

**BOARD MEETING MINUTES**  
**Oregon State Board of Pharmacy**  
**Red Lion Eugene - 205 Coburg Road**  
**Eugene, OR 97401**  
**October 14 - 15, 2008**

<b>Tuesday, October 14, 2008 @ 8:30 AM, Cascade Room</b> <b>Wednesday, October 15, 2008 @ 8:30 AM, Cascade Room</b>
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**Tuesday, October 14, 2008**

Cathryn Lew, Board President, called the meeting to order at 8:30 AM.

**Roll Call**

The following Board Members were present:

Cathryn Lew, President  
Ann Zweber  
Larry Cartier  
Bernie Foster

Lee Howard, Vice President  
Linda Howrey  
Dianna Pimlott

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director  
Karen MacLean, Administrative Director  
Gary Miner, Compliance Director  
Joe Ball, Chief Investigator  
Annette Gearhart, Compliance Secretary  
Jennifer Pickens, Compliance Assistant  
Michele Cale, Inspector  
Jennifer Zannon, Inspector

Gregg Hyman, Inspector  
Meg Aulerich, Inspector  
Katie Baldwin, Inspector  
Tom Cowan, Board Counsel  
Loretta Glenn, Management  
Paige Clark, Pharmacist Consultant  
Ed Schneider, PRN Director  
Pam Aldersebaes, PRN Assistant

**MOTION**

**Motion to approve the agenda was made and unanimously carried (Motion by Howard, second by Foster).**

**MOTION**

**Motion to enter Executive Session was made and unanimously carried at 8:43 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 (Motion by Pimlott, second by Foster).**

**MOTION**

**Motion to exit Executive Session was made and unanimously carried at 10:18 AM to enter back into Open Session (Motion by Howrey, second by Pimlott).**

**Various Exception Requests**

Administrative Director, Karen MacLean and Compliance Director Gary Miner explained several requests (19) received by staff. The Board discussed these request and made the following determinations as indicated:

1. VetSource Surety Bond exception request.

**MOTION**

**Motion was made and unanimously carried to deny VetSource Surety Bond exception request (Motion by Foster, second by Howard and Cartier abstained).**

2. Medical Teams International Surety Bond exception request.

Medical Teams International satisfied the 2008 renewal surety bond requirement. As a non-profit organization, they requested an exemption from future surety bond requirements. The Board discussed and indicated that they would review with the Division 041 rule review and may ask for an appearance prior to the next renewal cycle.

3. WALCO Surety Bond exception request.

**MOTION**

**Motion was made and unanimously carried to deny the WALCO exception request (Motion by Foster, second by Howard and Cartier abstained).**

4. Outside in Clinic request.

**MOTION**

**Motion was made and unanimously carried to approve Outside in Clinic request (Motion by Howrey, second by Cartier).**

5. OHSU off campus facility request was discussed. The Board requested an appearance and demonstration of the system to be used.

6. Central City Concern exception request.

**MOTION**

**Motion was made and unanimously carried to approve Central City Concern exception request (motion by Howrey, second by Cartier).**

7. NCS Health care of WA VAWD waiver request.

**MOTION**

**Motion was made and unanimously carried to approve NCS Health care of WA VAWD waiver request (motion by Cartier, second by Zweber).**

8. Hospira Worldwide VAWD waiver request.

**MOTION**

**Motion was made and unanimously carried to deny Hospira Worldwide VAWD waiver request (Motion by Howard, second by Howrey and Cartier abstained).**

9. Kaiser Foundation Hospitals VAWD extension request.

**MOTION**

**Motion was made and unanimously carried to approve Kaiser Foundation Hospitals VAWD extension request (Motion by Howard, second by Pimlott).**

10. Dey LP VAWD extension request.

**MOTION**

**Motion was made to approve Dey VAWD extension request and unanimously carried (Motion by Howard, second by Pimlott).**

11. Butler Animal Health Supply LLC VAWD extension request.

**MOTION**

**Motion was made to approve Butler Animal Health Supply LLC VAWD extension request and unanimously carried (Motion by Howard, second by Pimlott).**

12. Cardinal Health VAWD extension request.

**MOTION**

**Motion was made to approve Cardinal Health VAWD extension request and unanimously carried (Motion by Howard, second by Pimlott).**

13. Glenmark Pharmaceuticals Inc USA VAWD extension request.

**MOTION**

**Motion was made to approve Glenmark Pharmaceuticals Inc USA VAWD extension request and unanimously carried (Motion by Howard, second by Pimlott).**

14. Sanofi Pasteur Inc-Scranton Distribution Center VAWD extension request.

**MOTION**

**Motion was made to approve Sanofi Pasteur Inc-Scranton Distribution Center VAWD extension request and unanimously carried (Motion by Howard, second by Pimlott).**

15. Parson's Canby Pharmacy security waiver request.

**MOTION**

**Motion was made to approve Parson's Canby Pharmacy security waiver request and unanimously carried (Motion by Foster, second by Zweber).**

16. Samaritan Pharmacy Services security waiver request.

**MOTION**

**Motion was made to approve Samaritan Pharmacy Services security waiver request and unanimously carried (Motion by Foster, second by Howard).**

17. Geary Street Clinic Pharmacy security waiver request.

**MOTION**

**Motion was made to approve Geary Street Clinic Pharmacy security waiver request and unanimously carried (Motion by Cartier, second by Pimlott).**

18. Envision Telepharmacy requirement waiver request.

**MOTION**

**Motion was made to approve Envision Telepharmacy requirement waiver request and unanimously carried (Motion by Cartier, second by Pimlott).**

19. FPGEC waiver request.

**MOTION**

Motion was made to approve FPGE waiver request and unanimously carried (Motion by Zweber, second by Howrey).

**MOTION**

Motion to enter Executive Session was made at 11:05 AM for the purpose of review and deliberation of compliance cases pursuant to ORS 676.175 and ORS 192.660 and unanimously carried (Motion by Howard, second by Pimlott).

**MOTION**

Motion to exit Executive Session was made and unanimously carried at 4:31 PM to enter into Open Session (Motion by Howrey, second by Foster).

Compliance Director, Gary Miner, read compliance cases for Motions.  
Please refer to Compliance Minutes for Motions.

**MOTION**

Motion to adjourn at 5:37 PM was made and unanimously carried (Motion by Zweber, second by Cartier).

**Wednesday, October 15, 2008**

Cathryn Lew, Board President, called the meeting to order at 8:33 AM.

Roll Call

The following Board Members were present:

Cathryn Lew, President	Lee Howard, Vice President
Ann Zweber	Linda Howrey
Larry Cartier	Dianna Pimlott
Bernie Foster	

The following staff was present for all or part of the session:

Gary Schnabel, Executive Director	Paige Clark, Pharmacist Consultant
Karen MacLean, Administrative Director	Loretta Glenn, Management Secretary
Gary Miner, Compliance Director	Meg Aulerich, Inspector
Tony Burt, Project Manager	Katie Baldwin, Inspector
Tom Cowan, Board Counsel	

**Reports and Meetings**

Board President, Cathryn Lew attended the PMP Legislative Coalition meeting in Roseburg. She thanked Pharmacist Consultant, Paige Clark for facilitating the meeting and the bank for hosting it. Attendees also included Representative Mauer; Senator Kruse; Rob Bovett, Meth Task Force; Gary Schnabel, Board of Pharmacy; Jim T, OSPA; Janet Preller, RN; and Jennifer Wagner, Pain Commission. This is a strong and educated support base, tackling inappropriate use/abuse of controlled substances, tying in prevention and early intervention, while maintaining strong advocacy of pain management for Oregon citizens.

On September 21st Cathryn attended PIC Training and acknowledged and thanked Compliance Director, Gary Miner and Inspector, Jennifer Zannon for providing the education and

outreach the Board feels is so important for PIC's. There were positive comments from attendees.

Cathryn participated in a 1-hour meeting in Salem with the Institute for Safe Medications Practices (SMP); Oregon Patient Safety Commission (OPSC); Oregon State Pharmacists Association (OSPA); and Board of Pharmacy (BOP) regarding goals and strategies for patient safety and medication error reduction efforts in Oregon. She provided introductory remarks for Donna Horn and Leslie, OPSC on behalf of the Board and Patient Safety Research Council. Cathryn attended a CE and evening dinner. She stated that it was a pleasure to be in attendance on behalf of the Board. Board member, Ann Zweber was awarded as OSPA Pharmacist of the Year, and the Board and staff congratulated Ann on this prestigious honor!

Cathryn also plans to attend the OSHP Southern Chapter CE Meeting tomorrow evening, October 16th. The topic for this meeting is the 2015 pharmacy Initiative, "Health-system Pharmacy 2015" which is ASHP's landmark initiative to significantly improve the practice of pharmacy in health systems. The project includes six key goals and 31 objectives to be achieved by the year 2015.

Board Counsel, Tom Cowan, reported that there have been no contested cases since the last Board meeting due primarily to Compliance Director Gary Miner's ability to resolve issues and prevent them from going to hearing. Tom encouraged Board members to read the legislative mailing and discuss them with their representatives.

Compliance Director, Gary Miner, reported that he and Jennifer Zannon were invited to Pacific University to discuss P3's/P4's and becoming PIC's. 70% of pharmacy inspections are complete for 16 counties. 16 students have attended PIC class. Gary discussed the compliance statistics completed. There are approximately 700-800 cases thus far for 2008.

Gary Miner and Pharmacist Consultant, Paige Clark will present at the Valley Summit on October 16, 2008. The Northern and Southern pharmacists will attend and long-term care pharmacists will be there on the 17th to discuss the industry.

Administrative Director, Karen MacLean, reported that she turned-in the completed Agency Request budget binders for 2009 - 2011. She reminded Board members and staff that state rules mandate that the use of personal and business computer for agency related communications are considered public information. Karen attended a Human Resources manager's class on generational supervising that was very interesting. Karen reported on electronic newsletters and additional ways for people to become aware of this. Karen and Gary Schnabel reported that there is an ongoing paperless initiative which they will discuss with IT contacts to figure ways to bring that within this agency.

Board member, Ann Zweber, reported that she attended the Governor's Advisory Committee meeting on DUII in Salem. The Committee discussed intoxicants, "a Minnesota Model" and went through some of the recent DUII incidents. One case included a woman from Gresham, Oregon who went to 30 places for prescription medicines, consequently running over an innocent victim.

Board member Linda Howrey discussed her attendance at the Immunization Policy Advisory Team (IPAT) meeting.

Board member, Dianna Pimlott, stated that she participated in a teleconference with the Oregon Association for Hospitals and Health Systems (OAHHS) Medical Reconciliation Council where a statewide standard tool for medication reconciliation was discussed.

Pharmacist Consultant, Paige Clark attended the Pharmacy Practice Roundtable meeting on September 9th. The Pharmacy Legislative Coalition also met at that time. Board members Larry Cartier and Linda Howrey attended and represented the Board. Paige reported that the OSPA Convention booth had good attendance. Compliance Director, Gary Miner and Paige presented a technician track and Board member Linda Howrey and Paige presented a Pharmacist segment. Paige also attended the Meth Task Force meeting and a PIC meeting. She will also attend the Meth Task Force meeting on December 6, 2008.

Board President, Cathryn Lew, discussed the following Board meeting dates for 2008 and 2009:

Board Meeting Dates 2008

December 1 - 2, 2008	Portland
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Board Meeting Dates 2009

January 20 - 21, 2009	Hillsboro/Hillsboro	
March 3 - 4, 2009	Portland	Strategic Planning
April 7 - 8, 2009	Portland	
June 9 - 10, 2009	Portland	
August 11 - 12, 2009	Portland	
October 13 - 14, 2009	Portland	
December 1 - 2, 2009	Portland	

Potential Rulemaking Hearing Dates

May 6, 2009	Portland
November 3, 2009	Portland

The Board accepted the potential rulemaking hearing dates for 2009 as reflected.

**Committees/Meetings**

National Association of Boards of Pharmacy (NABP)

Board President, Cathryn Lew, Executive Director, Gary Schnabel and Board member, Larry Cartier attended the District VI, VII, VIII NABP meeting September 17-20th in Utah. The meeting was excellent and well organized; a valuable opportunity for networking not only with other Boards, but with the Colleges. Cathryn served as District 7 Chair which submitted 4 joint resolutions to NABP. District 8 presented a resolution along with District 6. District 8, the host state of Utah and conference coordinators, Dawn & Roger Fitzpatrick were thanked. A CE of special note was presented by Peter Valassas which was an update on 2007 ACPE Standards. Donna Horn, ISPM, presented a CE on Medication Error Reduction.

Cathryn will serve on the NABP TOEFL iBT Task Force as Executive Committee Liaison on October 28-29 in Chicago.

Gary attended the Annual NABP Interim Budget and Finance Committee on October 1-2 in Chicago and presented his plans for the year as NABP President.

As NABP Executive Committee members, NABP funds all travel expenses for these meetings.

### Oregon Health Care Workforce Initiative (OHWI) Committee

Administrative Director Karen MacLean reported that she met with the subcommittee on health care reform where several health regulatory agencies provided invited testimony on several of Representative Greenlick's Legislative Concepts. Executive Director Gary Schnabel presented Cathryn's written statement and read it into the record.

### Interim House Health Care Committee

Executive Director Gary Schnabel and Pharmacist Consultant Paige Clark attend this Committee on September 16th in Salem.

### NACDS Pharmacy & Technology Conference

Board President, Cathryn Lew, attended the NACDS Pharmacy and Technology Conference in San Diego on August 23 - 27, 2008. She said it was an excellent conference. Cathryn attended 10.5 hours of CE and met with the upper management of five major chain drug outlets with Jim Dameron, Oregon Patient Safety Commission. The notes for the meeting were placed on the Pharmacy Board portal. She encouraged Board members to review the update on State laws which includes CQI, Pseudoephedrine, Drug Pedigrees and a Medication Errors presented by Donna Horn.

### OSPA Fall 2008 Convention

Board Member, Linda Howrey, Paige Clark and Gary Miner spoke at the September Annual Convention. Gary and Paige presented to Technicians on what duties can and cannot be done as Pharmacy Technicians. Linda and Paige presented "The Expanding Role of the Pharmacist - New Horizons" and discuss the Board's perspective on the Law CE.

### National Association of State Controlled Substance Authorities (NASCSA) 2008 Annual Meeting

Gary Schnabel was awarded the \$1,000 travel scholarship to attend this year's NASCSA 24th Annual Conference on October 21-24, 2008 at Ft. Lauderdale, Florida. The Harold Roger's federal Grant will pay the travel balance for this trip.

The following list is upcoming meetings and attendees:

Roundtable Meetings, 10/23/08 and 11/20/08 - Schnabel/Miner/Clark  
Fred Meek 11/2/08, Portland - Clark  
PMP Symposium December 5, 2008, Portland

## **General Administration**

### Staff Policy Questions

Compliance Director, Gary Miner, discussed the following field questions:

1. Which traffic violations are reportable or not reportable to the Board? How many traffic violations would generate a Board review?

Background information:

OAR 855-019-0200(10)

(10) A pharmacist shall notify the Board in writing, within 15 days, if they are arrested, or receive a citation for anything other than a minor traffic offense. This includes any arrest or citation which involves a drug or alcohol.

The Board requested staff to develop language which would more clearly address the minor traffic offenses and limit reporting to those involving drugs or alcohol.

2. Can technicians read the OTC product label to a patient? If the label states a use such as decongestant can the technician point out the drug class use?

Background information:

- This was a question which was raised after the presentation at the OSPA convention.
- There is some confusion if this was appropriate by the Board a few years ago or if this function was just discussed with no Board decision being made.
- Technicians reading the OTC label to a patient may be confused with pharmacist reading a prescription label which is considered by some pharmacist as meeting the counseling requirement.

Yes, a Technician may read an OTC product label to a customer. Any questions about the drug must be referred to a pharmacist.

3. If a pharmacy uses a contract service to do immunizations, which functions can be done by the pharmacy or contract service? This would include billing, screening and the use of documentation forms.

Background information:

- Pharmacists use a State approved protocol to administer immunizations.
- Nurses administer immunizations using a physician standing order.
- Medicare has indicated that they do not have a concern with the billing party for the immunizations. Their focus is to get as many individual immunized that meet the criteria.
- The models may include a mix of pharmacist, pharmacy and nursing participation.

Possible models would include billing by the pharmacy or contract nursing service. Nurses should not be employed by the pharmacy. If a nursing service is used, they should be screening the patients using their standing order. It would not be appropriate for the pharmacist and nursing to mix the screening by the pharmacist and administration by the nurse.

This is correct. Each must follow their protocol and the pharmacy can bill for a nursing clinic if okay with the insurance company or CMS.

#### Disclosure of Disciplinary Records

The Board discussed what disciplinary documents to disclose on the web.

#### **MOTION**

**Motion was made and unanimously carried to post all final consent orders with notice of proposed disciplinary action. (Motion by Howard, seconded by Zweber).**

#### Prescription Monitoring (PMP) Update

Pharmacist Consultant Paige Clark presented and reviewed for discussion an Oregonian article of a woman involved in a hit and run incident. (See Ann Zweber's Board Member report on page 5.)

#### Licensing Update - MacLean

Administrative Director Karen MacLean reported on the licensing statistics and the transition to certified pharmacy technicians.

### Intern Research Council Report and discussion

Chair Lew invited Dean, Sue Stein from Pacific University School of Pharmacy, and Assistant Dean, Gary DeLander from Oregon State University College of Pharmacy, to comment on the following questions/issues under discussion:

1. **Should interns have restrictions on their license during their first year?**
2. **How many hours should the Board require?**
3. **What should be the acceptable Preceptor / Student ratio?**
4. **What should be the duration of an intern license?**

Project Manager, Burt, reminded the Board that staff would prepare draft rules in spring 2009 for Board review. It was hoped that legislation changing the statutory definition of an intern would pass the legislature by June 2009, and the Board could adopt Temporary Rules in time to be effective for the 2009-10 school year. Chair Lew thanked DeLander and Stein for their participation and contribution.

### **MOTION**

**Motion was made to disband the Intern Research Council and unanimously carried. Motion by Zweber, seconded by Howrey).**

### Emergency Planning Rules

Project Manager, Tony Burt summarized the Emergency Preparation Proposed draft Rules. He explained that although there were a few refinements still to be made, it was staff's intention to propose these rules for adoption by the Board as Temporary Rules in December. Staff would put the rules through the formal rulemaking process for adoption as Permanent Rules in June 2009. Tony gave the draft rules overview. The first three rules were the background, applicability and definitions. He noted the need to provide for certain stockpiling and storage activities prior to a declaration of emergency.

Rule 0040 staff believes is necessary in the event that there is a breakdown of the communications infrastructure or key individuals are unavailable.

Rule 0050 addresses the recognition of licenses from other states and emergency licensure and mirrors language in the NABP model rules and the multi state compacts, PNEMA and EMAC.

Rules 0060 and 0080 involves OBOP's relationship with DHS. Most of these rules are to legitimize and provide a structure for necessary activities in the event of a public health emergency involving bioterrorism or pandemic.

The remaining rules mainly address contingencies that occurred after Hurricanes Katrina, Rita and Ike. These rules provide a regulatory framework for pharmacists where they can continue to serve the public without violating normal rules, while maintaining adequate public safety protocols.

### Medication Error/Patient Safety

### **MOTION**

**Motion was made and unanimously carried to adopt the optimizing Medication Error/Patient Safety document as the Board's position (Motion by Howrey, second by Pimlott).**

### Action Items

Executive Director Gary Schnabel discussed the current Action Items deadlines spreadsheet that Pharmacy Board staff use to ensure that all follow-on actions from Board meetings are done. The Board president and members expressed that they would like to see this document added to the portal.

### Legislative Issues

The Board discussed various legislative concepts being considered for the 2009 session.

### **MOTION**

**Motion was made to support the Expedited Partner Therapy Proposed Concept and unanimously carried (Motion by Zweber, second by Howrey).**

### **MOTION**

**Motion to disband the MTM Research Council and send thank you letters to Council participants was made and unanimously carried (Motion by Foster, second by Howard).**

### **MOTION**

**Motion to adopt OAR 855-019-0250 as revised for adoption at the next rulemaking opportunity was made and unanimously carried (Motion by Pimlott, second by Foster).**

### Pharmacy Technician Update

Administrative Director Karen MacLean provided the Board with an updated hand-out on the current statistics for the Certified Oregon Pharmacy Technician licensure transition. The number of Technicians licensed or in the application process is 3,597. The Board thanked Karen and staff for their quick turn around time with getting Technician' licenses processed.

### **MOTION**

**Motion to approve the Consent Agenda including revised minutes for August 12-13, 2008 was made and unanimously carried (Motion by Howard, second by Zweber).**

### Strategic Planning Meeting

Administrative Director, Karen MacLean discussed preparations for the Strategic Planning meeting scheduled for March 3-4, 2009. The possible locations for this meeting are Woodburn or Salem. Board member, Dianna Pimlott also recommended Florence as possible location option. There are Conference Rooms available at the hospital, and she can speak with some of the representatives from local hotels in the area. This meeting will include a budget policy/decision making portion. The Board considered use of the previous facilitator for a half day, no decision was made.

### Topics for Future Discussion

Board President, Cathryn Lew reviewed future meetings topics with Board members and staff who concurred on the following items for discussion:

Pharmacy Technician Continuing Education and training  
Electronic Prescribing - Medicare 2009 - waiting for research  
Proposed Emergency Planning Temporary Rule - Dec  
Disclosure of Disciplinary Records - Jan  
Reference Material requirement  
Live CE

Two Key Request Issue  
Temporary Rule Re: Wholesalers

OPEN FORUM

The open forum was offered to the public guests present at the Board meeting and there was no response.

**MOTION**

**Motion was made to adjourn the meeting at 2:50 PM and unanimously carried (Motion by Howrey, second by Howard).**

Minutes accepted by:

**Signature on file**

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

**BOARD COMPLIANCE MEETING**  
**Oregon State Board of Pharmacy**  
**800 NE Oregon Street #150**  
**Portland, OR 97232**

**Cathryn Lew, R.Ph., Presiding**

**October 14, 2008 @ 8:30 a.m.**  
**Red Lion Hotel Cascade Room**  
**205 Coburg Road**  
**Eugene, OR 97401**

An Executive Session of the Board to discuss Compliance was held on October 14, 2008 in the Cascade Room at the Red Lion Hotel, Eugene, Oregon.

Board Members present for all or part of compliance session:

Cathryn Lew, R.Ph., President  
Lee Howard, Vice President  
Larry Cartier, R.Ph.  
Bernie Foster, Public Member  
Linda Howrey, R.Ph.  
Dianna Pimlott, R.Ph.  
Ann Zweber, R.Ph

Staff present for all or part of compliance session:

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

Gary Miner, R.Ph., Compliance Director  
Meg Aulerich, R.Ph. Board Investigator  
Katie Baldwin, Board Investigator  
Joe Ball, R.Ph., Board Investigator  
Michele Cale, R.Ph., Board Investigator  
Gregg Hyman, R.Ph., Board Investigator  
Jennifer Zanon, R.Ph., Board Investigator  
Annette Gearhart, Compliance Secretary  
Jen Pickens, Compliance Assistant

Karen MacLean, Administrative Director  
Paige Clark, R.Ph., Consultant Pharmacist  
Loretta Glenn, Administrative Secretary  
Thomas Cowan, Senior AAG  
Ed Schneider, R.Ph., PRN Program Director  
Pam Aldersebaes, PRN Assistant

Working lunch held.

**BOARD APPEARANCES:**

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**Case: 2007-0379** Motion to accept pharmacy QA plan, and have PIC report in 6 months on progress. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

**CASE REVIEW:**

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**Case 2008-0092:** Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

**Case 2008-0455:** Motion to issue Letter of Concern and earn 3 hrs of CE against CPT; and in **Case 2008-0457:** to issue Letter of Concern and earn 3 hrs of CE against CPT; and in **Case 2008-0458:** to issue Letter of Concern and earn 3 hrs of CE against CPT.; and in **Case 2008-0459:** to issue Letter of Concern and earn 3 hrs of CE against CPT. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.

**Case 2008-0460:** to revoke outlet license and impose \$10,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

**Case 2008-0168** Motion to Deny certified technician license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.

**Case 2008-0268** Motion to revoke CPT license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Dianna Pimlott.

**Case 2008-0434** Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

**Case 2008-0391** Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

**Case 2008-0311** Motion to suspend license and impose \$1,000 civil penalty per violation against pharmacist license. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.

**Case 2008-0258** Motion to revoke pharmacist license. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

**Case 2008-0376** Motion to revoke technician license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.

**Case 2008-0345** Motion to impose a \$1,000 civil penalty per violation against pharmacist. Motion was unanimously accepted with Linda Howrey and Ann Zweber abstaining due to conflict of interest. Motion by: Dianna Pimlott; Seconded by: Bernie Foster.

**Case 2007-0416** Motion to revoke technician license and impose \$1,000 civil penalty per violation against technician. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Dianna Pimlott.

**Case 2008-0360**  
Motion to impose \$1,000 Civil Penalty per violation and revoke pharmacist license. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Larry Cartier.

**Case 2008-0285** Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

**Case 2008-0097** Motion to impose \$10,000 civil penalty per violation against outlet. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Linda Howrey.

**Case 2008-0333** Motion to impose \$1,000 civil penalty per violation against pharmacist; and in **Case 2008-0334** to impose \$1,000 civil penalty per violation against outlet. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0324** Motion to revoke CPT license and impose \$1,000 civil penalty. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Bernie Foster.

**Case 2008-0263** Motion to impose \$1,000 civil penalty against outlet; and in

**Case 2008-0440** to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Bernie Foster.

**Case 2008-0357** Motion to impose \$10,000 civil penalty per violation against outlet. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0340** Motion to accept Amended Consent Order and PRN contract signed by technician. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

**Case 2008-0208:** Motion to suspend outlet registration and impose \$10,000 Civil Penalty per violation; and in

**Case 2008-0428:** to impose \$1,000 Civil Penalty per violation against Pharmacist-in-Charge. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0244** Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error reduction and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Bernie Foster; Seconded by: Larry Cartier.

**Case 2008-0262** Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error reduction and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

**Case 2008-0443** Motion to impose \$500 Civil Penalty against CPT; *or* earn 1 hour of CE in medication error prevention within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.

**Case 2008-0420** Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes; and in

**Case 2008-0421** to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes; and in

**Case 2008-0281** to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Ann Zweber.

**Case 2008-0346** Motion to suspend pharmacist license for 90 days. Letter of Concern to PIC and CC: pharmacy and in

**Case 2008-0508** Motion to impose \$10,000 civil penalty per violation against outlet. Motion was unanimously accepted. Motion by: Dianna Pimlott; Seconded by: Bernie Foster.

**Case 2008-0359** Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE in medication error prevention and report error to ISMP within 60 days in lieu of civil penalty. CE is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy. Motion was unanimously accepted. Motion by: Bernie Foster; Seconded by: Dianna Pimlott.

**Case 2008-0310:** Motion to impose \$1,000 civil penalty per violation against pharmacist; and in

**Case 2008-0325:** Motion to issue Letter of Concern to PIC; and in

**Case 2008-0326:** Motion to issue Letter of Concern to pharmacy. Motion was unanimously accepted. Motion by: Lee Howard; Seconded by: Dianna Pimlott.

## **ADMINISTRATIVE DISCUSSION:**

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**Case 2008-0427** Motion to deny outlet's request. Motion was unanimously accepted. Motion by: Ann Zweber; Seconded by: Bernie Foster.

**Case 2007-0429** Motion to allow licensing with restrictions. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Dianna Pimlott.

**Case 2008-0011** (Current case number on probation violation: 2008-0553) Motion to suspend license for 6 months and reinstate \$3,000 civil penalty for probation violation against pharmacist. Motion was unanimously accepted. Motion by: Bernie Foster; Seconded by: Ann Zweber.

**Case 2008-0338** Motion to suspend pharmacist license. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Bernie Foster.

**Case 2008-0467** Motion to approve removal of suspension on pharmacist license effective 11/07/2008. Motion was unanimously accepted. Motion by: Larry Cartier; Seconded by: Bernie Foster.

**Case 2008-0270** Motion to issue pharmacist and intern Letter of Concern, CC: Letter of Concern to PIC and pharmacy. Motion was unanimously accepted. Motion by: Linda Howrey; Seconded by: Ann Zweber.

## **COMPLIANCE CONSENT AGENDA:**

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

**Motion to pull case 2008-0270 for discussion and accept remaining items on the consent agenda was unanimously accepted. Motion by: Linda Howrey; Seconded by: Larry Cartier.**

## **DEFIENCY NOTICES:**

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**Cases: 2008-0093, 2008-0249, 2008-0292, 2008-0295, 2008-0296, 2008-0297, 2008-0299, 2008-0300, 2008-0301, 2008-0302, 2008-0307, 2008-0328, 2008-0329, 2008-0330, 2008-0331, 2008-0332, 2008-0342, 2008-0343, 2008-0344, 2008-0348, 2008-0349, 2008-0350, 2008-0351, 2008-0352, 2008-0353, 2008-0354, 2008-0364, 2008-0365, 2008-0366, 2008-0368, 2008-0378, 2008-0379, 2008-0380, 2008-0381, 2008-0382, 2008-0384, 2008-0385, 2008-0390, 2008-0403, 2008-0404, 2008-0410, 2008-0414, 2008-0424, 2008-0425, 2008-0429, 2008-0431, 2008-0433, 2008-0446 and 2008-0447.**

## **UNABLE TO SUBSTANTIATE:**

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**Cases: 2008-0264, 2008-0266, 2008-0305, 2008-0356 and 2008-0389.**

## **NO VIOLATION:**

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**Cases: 2008-0242, 2008-0319 and 2008-0415.**

## **NO JURISDICTION:**

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**Case: 2008-0320**

## **C.E. AUDIT CASES:**

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Authority delegated to the Compliance Director by the Board Members on August 8, 2006, [grant staff authority to issue LOC if CE completed in June or to take and pass MPJE (in lieu of discipline) within 120 days if CE not completed by end of June]. Authorize staff (2/7/2008) to issue NPDA to suspend pharmacist license if MPJE not taken and passed within 120 days.

**Case: 2007-0386, 2008-0339, 2008-0341 and 2008-0347.**

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**UNSWORN FALSIFICATION (INTENT UNKNOWN)-CE LETTERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 8/8/2006 and confirmed on 2/7/2008, the following applicants and licensees have been issued CE in lieu of discipline letters:

**Case: 2008-0276, 2008-0286, 2008-0304 (CE Consent Order), 2008-0316, 2008-0371, 2008-0377, 2008-0394, 2008-0395, 2008-0399, 2008-0426, 2008-0436, 2008-0437, 2008-0438 and 2008-0452.**

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**“NO PIC SELF INSPECTION” CIVIL PENALTY ORDERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 9, 2005 and confirmed on 2/7/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-041-0020(1)(f) for three years when PIC Self Inspection Form not completed or not available as required] the following notices with orders have been issued:

**Case: 2008-0122 and 2008-0298**

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**“NO CS INVENTORY” CIVIL PENALTY ORDERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 9, 2005 and confirmed on 2/7/2008, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations of OAR 855-080-0070 for three years when controlled substance inventory not completed or not available as required] the following notices with orders have been issued:

**Case: 2008-0418**

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**DENIAL OF TECHNICIAN APPLICATION ORDERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 1, 2004 and amended on 4/17/2008, the following \$1,000 civil penalty and denial of technician licenses notices have been issued:

**Case: 2008-0361, 2008-0419, 2008-0439 and 2008-0454.**

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**TECHNICIAN LICENSES GRANTED WITH PROBATION:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on October 11, 2005 and confirmed on 2/7/2007, the following technician licenses have been granted with probation, or have been issued proposed Consent Orders:

**Case: 2008-0137, 2008-0261, 2008-0335, 2008-0358, 2008-0362, 2008-0363, 2008-0373, 2008-0387, 2008-0402, 2008-0405 and 2008-0441.**

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**“SHORT COUNT” Letters of Concern :**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on December 7, 2005 and confirmed on 2/7/2008, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

**Case: 2008-0191**

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**DEFAULT ORDERS:**

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By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 12, 2004 and confirmed on 2/7/2008, the following default orders have been issued:

**Case: 2008-0193**