parenthood request for five years with a report on after hours access in a year was made and unanimously carried. (Motion by Vipperman, seconded by Armstrong).

Oregon Common Credentialing Program Update

Administrative Director, Karen MacLean spoke about the law regarding agencies who are required to electronically report during the licensure process. She stated that we are not being asked to provide our documents, we would just verify the information and then report. Executive Director, Marc Watt stated that this is an important issue going forward for pharmacy billing for pharmacist services. Insurance companies will require credentialing in order to pay invoices. The report just shows that the licensee has credentials and ability to practice. The Board of Pharmacy is included with other healthcare practitioners, though our eligibility processes are different than MDs, PAs, NPs, etc., and they are still trying to determine how to handle pharmacy. In the future, the Board will need to discuss the implications of discipline as the pharmacist’s clinical practices evolve and although it’s a good concept, they are trying to figure out how to implement it. They currently look for discipline in the credentialing process and we are aware of it and will have to work through it and perhaps consider a credential program for prescribers in the future. Currently we receive public records requests for this information in the form of a request for license verification.
Update re: Board Authorities, Policies and Compliance (ABC) Guidelines

Compliance Director Brianne Efremoff and Pharmacist Consultant, Fiona Karbowicz presented a few updates for the Board to consider for the ABC Guidelines. Fiona highlighted the newly added language for the TCVP process such as first time requests, one-year reports and five-year renewal and the steps required by staff, Board and PIC/outlet. This documents the process and provides a clear understanding of what staff needs to do upon request, report or renewal going forward now that we are up to the first 5-year renewal since program implementation. The Board reviewed agreed the proposed TCVP process was acceptable.

Brianne reviewed the Compliance Guidelines for the three key pieces that staff promised to revisit:

**Medication Errors:** Propose to simplify by having all cases presented during Compliance Case Review, as each is discussed on a case-by-case basis and past history is always provided as part of the Investigative Report.

**PIC Gap:** Because the PIC rules were not adopted, staff will follow traditional guidelines.

**Marijuana:** Dates have been updated, to stay consistent with Board review of marijuana issues that occurred within the past 5 years (when it was still illegal in OR). For marijuana possession older than 5 years, staff is authorized to issue license and Cover Letter Response from Compliance Director (see A- Staff Delegated Authority).

More to come - Staff would like to address the following ABC elements in August Board meeting: Consistency when requesting evaluations (for applicants & licensees drug/alcohol history), as well as Marijuana and Unsworn Falsification timeframe/potential edits to our application questions.

Naloxone Poster Request

Pharmacist Consultant, Fiona Karbowicz announced that the Tri-County Opioid Safety Coalition of Clackamas, Multnomah and Washington counties created a Naloxone toolkit for pharmacists and are requesting the Board to consider including the Oregon Board of Pharmacy state logo on a poster, which is included with the toolkit. She stated that we typically don’t allow our logo to be placed on non-agency generated marketing items. Board Member, Roberto Linares discussed the language on the poster and thought the language (“pain medications” they used wasn’t specific enough and Board President, Kate James wanted to know which organization was producing the poster and sending out the marketing materials. Fiona stated it would live on the coalitions website and that other agencies are being asked to add their logo’s as well, but wasn’t sure if this was considered an endorsement if we added our logo.

**MOTION**

Motion to include OBOP logo on Naloxone Poster for use in pharmacies was made and carried (Motion by Vipperman, seconded by Reher) Linares opposed
Critical Drug Shortages

Board Vice President, Penny Reher gave a PowerPoint presentation regarding the status of drug shortages and the impact upon our state’s hospitals. She showed examples of certain drugs and their contingency plan/conservation strategies, as well as the impact these drugs have and reasons for the shortages given by manufacturers. The majority are due to three main factors, manufacturing, distribution and third party supplier delays. She gave a specific example of norepinephrine and some of the effects of a shortage of this particular drug as well as possible solutions to address the shortage.

Executive Director, Marc Watt stated that there are other factors tied to this situation as well, such as the drug supply chain and FDA. Board President, Kate James inquired about stockpile rules for the State of Oregon and Administrative Director, Karen MacLean stated that there are rules and there is a stockpile in Oregon for limited situations, such as immunizations and other emergency needs that can be activated by the Governor or state Public Health Director.

Penny stated that it’s a small niche and it’s not generic type of drugs that are commonly used and that it’s a complex problem and the Board isn’t sure how they could impact this situation. Marc said the best help would come from the federal level from the FDA.

ANNUAL BOARD BUSINESS MEETING

Board President, Kate James presented outgoing Board Member Ken Wells with a state of Oregon plaque and gavel and thanked him for his years of service to the Board. Kate specifically thanked Ken for his inspiration, service, development and coaching to the next level as a pharmacy mentor. Each of the Board members spoke and wished him well. Executive Director, Marc Watt honored Ken by thanking him for his honesty and loyalty and Board Vice President, Penny Reher stated that Ken has always done what’s best for the patient and the profession, Beaver Believers for life!

Ken thanked Kate, Board Members and staff, and stated that the strength of the Board lies in the quality, integrity, professionalism, and ownership that its staff and Members demonstrate on a daily basis. Working together as a team, we successfully deliver on the Board’s mission statement, to preserve and protect the health of our state’s citizens in the delivery of pharmacy related healthcare. He thanked prior Board Members who were instrumental in his development as a Board Member and gave special thanks to Gary Schnabel, Gary Miner and his friend and mentor, Dave Widen who worked for years to get Ken involved in our profession. He thanked his wife and children for giving him the opportunity to serve and he closed by offering a challenge to the Board and staff, “Ensure the Oregon Board of Pharmacy remains one of the nation’s leading boards of pharmacy, envision the future of pharmacy, do the right thing for the state’s citizens, and think outside the box. It’s been my honor and privilege to serve on the Oregon Board of Pharmacy”.

Election of New Officers

Nominations: President Penny Reher  Vice President: Rachael DeBarmore

Motion to appoint Penny Reher as Board President for 2017-18 was made and unanimously carried (Motion by James, seconded by Vipperman).
Motion to appoint Rachael DeBarmore as Vice President for 2017-18 was made and unanimously carried (Motion by Reher, seconded by Chute).

Approval of ACPE accredited schools & colleges of pharmacy
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 DeBarmore, seconded by Wells).

Update on Board Appointments

Executive Director, Marc Watt announced the new Public Member, Victoria Guinn has been appointed, effective 6/1/17 and Shannon Larson, Pharmacist Member has been appointed, effective 7/1/17.

Review/Reports - Other Committee/Council Appointments

At the Board’s request, the following pharmacist appointees to various Boards and Councils have each provided a written report of their activities during the previous year. The Pain Commission report was provided at the April meeting.

Administrative Director, Karen MacLean went over a list of organizations that pharmacists serve on or need. This is the first year we’ve gathered these from all appointees, she asked if there were any questions about the reports and if they wanted anything different and if the board would like to continue to receive these reports in the future. After a brief discussion, the Board expressed that they appreciated all of the reports and asked staff to create a common template for everyone to use in the future.

Oregon Board of Naturopathic Medicine Formulary Council –
The Oregon Board of Naturopathic Medicine Formulary Council requested to have Natalie and Justin reappointed for the next 2 years, they have been a great contribution. Natalie and Justin have each provided a report per our Board’s request last year.

MOTION
Motion to reappoint Natalie Gustafson to the Board of Naturopathic Medicine Formulary Council for two years was made and unanimously carried (Motion by Wells, seconded by Reher).

MOTION
Motion to reappoint Justin Bednar to the Board of Naturopathic Medicine Formulary Council for two years was made and unanimously carried (Motion by Wells, seconded by Reher).
Rural Health Coordinating Council
The Board reviewed the annual report from appointed representative, Leanne Yantis, which covered the main topics that were covered this past year.

Council on Optometric Non-Topical Formulary
Appointed representative, Christopher de Guzman reported that there has been no activity on the Council.

Oregon Patient Safety Commission
Maureen Ober, appointed representative stated that her term expires in September 2018 and that she actively participated in numerous meetings where she provided pharmacy perspective and recommendations regarding patient safety.

Oregon Board of Nursing Home Administrators
Nicole Deering’s term ended on June 2015, but she contributes and is called upon when they don’t have a quorum. They have not been able to find a replacement pharmacist for the position so she’s been attending their board meetings and participating in complaints / investigation / disciplinary decisions.

Immunization Policy Advisory Team
Linda Howrey is the board designee and this group discusses what the policies should be for immunizations for the state of Oregon. Pharmacist Consultant, Fiona Karbowicz is also very active on this team. They meet quarterly and the team is composed of representatives from multiple organizations and agencies.

MOTION
Motion to accept reports from pharmacist appointees to the following Boards/Commissions and Councils:

• Oregon Board of Naturopathic Medicine Formulary Council
• Rural Health Coordinating Council
• Council on Optometric Non-Topical Formulary
• Oregon Patient Safety Commission
• Oregon Board of Nursing Home Administrators
• Immunization Policy Advisory Team

was made and unanimously carried (Motion by Reher, seconded by Wells).

Overview of Oregon Ethics and Conflict of Interest
Board Counsel, Tom Cowan provided a refresher regarding ethics and conflict of interest for Board Members. He stated that we can not have any bias, recuse yourself if needed and explained that Oregon Government Ethics law identifies two types of conflicts of interest and defined the difference between actual conflict and potential conflict of interest.

Schedule of Administrative Fees Review & Update
Administrative Director, Karen MacLean went over Governor’s Executive Order 16-06, which calls upon DAS to develop uniform statewide standards and guidelines for public records requests, as well as agency fee structures related to these requests. Karen stated she has incorporated the DAS adopted fees for hourly rates and printing costs and that staff reviewed the list and recommended the additional revisions or strikeouts, because some of these no longer apply for the agency.

**MOTION**

Motion to approve the updated OBOP Schedule of Fees, to be effective immediately was made and unanimously carried (Motion by Vipperman, seconded by Armstrong).

Approve Current Version of Federal List of Controlled Substances

**MOTION**

Motion to approve the current version (April 2017) of Federal List of Controlled Substances was made and unanimously carried (Motion by DeBarmore, seconded by Vipperman).

Review the TOEFL NABP Update – None

Affirm use of 7/2014 AG’s Model Rules of Procedure

Per Karen MacLean, a new edition has not been released and we don’t know when a new version will be released.

**MOTION**

Motion to affirm the use of 7/2014 Attorney General’s Model Rules of Procedure was made and unanimously carried (Motion by Wells, seconded by Armstrong).

Delegation of Board Authority

Pharmacist Consultant, Fiona Karbowicz cited to the revised the document from earlier in the meeting for adoption as revised.

**MOTION**

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

Review and Approve Board Per Diem Policy – Update

Administrative Director, Karen MacLean spoke about the per diem policy for Board Member Compensation regarding the proposed daily amount of $100 and stated that it has been approved within our budget. In 2016, the Board approved a request to initiate the process to obtain budget approval to move the current daily per diem rate in statute from $30 to $100 that can be adopted by rule through the formal rulemaking process. Executive Director, Marc Watt stated that staff will
draft rules for review and will present at the August Board meeting for review and approval for a rulemaking hearing in September and possible adoption in October.

Board Best Practices Performance Measure Review

Administrative Director, Karen MacLean asked Board members to complete the printed assessment and return their responses to the Best Practices survey, this is part of the Annual Key Performance Measure Report to be prepared by 9/30 annually for the Legislature.

ISSUES/ACTIVITIES

Reports:
Board President Kate James asked on behalf of the OSPA Lane County planning committee that Board present at the OSPA Lane County meeting in February 2018. Board Member Ken Wells attended the NABP meeting in Orlando on behalf of his employer and referenced the session where Oregon Representative Knute Buehler spoke regarding Oregon’s Pharmacist Prescribing Contraceptives law he attended and stated that Oregon was well received. Board Member Christine Chute attended the Governors DUII meeting on 6/2 where she stated that the role of drugs in driving seems to be highlighted in every meeting. She cited to the Governor’s Highway Safety Commission (GHSA) “drug impaired driving guide for states” in highway fatalities 43% of fatally injured drivers who have been tested, have impairing substances in their system. She mentioned 2017 SB 743 regarding new dextromethorphan restrictions, should make a positive impact and mentioned the proposal about changing the language on labels that contain “operating heavy machinery”.

Executive Director Marc Watt stated that there has been a lot of activity in the state about drug take-back. He reported that HPSP transition from the Oregon Health Authority will be effective July 1, and a large cost savings in the next biennium. We’ve been selected for the peer review audit of the state Health Professional Regulatory Boards group that he participates in over the next few months. Members of the audit team are made up of the Board Members and Executive Directors of the other boards.

Board Counsel Tom Cowan stated that we have some significant cases, hearings scheduled now through mid January 2018. He thanked Board Member, Ken Wells for being such a professional and a gentleman and stated that we really appreciate your service to the Board.

Compliance Director Brianne Efremoff reported that 19 individuals are currently enrolled in HPSP, as of 5/31/17. 27% of the inspections have been performed and now that we are full staffed, the number of inspections will increase soon. The caseload is on track for 600+ this year. Bri praised staff for all of the good teamwork while Kim was on leave, and thanked everyone for stepping up. She stated that she and Fiona are working closely with Tom on other issues.

Pharmacist Consultant Fiona Karbowicz reported that she has had a very busy couple of months for CE approvals and presentations due to the Pharmacist license cycle and reminded the Board that Tim Frost, our new Fellowship will be at the August meeting. She mentioned that the rules pipeline is continuing to grow.
Administrative Director Karen MacLean reported that she will be our Contract Administrator for HPSP. It’s been a very busy few months with the HPSP transition. She set up the two new Interested Party list-serves for Agenda and Rules that people can sign up for on the website. She also attended the Icons of Pharmacy OSU event where Gary Miner was honored.

Licensing Program Supervisor Chrisy Hennigan reported as of 6/8/17 we have received 6,692 or 86% of pharmacist renewals and of those, 6,149 have been renewed. Chrisy and Licensing Representative Michael Hunt joined other staff members and presented to the Oregon graduates at Pacific & OSU where they covered all of the new licensing procedures. She shared that we had a pharmacist who completed the licensing process from beginning to end, in 17 calendar days from the time he took the exam to licensure. Processing applications is taking a bit longer right now because our resources are maxed out since Rene is doing double duty for Kim while on leave and the change in workload due to the new pharmacy technician expiration date of 6/30. In the past, we would spread out the workload among the team members, but that isn’t an option currently. Chrisy mentioned we have had several interesting licensing requests lately and have been working closely with Brianne, Fiona and Joe to work through the particulars to figure out how to appropriately issue the proper license, it’s been challenging but a good learning experience for everyone. We currently have 694 PTs with an expiration date of 6/30/17 and have received about 11 PT license extension requests to date.

Project Manager Mo Klein reported that she’s been working on Google interactive maps, working on a budget computer tool to help see year over year fee’s, financial impacts, etc., and is working on legislative financial impact statements, rulemaking statements, as well as finishing up her project management class in Salem.

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**Board Member/Staff Presentations**

**Pharmacy Coalition – 4/18/17, 5/9/17**

Professional Practice Roundtable – 5/25/17 Pharmacist Consultant, Fiona Karbowicz attended and they focused on HB 2397.

Health System Outreach Meeting – 6/20/2017 Pharmacist Consultant, Fiona Karbowicz will attend and the agenda is about expectations about rulemaking process.

Southern OR CCO’s Naloxone & Drug Take Back Outreach Coos Bay - April 11-12, 2017 Pharmacist Consultant Fiona Karbowicz presented in Coos Bay.

Marion Polk Yamhill Pharmacy Association – Law Update 4/6/17, Pharmacist Consultant Fiona Karbowicz focus was law review and discussion on drug take back and Naloxone.

PRN Annual Conference – Law Update/Naloxone – April 8, 2017- Inspector, Brian Murch reported that he attended and chatted with several people and stated he really understands the expectations as an OBOP staff member.

Linn Benton Pharmacy Association – Law Update 4/19/17, Pharmacist Consultant, Fiona Karbowicz presented at this meeting.

Northern OR Coast Naloxone & Drug Take Back Outreach: Seaside – 6/26/17 Pharmacist Consultant, Fiona Karbowicz will present in a few weeks.

Committees/Meetings

OSHP 2017 Annual Seminar – April 28-30, 2017, Executive Director Marc Watt and Compliance Director Brianne Efremoff attended this event at Salishan and had a vendor booth for Q & A where they fielded questions and stated it was well worth their time doing this kind of outreach.

NABP Annual Mtg. 5/20-23/2017, Orlando, FL
Board Vice President Penny Reher attended this meeting as a voting delegate and stated that 10 resolutions were proposed and one in particular from District VII related to pharmacy technician programs and informed consent that didn’t pass. She stated that Nevada has a good program that we might want to look at.

Executive Director Marc Watt commented that he attended a session related to USP 800 that goes into effect 7/1/18. He had hoped to hear more about workplace safety issues and suggested that it might be better handled by OSHA. Marc also mentioned a telehealth program referencing interesting work in Iowa

Penny spoke about accepting the 2017 Fred T. Mahaffey Award on behalf of the Board for its work on the Oregon Pharmacists Prescribing of Contraceptive Therapy while at NABP and the hard work that the Board and staff have done and how nice it was to be honored by our peers.

APhA Institute on Alcoholism and Drug Dependencies 6/1-4/2017, Salt Lake City, UT
Inspector Brian Murch thanked the Board for sending him to this program and stated it was one of the best he’s ever attended in his professional career. It was very educational and he thought the speakers did an excellent job educating him on recovery and it was a great experience. He came away with the importance of treating people with addictions and dependencies with dignity and respect.

NABP Dist. 6-8 Meeting, 10/8-11, 2017, San Antonio, TX
Administrative Director, Karen MacLean discussed the upcoming NABP District 6, 7 & 8 meeting and asked the Board if attending this meeting is “essential” to the operation of the Board. If so, is it acceptable to attend this meeting under the Governor’s current travel restrictions? There will likely be issues to be voted on at District VII’s Business meetings, which is a reason to attend as an NABP member board. The Board had a brief discussion and most agreed that the Executive Director, Board President or Vice President should attend. Board Counsel Tom Cowan suggested we look at how the other health boards are handling the travel restrictions because he believes they are traveling nationally.

MOTION
Motion to send 2 people to the 2017 NABP District Meeting was made and unanimously carried (Motion by Wells, seconded by Reher). Chute and Linares opposed

OSPA Annual Convention - 10/21-22/2017, Portland - The agenda includes topics that we’ve been working on and future topics. Board Member Cyndi Vipperman volunteered to attend and assist with presentation.
OSHP Fall Seminar – 11/18/17, Portland - We have not received an invitation to appear.

### Board Meeting Dates

- August 9-11, 2017* Portland (*3 day meeting)
- October 11-12, 2017 Portland
- November 8-9, 2017 Silverton (Strategic Planning)
- December 13-14, 2017 Portland
- February 7-9, 2018 Portland (*3 day meeting)
- April 4-5, 2018 Portland
- June 6-7, 2018 Portland
- August 8-10, 2018* Portland (*3 day meeting)
- October 3-4, 2018 Portland
- November 7-8, 2018 Portland
- December 12-13, 2018 Portland

### Rulemaking Hearing Dates

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

- July 27, 2017
- November 29, 2017
- May 23, 2018
- November 27, 2018

### Financial/Budget Report

- Administrative Director, Karen Maclean stated that the 2017-19 budget was signed by the Governor and is effective July 1, 2017. All expenses for the 2015-17 budget are coming in under the full projected limitation.

### Legislative Update

Executive Director, Marc Watt stated that the legislative teams enacted their option to have 1 hour notice meetings and that it was crunch time in Salem with Session wrapping up by July 10th. He stated that there isn’t anything controversial that we are tracking.

- HB 2128 – isn’t moving
- HB 2397 – The Pharmacy Formulary Advisory Bill - our Fellow will be working on this and we will want to craft rules that are sustainable. Appointments from Governor are expected to begin in September.
- HB 2527 - Passed
- HB 2645A – Stuck in ways and means right now
- SB 743 – Doesn’t impact us, goes to OSP for enforcement
Strategic Planning –

Administrative Director, Karen MacLean asked if the Board reviewed the minutes from 2016-17 Strategic Plan Outcomes.

**MOTION**
Motion to approve November 2-3, 2016 Strategic Planning Minutes and plan outcomes was made and unanimously carried (Motion by Debarmore, seconded by Armstrong).

Karen reviewed the feedback she received from Members regarding a potential topics to review for 2017 Strategic Planning Meeting. General consensus was that most Members agreed to the topics list. She is still working on securing a facilitator and hopes to have this in place by the August meeting.

**OPEN FORUM** – none

Adjourn

**MOTION**
Motion to adjourn at 3:55 PM was made and unanimously carried (Motion by Wells, seconded by Armstrong).

Accepted by:

[Signature]

Marcus Watt, R. Ph.
Executive Director
Executive Session of the Board was held on Wednesday, June 7, 2017 to discuss Compliance cases, followed by motions on Thursday, June 8, 2017. Working lunch held on June 7, 2017.

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

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

Case 2016-0247  Motion to accept ALJ Barber’s Ruling on Motion for Summary Determination and Proposed Order, and to issue a Final Order.
Motion by: Christine Chute; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2015-0636  Motion to accept Stipulated Consent Order.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0059  Motion to withdraw Notice and close under investigation.
Motion by: Cyndi Vipperman; Seconded by: Christine Chute. Motion unanimously carried.

Case 2016-0439  Motion to deny request.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2015-0042  Motion to grant request to lower UAs to 24/year and approve request to work up to 50 hours per week at one location. Deny request to float between pharmacies.
Motion by: Christine Chute; Seconded by: Cyndi Vipperman. Motion carried with Roberto Linares recused.

Case 2015-0077  Motion to grant request to eliminate UAs.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2015-0242  Motion to grant request to work up to 50 hours per week at one location.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.
Case 2015-0441  Motion to grant reduction to 18 UAs per year, deny request to reduce attendance at support group meetings.
Motion by: Christine Chute; Seconded by: Kenneth Wells. Motion carried with Cyndi Vipperman opposed.

Case 2016-0435  Motion to deny request.
Motion by: Dianne Armstrong; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2016-0305  Motion to accept Settlement Agreement as proposed.
Motion by: Kenneth Wells; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Cases 2016-0530 through 2016-0540  Motion to lapse outlet license and close under investigation.
Motion by: Rachael DeBarmore; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0067  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 2017-0083  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0100 and in Case 2017-0148  Motion to close with Board direction.
Motion by: Rachael DeBarmore; Seconded by: Christine Chute. Motion unanimously carried.

Case 2016-0503  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion carried with Penny Reher recused.

Case 2017-0018  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0098  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2017-0112  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0011 and Case 2017-0046  Motion to revoke technician license and impose $1,000 civil penalty per violation; and Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion carried with Roberto Linares and Christine Chute opposed.

Case 2017-0030  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Rachael DeBarmore; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0093  Motion to deny intern license and impose $1,000 civil penalty per violation.
Motion by: Christine Chute; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0074  Motion to deny technician license.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0139  Motion to impose $1,000 civil penalty per violation against pharmacist.
Motion by: Kenneth Wells; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0168  Motion to close with Board direction;
Case 2017-0167  Motion to close with Board direction; and
Case 2017-0084  Motion to impose $1,000 civil penalty per violation against intern.
Motion by: Rachael DeBarmore; Seconded by: Cyndi Vipperman. Motion carried with Roberto Linares recused.

Case 2016-0316  Motion to close with Board direction.
Motion by: Kenneth Wells; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0017  Motion to grant technician license.
Motion by: Rachael DeBarmore; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0094  Motion to grant technician license.
Motion by: Cyndi Vipperman; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0062  Motion to close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Case 2017-0101  Motion to grant pharmacist license.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion by: Rachael DeBarmore; Seconded by: Kenneth Wells. Motion unanimously carried.

Case 2017-0113  Motion to impose $10,000 civil penalty per violation against outlet.
Motion by: Cyndi Vipperman; Seconded by: Rachael DeBarmore. Motion unanimously carried.

Cases 2017-0078, 2017-0095, 2017-0111, 2017-0120, 2017-0156, and 2017-0157: Motion to deny technician license and impose $1,000 civil penalty per violation.
Case 2017-0107: Motion to deny pharmacist license and impose $1,000 civil penalty per violation.
Cases 2017-0165, and 2017-0166: Motion to grant intern license.
Motion by: Cyndi Vipperman; Seconded by: Rachael DeBarmore. Motion carried with Kenneth Wells opposed.

Cases 2017-0033, 2017-0043, 2017-0048, 2017-0052, 2017-0054 and 2017-0058 pulled from Consent Agenda for discussion. Motion to close cases with Board direction.
Motion by: Penny Reher; Seconded by: Cyndi Vipperman. Motion carried with Dianne Armstrong recused.

Motion by: Kenneth Wells; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0092  Motion to accept as on consent agenda.
Motion by: Rachael DeBarmore; Seconded by: Christine Chute. Motion unanimously carried.