

BOARD MEETING MINUTES

Oregon Board of Pharmacy
Strategic Planning Meeting
Oregon Garden Resort
895 West Main St., Trillium Room
Silverton, OR
March 12-13, 2013

TUESDAY, MARCH 12, 2013

Board Vice President, Christine Chute called the meeting to order at 9:00AM.

The following members were present for all or part of the meeting:

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

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

Gary Schnabel, Executive Director	Karen MacLean, Administrative Director
Gary Miner, Compliance Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator

Thomas Cowan, Board Counsel

MOTION

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

Vice President Christine Chute welcomed all guests that were present and thanked them for attending the meeting.

2014 Proposed Board Meeting Dates

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|------------------------|--------------------------|
| • February 4 - 6, 2014 | Portland |
| • March 11 -12, 2014 | TBA - Strategic Planning |
| • April 8 - 9, 2014 | Portland |
| • June 10 - 11, 2014 | Portland |
| • August 12 - 13, 2014 | Portland |
| • October 7 - 9, 2014 | Portland |
| • December 2 - 3, 2014 | Portland |

2014 Proposed Rulemaking Hearing Dates

- May 22, 2014
- November 25, 2014

The Board reviewed and approved the proposed Board Meeting and Rulemaking Hearing Dates for 2014.

MOTION

Motion to approve the 2014 Proposed Board Meeting and Rulemaking Hearing Dates was made and unanimously carried (Motion by Reher, second by Linares).

The Board discussed changing the proposed date for the December 2014 meeting from the 9th and 10th to the 2nd and 3rd, as it conflicts with the American Society of Health System Pharmacists Midyear Continuing Education Seminar. The Board agreed to change the date for the December 2014 Board Meeting to the 2nd and 3rd.

MOTION

Motion to change the 2014 Proposed Board Meeting for December 2014 to the 2nd and 3rd was made and unanimously carried (Motion by Fujisaki, second by Pimlott).

Compliance and Licensing Reports

Compliance Director Gary Miner presented compliance statistics on disciplinary cases. He shared that on average in 2011, 87 cases were presented at each Board Meeting. In 2012, that number increased to 95. To date, 86 cases have been presented on average in 2013. Gary also shared some of the costs associated with cases going to hearing. The administrative and Department of Justice costs for cases that go to hearing were \$49,000 in 2010. In 2011 that number increased to \$57,000 and in 2012 it increased to \$87,000. Gary indicates that staff works to keep costs down by settling cases before they go to hearing. Board Members commented that it is great to have this data documented. Board Counsel Tom Cowan stated that he has represented over a dozen Boards and that the Board's staff is among the best to work with. He indicates that Gary does a great job appropriately educating licensees, settling cases and working with attorneys. Tom also indicated that the Board's pharmacist inspectors continually put together good cases. He stated that the Board is extremely fortunate to have pharmacists as investigators and have the Compliance Director and Executive Director's involvement in cases.

Administrative Director Karen MacLean discussed the online renewal process that has been evolving over the last several years. To date; pharmacists, technicians, interns, and non-prescription drug outlets can renew online. Karen indicates that staff is looking into having an online renewal process established for manufacturers and wholesalers later this year. Recently Karen and Office Manager Chrisy Hennigan met with a database representative to discuss possible expansion options. Karen and Chrisy will be discussing potential expansion options and services that can be offered to licensees such as completing and submitting an application online or checking the status of an application electronically.

Operational Review

Administrative Director Karen MacLean provided an update on the Board's Operational Review and the progress that the management team has made on implementing applicable recommendations. Some of the recommendations that have been implemented includes: cross training employees, establishing a desk manual in the licensing department and re-allocating work in the licensing and compliance departments.

2012 Strategic Plan Initiatives

Administrative Director Karen MacLean provided an overview on the status of the 2012 initiatives which include: fraud work, animal euthanasia, probationer's policy, multi-cultural issues, and case presentation and review.

Board Best Practices

Administrative Director Karen MacLean stated that she had reviewed the Board Member Survey on Board Best Practices and the results indicate that Board Members believe the Board is adhering to best practices.

Strategic Planning Topics

The following topics were discussed during the meeting:

- Compounding
 - Modernizing Pharmacist Practice
 - Legislative Update and the Board's Role
 - HPSP/OBOP Probation & Impaired Professionals Policy Discussion
 - Practitioner Dispensing
 - Just Culture and Patient Safety
 - Budget Presentation Update and Revenue Options
 - 2013 Workforce Survey
 - Succession Planning
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Compounding

Executive Director Gary Schnabel stated that the Retail/Institutional Drug Outlet Renewal Cycle will end on March 31st. This year, the Board asked renewing retail and institutional drug outlets a variety of questions relating to compounding in an effort to identify which outlets are doing non-sterile compounding, sterile to sterile compounding, patient specific sales and non-patients specific sales. After March 31st staff will be able to compile a list of outlets that participated in each activity and provide this data to the Board. The Board hopes that this will give them a better understanding of how many outlets are doing the mentioned activities. Gary stated that the Food and Drug Administration (FDA) is still contemplating establishing a third class of drug production and that a lot of states are in the same position that we are. The Executive Director from the Washington Board of Pharmacy, Chris Humberson was in attendance and commented that Washington has a great deal of naturopaths and practitioners that are trying to obtain quality compounded medications for their clinics. However, this can be difficult. Mr. Humberson stated that there is a compounding pharmacy in California that is accredited by the Pharmacy Compounding Accreditation Board (PCAB). However, this pharmacy is relabeling compounded drugs, extending their expiration date, and repackaging. Unfortunately, they are allowed to do this because they are following USP 797. Dennis McAllister from Express Scripts and Arizona Board of Pharmacy Board Member was also in attendance. He commented that the California Board of Pharmacy has created a separate license type for compounding. They are also establishing their own accreditation system.

Action

- Staff will form a compounding work-group. The work-group will discuss issues such as only allowing compounding to occur if it is based off a patient specific prescription, encouraging only short term production of compounded medications in the event of manufacturer shortages, and updating the Shared Services Agreement. The work-group will also review Division 045 and provide appropriate recommendations to the Board for their consideration. The Board asked that the work-group specifically look at high risk compounding such as sterile-to-sterile and provide additional requirements for them such as surety bonds.

Modernizing RPh Practice

The Board discussed the fact that the profession will be changing dramatically over the next several years. Therefore, Boards will need to modify or create new rules in order to accommodate new practices and modernizations. The Board had some discussion regarding encouraging pharmacists to devote time to documentation of their patient care activities. The purpose of this is to identify what pharmacists do with their time, avoid duplications and facilitate better continuity of care.

Action

- Staff will review the Board's statutes in the context of modernizing pharmacy practice and present any recommendations at the October Board Meeting.
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2013 Legislative Update & the Board's Role

Executive Director Gary Schnabel presented a legislative update, which included information on 2013 House Bill 2037, House Bill 2075, House Bill 2077, House Bill 2115, House Bill 2120, House Bill 2123, House Bill 2124, House Bill 2130, House Bill 2354, House Bill 2554, House Bill 2560, House Bill 2705, House Bill 2714, House Bill 2740, House Bill 2871, House Bill 2919, House Bill 3063, House Bill 3153, House Bill 3189, House Bill 3327, House Bill 3330, House Bill 3371, House Bill 3411, House Bill 3418, House Bill 5036, Senate Bill 8, Senate Bill 106, Senate Bill 136, Senate Bill 163, Senate Bill 171, Senate Bill 335, Senate Bill 363, Senate Bill 371, Senate Bill 372, Senate Bill 384, Senate Bill 460, Senate Bill 470, Senate Bill 483, Senate Bill 530, Senate Bill 542. The Board had a brief discussion on House Bill 2123 and whether or not they should take a position. The Board decided not to take any action and to remain neutral at this time on this measure.

Action:

- Staff will continue to monitor and update the Board on the progression of the mentioned bills and other measures that will impact the agency.
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HPSP/OBOP Probation & Impaired Professionals Policy Discussion

The Board discussed the administrative costs associated with the HPSP Program. It was also noted that those enrolled with HPSP are responsible for paying for evaluations, drug tests and counseling. Some of the Board Members commented that the costs associated with HPSP are very expensive and their deliverables have not been that great. The Board indicated that they would like to see some outcome data from HPSP as well as other treatment centers which shows if five years of monitoring or being enrolled in a treatment program makes an individual successful in their recovery. The Board would like Compliance Director Gary Miner and Board Counsel Tom Cowan to work together to prepare a model for new probationers to follow. This model will be presented at the April Board Meeting.

The Board discussed elements of the new model that they would like to see incorporated. They proposed that under the new model, the probationer will be given an acceptable list of treatment programs and the probationer will be responsible for complying with the treatment center's requirements. Staff will have contact with the treatment center. If the probationer doesn't comply with the treatment center's requirements or does not enter into treatment, the Board will deny their license. The Board agreed that they would like the new model to be phased in with new technician probationers specifically and keep the existing probationers, which includes pharmacists and one intern that are currently enrolled in HPSP in the HPSP Program. The Board will then be able to monitor the progress of each group of probationers and capture the

data for both models. Gary asked for clarification on how to handle probationers that have been evaluated for treatment and no treatment is recommended. The Board directed staff to continue to license these individuals.

Action:

- Compliance Director Gary Miner and Board Counsel Tom Cowan will prepare a model for the Board's consideration at their April Meeting. This includes showing the current system and the proposed system, and well as comparing the language in the current Consent Order with the Consent Order to be proposed under the new model.

MOTION

Motion to adjourn at 4: 45 PM was made and unanimously carried (Motion by Reher, second by Fujisaki).

WEDNESDAY, MARCH 13, 2013

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

The following Board Members were present:

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

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

Gary Schnabel, Executive Director	Karen MacLean, Administrative Director
Gary Miner, Compliance Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator

Thomas Cowan, Board Counsel

Practitioner Dispensing

The Board discussed the Attorney General's (AG) opinion on ORS 689 as it relates to the Board's authority to register drug outlets. The AG's opinion indicates that the Board does in fact have the authority to register practitioner dispensing outlets. If the Board registers these outlets they agreed that accountability measures will be implemented through educational tools such as the Board's annual self inspection reports. The Board felt that the self inspection report would be a good reminder for practitioners to make sure they are labeling medications appropriately and are checking for recalled and outdated drugs. The Board also discussed that if rules are developed they should include elements from the Supervising Physician Dispensing Outlet rules, as well as the Emergency Department Distribution rules. Before the Board begins looking at rule writing, they directed Executive Director Gary Schnabel to hold a second meeting with the Board's that will be impacted by this requirement.

Action:

- Executive Director Gary Schnabel will hold a second meeting with the Medical Board, Nursing Board, Dentistry Board, Veterinary Medical Examining Board and associations.
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Just Culture and Patient Safety

Pharmacist Kate Farthing provided a presentation on “Just Culture.” Her presentation defined “Just Culture.” In addition, applying “Just Culture” principles to an event was discussed as well as how an organization adopts “Just Culture.” The Board had a lot of rich discussion around the topic. They agreed that when deliberating over disciplinary cases, they need to be consistent on how behaviors and risks are managed.

Action:

- Board members will keep “Just Culture” principles in mind when deliberating over disciplinary cases. The Board will review the “Current Approaches to Punitive Action for Medication Errors by Boards of Pharmacy” once it is published by the Annals of Pharmacotherapy. To date, this article, written by University of New Mexico College of Pharmacy’s Tiffany Yeitakis, Mark Holdsworth, Kristina Wittstrom has been accepted for publication by the Annals of Pharmacotherapy.
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Budget Presentation Update and Revenue Options

Administrative Director Karen MacLean provided an update on the Board’s status in the 2013-2015 budget process, which included an overview of the agency’s budget hearing before the Ways and Means Sub-Committee on Education that occurred on February 20th. Karen indicated that the Sub-Committee wants the Board to decrease its ending balance. The ending balance is higher than forecasted as a result of deriving savings and an unanticipated surplus from increased licensure. Karen and Executive Director Gary Schnabel presented a variety of options to consider that would decrease this savings and reduce the Board’s ending balance. The Board discussed these options briefly with the Board’s assigned CFO Analyst, Dustin Ball from the Department of Administrative Services (DAS). The Board did not make any decisions on the options presented by Karen and Gary. Staff will continue to work with Dustin as well as the Legislative Fiscal Office to reduce the Board’s ending balance. Staff will provide an update to the Board at the April Board Meeting.

Action:

- Staff will continue to work with the Board’s DAS, CFO Analyst, as well as the Legislative Fiscal Office to reduce the Board’s ending balance. Staff will provide an update to the Board at the April Board Meeting.
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Update Strategic Plan

Administrative Director Karen MacLean summarized the strategic initiatives that were discussed throughout the meeting and how they connect with the existing two year Strategic Plan that was developed in 2012. Part of this discussion included a conversation about conducting a follow up Workforce Survey later this year. Some of the things that the Board Members considered incorporating in this upcoming survey include: asking if conditions have improved since the Drug Outlet Conduct Rules were implemented and if the surveyor participated in the 2011 Workforce Survey. The Board is targeting a second Workforce Survey to be offered in October of 2013.

The Board also had some discussion on succession planning. Currently, the Board has four to five people that are eligible for retirement within the next five years. This includes the Board’s Executive Director Gary Schnabel and Compliance Director Gary Miner. Currently, DAS facilitates this process through the Chief Human Resource Office and the Executive Recruiter is responsible for the recruitment of Executive Directors. DAS is in the process of revising

executive director recruitments and succession planning information; new information should be provided within the next six months.

In 2009, the pharmacist requirement for the Board of Pharmacy Executive Director was removed from statute. It is estimated that only five states use a non-pharmacist as their Board of Pharmacy Executive Director. The Board had some discussion about the position responsibilities and the current salary for the Executive Director's position. It's clear, if the Board wants to have a pharmacist in this position after Gary retires, the classification and salary are not competitive in the Pharmacy market and it would be unlikely that a pharmacist would accept the responsibilities and salary as they are today. Karen suggested Gary should make a list of the pharmacist specific responsibilities he has done in the last two years to make sure the technical duties are reflected and updated position description. The Board will review an updated job description during his annual review in June for review and approval. The Board also wants to compare what a similar position description for a non-pharmacist Executive Director for the agency would look like to help determine whether a request for re-classification review should be submitted to DAS or if the essential duties can be done by a non-pharmacist. The Board may also consider submitting a legislative concept to re-instate the pharmacist requirement in statute.

Action:

- The Board plans to conduct a second Workforce Survey in October of 2013 and will begin preparing for it this summer. Gary Schnabel will compile a list of the pharmacist related responsibilities he has completed within the last two years for review. Karen and Gary will work together to update the Executive Director Position Description.

Review & Wrap Up

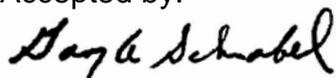
Board President Ken Wells thanked Board Members and Staff for a very productive Strategic Planning Meeting.

MOTION

Motion to adjourn at 4:17 PM was made and unanimously carried (Motion by Reher, second by Pimlott).

Adjourn

Accepted by:



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