

## BOARD MEETING MINUTES

Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
October 11-12, 2011

### TUESDAY, OCTOBER 11, 2011

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

The following Board Members were present:

Roll Call

Larry Cartier, President

Ann Zweber

Ken Wells, Vice President

Christine Chute

Dianna Pimlott

Penny Reher

Lee Howard – excused absence

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

Gary Schnabel, Executive Director

Karen MacLean, Administrative Director

Gary Miner, Compliance Director

Chrisy Hennigan, Office Manager

Courtney Frank, Acting Project Manager

Joe Ball, Chief Investigator

Fiona Karbowicz, Inspector

Gregg Hyman, Inspector

Katie Baldwin, Inspector

Michele Cale, Inspector

Meg Aulerich, Inspector

Annette Gearhart, Compliance Secretary

Kim Oster, Compliance Assistant

Thomas Cowan, Board Counsel

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Agenda Review and Approval

### **MOTION**

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

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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 (January 2011-April 2011)
2. MPJE Scores (January 2011-April 2011)
3. Project Manager Report
4. License/Registration Ratification (August 5, 2011-October 7, 2011)

5. Intern Extensions (none)
6. NABP Memos

**MOTION**

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

**MOTION**

**Motion to approve the August 8-9, 2011 minutes as revised was made and unanimously carried (Motion by Chute, second by Wells).**

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**MOTION**

**Motion to enter Executive Session pursuant to ORS 192.660(1) (2) (f) (k) at 8:42 AM was made and unanimously carried (Motion by Wells, second by Zweber).**

**MOTION**

**Motion to resume Open Session at 4:00 PM was made and unanimously carried (Motion by Reher, second by Chute ).**

**MOTION**

**Motion to enter Executive Session pursuant to ORS 192.660(2)(i) at 4:01 PM was made and unanimously carried (Motion by Wells, second by Reher).**

**MOTION**

**Motion to adjourn at 4:55 PM was made and unanimously carried (Motion by Wells, second by Chute).**

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**WEDNESDAY, OCTOBER 12, 2011**

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

The following Board Members were present:

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

Lee Howard - excused absence

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

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

Thomas Cowan, Board Counsel

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

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## **ISSUES/ACTIVITIES**

### **Reports:**

President Larry Cartier reported that he attended the National Association of Boards of Pharmacy (NABP) District Meeting on October 6-8<sup>th</sup> in Seattle, Washington. He was pleased with Oregon's presence and indicated that Executive Director Gary Schnabel and former Board Member Cathy Lew are doing a great job representing Oregon. In September Larry presented one hour of OBOP Law CE at the Oregon State Pharmacists Associations (OSPA) Conference along with Vice President Ken Wells, Compliance Director Gary Miner and Inspector Gregg Hyman. Larry also attended recent Pharmacy Coalition and Professional Practice Roundtable (PPR) Meetings. He indicated that the PPR has grown considerably and the meeting was well attended.

Vice President Ken Wells reported that he attended the NABP District Meeting. He indicated that Oregon is setting the stage for some of the other states and that our Board and staff are very progressive. Ken also presented at the September OSPA Conference and participated in the October Pharmacy Coalition Meeting.

Ann Zweber reported that she was involved in an educational meeting regarding pharmacy practice at Oregon State University. She thought it was a great outreach to potential pharmacy students.

Christine Chute reported that she attended the NABP District Meeting.

Penny Reher reported that she attended the NABP District Meeting and that she was glad to have the opportunity to connect and get a better understanding of the national association.

Dianna Pimlott had nothing to report.

Board Counsel Tom Cowan recognized Compliance Director Miner and the great work he has been doing on contested cases. This has helped reduce the number of cases that they have had to take to a full hearing. Tom also commented on the efficiency of the Board's Investigative Staff.

Compliance Director Gary Miner reported that 69% of the pharmacy inspections have been completed. Gary and Executive Director Gary Schnabel attended a recent Health Professionals Service Program (HPSP) meeting at which the standardization of urine analysis panels was discussed. Gary stated that issues relating to practitioner dispensing and prescription fraud are other items he and staff are currently working on.

Administrative Director Karen MacLean reported that 91% of the Certified Pharmacy Technicians renewed this year. This is about the same percentage for the Manufacturer, Wholesaler and Drug Distribution renewal cycle. She indicated that the online paperless renewal process for Certified Pharmacy Technicians has allowed Licensing Staff to work on other

projects. Board staff is currently looking at more ways to go paperless and utilize available electronic resources. Karen provided an update on the fingerprinting process. She indicated that it has been taking the Oregon State Police around 10 days to provide fingerprint background check results and that in September 327 fingerprint packets had been requested. Office Manager Chrisy Hennigan created a form that allows individuals to request a packet. This form is available on the Board's website. It has served as a useful tool to aide in expediting the distribution of fingerprint packets and speeding up the process for applicants who request this before applying for licensure.

In August and September Administrative Director Karen and Inspector Hyman presented to the first year Pharmacy students at Pacific University and Oregon State University. They discussed their professional responsibility as Interns and licensees of the Board as well as the importance of truthfulness. Karen also participated in several statewide meetings for agency related business.

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### Board Meeting Dates for 2011

- December 13 - 14, 2011      Portland

#### Rulemaking Hearing Dates

- November 22, 2011      Portland

### 2012 Board Meeting Dates

- February 14-15, 2012      Portland
- March 13 -14, 2012      Portland      Strategic Planning
- April 10 - 11, 2012      Portland
- June 5 - 6, 2012      Portland
- August 7 - 8, 2012      Portland
- October 9 -10, 2012      Portland
- December 11 - 12, 2012      Portland

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### Board Member/Staff Presentations

- Professional Practice Roundtable - 9/13/11 – *Miner and Baldwin*
- OSPA Annual Convention 9/17-18/11 – *Miner, Cartier, Wells, Hyman*

As previously mentioned, Board members and staff attended or presented at the above meetings.

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### Committees/Meetings

#### NABP Meetings

Executive Director Schnabel reported that he attended the NABP's Executive Officer Forum in September. Executive Directors from most of the states participated in this forum. It provided an excellent opportunity for rich discussion and to focus on issues that are currently affecting other states. Information on NABP's AWARxE Program was also shared at the forum. AWARxE is a website that is for consumers, pharmacists and corporations. NABP has also developed a bookmark that can be used as a public outreach tool to notify the public that this resource is available. Board staff will be discussing ideas for potential outreach opportunities for these

materials. Compliance Director Miner will be attending the NABP Compliance Officers Forum in December. Travel expenses for both of these meetings are paid by NABP.

Executive Director Gary Schnabel also attended the NABP District meeting. He indicated that Board member Wells will be the District VII Delegate for the Resolutions Committee at NABP's 2012 Annual Meeting in Philadelphia.

Gary chaired the NABP Prescription Monitoring Program InterConnect Steering Committee meeting in August; a new Chair will be selected from among the participating Interconnect members. Oregon's program is very new and it has elected not to share with the InterConnect program at this time. NABP is currently in the process of identifying the criteria and sharing requirements for each states program.

In June, Executive Director Schnabel attended the Drug Enforcement Administration (DEA) Office of Diversion Control's Annual Chemical and Pharmaceutical Diversion Conference in Fort Worth, TX. Kathy Gallagher, Acting Chief, Liaison & Policy Section (replacing recently retired Mark Caverly), was the main speaker for the pharmacist attendees. Several other pharmacy presentations were given and a number of presentations for DEA and other law enforcement agents and officers were also given. Kathy gave a comprehensive review of the "What Pharmacists Can Change on a C-II Rx" topic. She reiterated the "Dear Colleague" letter posted on the DEA's website by Deputy Asst. Administrator, Office of Diversion Control Joseph Rannazzisi, PharmD, that pharmacists should follow the rules and policies of their own state boards of pharmacy until further clarification emanates from the DEA. BOP Directors from several other western states were also in attendance including Idaho, Nevada, and Montana. Director Schnabel also indicated that since the meeting, Dr. Rannazzisi has issued a letter confirming and clarifying the guidance in his "Dear Colleague" letter that pharmacists should follow their state guide lines for C-II prescription changes. The OBOP website will be updated to reflect this new message.

October 21<sup>st</sup> Gary will be presenting at the National Association of State Controlled Substances Authorities (NASCSA) 2011 Educational Conference in Portland, Maine.

**Research Councils - none**

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## **GENERAL ADMINISTRATION**

### **APPEARANCES**

#### **Health Professionals Service Program (HPSP) Update**

Therese Hutchinson HPSP Interim Program Manager, Oregon Health Authority, Dale Kaplan V.P. and Dr. Jessica Gregg Medical Director both from Reliant Behavioral Health appeared to provide the Board with an update on the HPSP program and Reliant's services. Reliant Behavioral Health is the State's contractor for HPSP monitoring services. HPSP is a monitoring program for healthcare professionals with substance use disorders and/or mental health disorders. HPSP helps to identify possible "red flag" concerns about a licensee through its various compliance requirements. HPSP requires toxicology testing from licensees. They also monitor attendance to the requirements as determined by third party evaluators and utilize case management and workplace monitoring to help protect the public, and assist licensees in maintaining a successful recovery and a productive professional career.

HPSP is in its second year. They have been working with the participating Health Boards' monthly to develop an effective program. Reliant reported that as a group, the licensees of the Board of Pharmacy have been compliant to their monitoring requirements. HPSP publishes a monthly newsletter which is available on their website.

Board members asked a few clarifying questions and thanked Therese, Dale and Jessica for appearing and asked that they provide updates in the future.

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### **Serenity Lane**

Jerry Gjesvold, Manager of Employer Services at Serenity Lane identified the changes that have evolved in the fields of recovery and drug and alcohol dependency. He provided an update on Serenity Lane's evaluation process and treatment options with the use of DSMIV/ASSAM criteria. Board Counsel Tom Cowan expressed his appreciation for Jerry and what he has done for the health professionals in this State as well as the education that he has shared with the Health Boards over the years.

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### **Prescription Drug Monitoring Program (PDMP) Update**

Todd Beran, PDMP Program Coordinator reported that the program is going well. Physicians are now requesting reports from the program and there have been relatively few errors. As of October 3<sup>rd</sup> 680 pharmacies are reporting. This is 77% of Oregon pharmacies that are licensed to distribute Controlled Substances. Todd indicated that this is a good reporting number as it has typically taken other states about four to five years to obtain a reporting number of 90%. PDMP now has 570 active users and there are an additional 300 applications in process. Pharmacists make up approximately 20% of the current users. The program now has eight outreach specialists that are informing people about the program throughout the state. One of the services that they provide is going to doctors' offices and pharmacies to help users create accounts and to notarize applications. There are currently 1.8 million controlled substance prescription records in the PDMP system thus far. It's anticipated that this number will grow by about ten thousand per year. Statistical information including system users by discipline and the top 12 controlled substance prescriptions prescribed in Oregon are available in PDMP's monthly report which is available on their website at [www.orpdmp.com](http://www.orpdmp.com).

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### **FPGEC Waiver Request**

Compliance Director Gary Miner presented one FPGEC Waiver Request to the Board for consideration.

### **MOTION**

**Motion to approve R. Normand's FPGEC waiver request was made and unanimously carried (Motion by Wells, second by Reher).**

### **Extension Request**

Compliance Director Gary Miner presented one reciprocity application extension request for consideration.

### **MOTION**

**Motion to approve J. Wickre's extension request was made (Motion by Chute, second by Pimlott). Zweber, Wells, Reher and Cartier opposed. Motion denied.**

### **Outlet Waiver Request**

Compliance Director Gary Miner presented one outlet waiver request to the Board for their consideration.

### **MOTION**

**Motion to approve Legacy Health's request to waive OAR 855-065-0006(6)(7) was made and unanimously carried (Motion by Chute, second by Reher).**

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### **Forged Prescriptions Stakeholder Group Update**

Compliance Director Gary Miner and Acting Project Manager Courtney Frank provided an update on the forged prescription stakeholder meeting that was held on August 18<sup>th</sup>. Gary and Courtney shared that reporting requirements were discussed in addition to corporate policies and guidelines when dealing with a fraudulent prescription. Members liked the idea of having pharmacy staff check identification when a customer is dropping off a controlled substance prescription. Board staff has conducted research on what other states are doing relating to prescription fraud. Other states rules and requirements will be discussed at the next meeting scheduled for November 2nd. Board members expressed concern regarding pharmacy robberies and directed Staff to use the list serve to notify pharmacists of robbery prevalence throughout the State.

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### **Pharmacy Working Conditions Survey Update**

Administrative Director Karen MacLean presented survey data that had been sorted as requested by the Board. The data was sorted by the age and primary role of the pharmacist i.e. pharmacist-in-charge, relief pharmacist, etc. The Board directed staff to sort data by practice settings and to provide comments for the December meeting. The Board also requested that staff prepare a summary of survey data for the website and to utilize the list serve to notify licensees that the survey data is available.

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### **Pharmacy Technician Duties**

Compliance Director Gary Miner provided suggestions for additional technician duties which include transferring prescriptions if done electronically as well as data collection such as MTM and medication reconciliation. The Board directed staff to form a Rules Advisory Committee to explore these and other options for additional technician duties. The Rules Advisory Committee will include both technicians and pharmacists. Board member Pimlott indicated that she would serve on the Committee.

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### **Practitioner Dispensing**

The Board discussed practitioner dispensing. Vice President Ken Wells attended a meeting where the Zoomcare model was discussed; however the Board recognizes this topic isn't just a Zoomcare issue. Traditional dispensing is regulated by Boards of Pharmacy and standards are in place for important public safety reasons. At this time, the Board is not authorized to license practitioners to dispense and there is a growing interest to do so. The Board believes the non-

pharmacy standards need to be just as high in all dispensing settings. The Board directed staff to work with Board Counsel to review statutory authority and meet with the Oregon Medical Board, its Counsel and report back at the December meeting.

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## **Rules Updates**

Compliance Director Gary Miner and Acting Project Manager Courtney Frank provided information on the following:

### **Adoption of Temporary Rule**

Gary and Courtney presented a temporary rule that is necessary due to a change with the Oregon Veterinary Medical Examining Board's rules/statutes. Staff worked with the Oregon Veterinary Medical Examining Board to develop these rules.

### **MOTION**

**Motion to adopt OAR 855-080-0100 through OAR 855-080-0103 as a temporary rule was made and unanimously carried (Motion by Wells, second by Reher).**

### **Rules Discussion**

Gary led a discussion on the following rules and the Board determined which rules to send to Rulemaking Hearing.

- Div 019 Therapeutic Substitution and Immunizations
- Div 031 Interns
- Div 041 ER Dispensing and Depot – not being considered at hearing
- Div 041 Coupons & Transfers - not being considered at hearing
- Div 60 Manufacturers
- Div 080 Animal Euthanasia
- Div 110 Fees

### **MOTION**

**Motion to send proposed rules as revised in OAR 855, Divisions 019, to a rulemaking hearing was made and unanimously carried (Motion by Chute, second by Zweber).**

### **MOTION**

**Motion to send proposed rules as revised in OAR 855, Divisions 031, to a rulemaking hearing was made and carried (Motion by Wells, second by Reher).**

**Cartier, Pimlott and Zweber voted in favor; Chute opposed.**

### **MOTION**

**Motion to send proposed Depot Rules as revised in OAR 855, Divisions 041, to a rulemaking hearing was made and carried (Motion by Pimlott, second by Zweber).**

**Cartier, Wells and Reher voted in favor; Chute opposed.**

### **MOTION**

**Motion to send proposed ER Dispensing Rules in OAR 855, Divisions 041, to a rulemaking hearing was made and carried (Motion by Pimlott, second by Reher).**

**Cartier voted in favor; Chute, Wells and Zweber opposed. Because of a tie, Motion failed. Rules will be discussed at a future meeting.**

**MOTION**

**Motion to send proposed rules in OAR 855, Divisions 60, to a rulemaking hearing was made and carried (Motion by Wells, second by Zweber). Cartier, Reher, Pimlott voted in favor; Chute opposed.**

**MOTION**

**Motion to send proposed rules in OAR 855, Divisions 80, to a rulemaking hearing was made and unanimously carried (Motion by Wells, second by Chute).**

**MOTION**

**Motion to send proposed rules in OAR 855, Divisions 110, to a rulemaking hearing was made and unanimously carried (Motion by Chute, second by Wells).**

**Future Rulemaking & 5 Year Rule Review** – The following schedule outlines upcoming rulemaking development and rules scheduled for a five year review.

Future Rulemaking

- Div 041 Long Term Care *Rulemaking 6/12*
- Div 041 Reorganization *Rulemaking 6/12*  
(Includes: Consulting Pharmacies, Drug Rooms and Retail Drug Outlets, etc.)
- Div 035 Non-Prescription Drug Outlets *Rulemaking 6/12*
- Div 025 Technician Validation Program *Rulemaking 6/12*

5 Year Rule Review

- |                            | <u>Staff</u> | <u>Due</u> |
|----------------------------|--------------|------------|
| • Division 021 Pain CE     | Project Mgr  | 12/11      |
| • Division 065 Wholesalers | Project Mgr  | 12/11      |

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**Financial/Budget Report**

Administrative Director Karen MacLean reported that the final expenditures for 09-11 continued to be on target. Due to vacancy savings and other reductions, the Board was able to finish the biennium under budget. Karen further stated that staff is working on ensuring requirements for the 11-13 Budget Note are satisfied.

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**Legislative Session Update**

Administrative Director Karen MacLean indicated that there have been no changes since the last report in August.

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**Topics for Future Discussion**

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

- Board Successes and Accomplishments
- Patient Education

- Best Practices for Retail Settings
  - Prescriptive Authority for OTC's
  - Pharmacy Technician Lapsed Licenses and Renewal Dates
  - Reporting on Pharmacy Robberies or Fraud
  - Rule Review Process
- 

### **Strategic Planning Update & Topics for March 2012 Meeting**

Administrative Director Karen MacLean provided a status update on the Objectives and Tasks as outlined at the Board's 2011 Strategic Planning Meeting. Karen indicated that staff is continuing to work on securing an alternate location for the 2012 Strategic Planning Meeting as requested by the Board.

Tentative topics for discussion include:

- ACPE CE Monitoring
  - Case Review Process
  - Case Presentation Review
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### **VIII. OPEN FORUM**

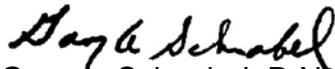
President Larry Cartier invited comments from the public. During this time Board member Penny Reher indicated that we should have some re-education regarding Direct Entry Midwives and what they are allowed to do. Pharmacist Jackson Leong expressed his appreciation to the Board for drafting and sending to Permanent Rule Making Hearing the pharmacy depot rules. Pharmacist Black Rice commended the Board for undertaking the unsafe workplace survey. He indicated that the focus of the survey results definitely should to be around safety and that professional standards needs to be a part of this discussion.

### **Adjourn**

### **MOTION**

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

Accepted by:



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

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

Tuesday, October 11, 2011 @ 8:30 AM, Conference Room 1A  
Wednesday, October 12, 2011 @ 8:30 AM, Conference Room 1A

An Executive Session of the Board to discuss Compliance was held on October 11, 2011 at 800 NE Oregon Street in Portland. Board reconvened on October 12, 2011 in open session for public vote on Compliance issues.

Board Members present for all or part of compliance session:

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

Board Members absent for all of the compliance session:

Lee Howard, Public Member

Staff present for all or part of compliance session:

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

**Case 2011-0485 Motion to deny technician license and impose \$1,000 civil penalty.**

*Motion by: Penny Reher; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0106 Motion to accept ALJ's Ruling Granting Motion for Summary Determination and Proposed Order; and issue Final Order denying applicant pharmacy technician license.**

*Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion unanimously carried.*

**Case 2011-0329 Motion to dismiss notice issued against Pharmacist-in-Charge, and issue Letter of Concern in its place.**

*Motion by: Ken Wells; seconded by: Penny Reher. Motion was carried with Christine Chute opposed and Larry Cartier recused.*

**Case 2009-0210 Motion to have HPSP test pharmacist after each missed call.**

*Motion by: Christine Chute; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0434 Motion to reinstate technician license with 3 year probation with 18 UAs annually.**

*Motion by: Ann Zweber; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0421 Motion to reinstate technician license.**

*Motion by: Penny Reher; seconded by: Dianna Pimlott. Motion carried with Ken Wells opposed.*

**Case 2008-0376 Motion to reduce technician's UAs to 12 annually.**

*Motion by: Ken Wells; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2011-0037 Motion to deny technician's petition.**  
*Motion by: Christine Chute; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2010-0542 Motion to grant technician license with 3 year probation.**  
*Motion by: Ann Zweber; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0350 Motion to grant reinstatement of pharmacist license with 3 year probation.**  
*Motion by: Christine Chute; seconded by: Ann Zweber. Motion carried with Larry Cartier opposed.*

**Case 2011-0283 Motion to reinstate pharmacist license with 5 year HPSP probation.**  
*Motion by: Christine Chute; seconded by: Penny Reher. Tie vote: Christine Chute, Penny Reher and Larry Cartier in favor; with Ann Zweber; Dianna Pimlott and Ken Wells opposed. Case to be presented at December meeting.*

**Case 2011-0288 Motion to restore \$45,000 civil penalty stayed in Consent Order in combined cases 2009-0298 and 2010-0475.**  
*Motion by: Christine Chute; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2011-0396 Motion to revoke pharmacist license.**  
*Motion by: Penny Reher; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0397 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Ann Zweber; seconded by: Christine Chute. Motion carried with Ken Wells recused.*

**Case 2011-0224 Motion to accept Stipulated Order surrendering Intern license.**  
*Motion by: Ken Wells; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0370 Motion to revoke technician license.**  
*Motion by: Penny Reher; seconded by: Dianna Pimlott. Motion carried with Ken Wells recused.*

**Case 2011-0416 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Ken Wells; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0312 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Ken Wells; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0349 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**  
*Motion by: Penny Reher; seconded by: Ann Zweber. Motion unanimously carried.*

**Case 2011-0399 Motion to issue letter of concern to technician with recommendation of CE.**  
*Motion by: Christine Chute; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0407 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**  
*Motion by: Ken Wells; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0186 Motion to impose \$5,000 civil penalty against outlet.**  
*Motion by: Ken Wells; seconded by: Penny Reher. Motion carried with Ann Zweber recused.*

**Case 2011-0321**            **Motion to suspend pharmacist license and impose \$1,000 civil penalty per violation against PIC; and in**  
**Case 2011-0458**            **Motion to impose \$10,000 civil penalty per violation against outlet.**  
*Motion by: Christine Chute; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0415**            **Motion to issue Reprimand against pharmacist and impose \$1,000 civil penalty per violation.**  
*Motion by: Dianna Pimlott; seconded by: Ann Zweber. Motion carried with Ken Wells recused.*

**Case 2011-0264**            **Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge.**  
*Motion by: Ken Wells; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2011-0408**            **Motion to impose \$1,000 civil penalty per violation against technician.**  
*Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion unanimously carried.*

**Case 2011-0556**            **Motion to impose \$1,000 civil penalty per violation against pharmacist.**  
*Motion by: Penny Reher; seconded by: Christine Chute. Motion unanimously carried.*

**Case 2011-0250**            **Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and issue Letter of Concern to outlet, pharmacist and certified pharmacy technician.**  
*Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion unanimously carried.*

**Case 2011-0276**            **Motion to impose \$10,000 civil penalty per violation against drug outlet; issue Letter of Concern recommending CE in patient safety/medication error prevention to dispensing pharmacists.**  
*Motion by: Christine Chute; seconded by: Ken Wells. Motion unanimously carried.*

**Case 2011-0251**            **Motion to issue Letter of Concern to outlet, Pharmacist-in-Charge; and pharmacist.**  
*Motion by: Ken Wells; seconded by: Penny Reher. Motion unanimously carried.*

**Case 2011-0428**            **Motion to deny Intern License and impose \$1,000 civil penalty per violation.**  
*Motion by: Ken Wells; seconded by: Dianna Pimlott. Motion carried with Larry Cartier opposed and Ann Zweber recused.*

**Case 2011-0439**            **Motion to deny technician license.**  
*Motion by: Ken Wells; seconded by: Penny Reher. Motion carried with Ann Zweber opposed.*

**Case 2011-0403**            **Motion to grant technician license.**  
*Motion by: Penny Reher; seconded by: Ken Wells. Motion carried with Ann Zweber and Dianna Pimlott opposed.*

**Case 2011-0218**            **Motion to accept drug outlets QA plan as submitted.**  
*Motion by: Ken Wells; seconded by: Penny Reher. Motion unanimously carried.*

#### **COMPLIANCE CONSENT AGENDA:**

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

**Motion to accept consent agenda as printed.**  
*Motion by: Ken Wells; seconded by: Christine Chute. Motion unanimously carried.*

### **LETTERS OF CONCERN CASES:**

**Case: 2011-0265 PIC:** Letter of Concern recommending CE in patient safety/medication error

**Case: 2011-0279 PIC:** Letter of concern re: private and confidential counseling; **Pharmacy:** cc: Letter of Concern

**Case: 2011-0305 PIC:** CC: Letter of Concern, **Pharmacist:** Letter of Concern

### **DEFICIENCY NOTICES:**

**Cases:** 2011-0314, 2011-0316, 2011-0317, 2011-0347, 2011-0355, 2011-0359, 2011-0360, 2011-0361, 2011-0368, 2011-0369, 2011-0371, 2011-0373, 2011-0377, 2011-0378, 2011-0379, 2011-0380, 2011-0381, 2011-0382, 2011-0383, 2011-0384, 2011-0385, 2011-0387, 2011-0390, 2011-0391, 2011-0392, 2011-0393, 2011-0401, 2011-0406, 2011-0430 and 2011-0442.

### **UNABLE TO SUBSTANTIATE:**

**Cases:** 2011-0102, 2011-0404, 2011-0410 and 2011-0412.

### **NO VIOLATION:**

**Cases:** 2011-0311, 2011-0365, 2011-0367, 2011-0400, 2011-0411, 2011-0413, 2011-0420 and 2011-0429.

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

Authority delegated to the Compliance Director by the Board [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]. Staff authorized to issue NPDA to suspend pharmacist license if MPJE not taken and passed within 120 days.

Case: 2011-0419

### **UNREGISTERED OUTLET CASES:**

By authority delegated to Oregon Board of Pharmacy Staff by the Board notices to impose \$10,000 civil penalty notices have been issued to: (includes unregistered wholesalers, manufacturers and out-of-state pharmacies)

Case: 2011-0398

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

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued CE in lieu of discipline letters:

Case: 2011-0444

### **DENIAL OF TECHNICIAN APPLICATION ORDERS:**

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

Case: 2011-0354

### **TECHNICIAN LICENSES: PROPOSED DENY / GRANT WITH PROBATION:**

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

Case: 2011-0351

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

By authority delegated to Oregon Board of Pharmacy Staff by the Board, letters of concern have been issued in the following cases involving allegations of 'short counts' where pharmacist admits to violation:

Case: 2011-0402