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

WEDNESDAY, OCTOBER 11, 2017

Penny Reher, R.Ph, Board President, called the meeting to order at 8:32AM

Roll Call
Penny Reher, President Rachael DeBamore, Vice President
Roberto Linares Kate James
Shannon Larson Cyndi Vipperman
Dianne Armstrong Christine Chute
Second Public Member - vacant

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

Tom Cowan, Sr. AAG Board Counsel
Tim Frost, Board Fellow

Agenda Review and Approval

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

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

EXECUTIVE SESSION – NOT OPEN TO THE PUBLIC, pursuant to ORS 676.175, ORS 192.660 (1) (2) (f) (k).
A. Items for Consideration and Discussion:
   1. Deliberation on Disciplinary Cases and Investigations
   2. Personal Appearances
   3. Warning Notices
   4. Case Review

MOTION
Motion to enter Executive Session at 8:44AM was made and unanimously carried
(Motion by James, seconded by Armstrong).

MOTION
Motion to resume Open Session at 2:00PM was made and unanimously carried
(Motion by Chute, seconded by Armstrong).

OPEN SESSION - PUBLIC MAY ATTEND - At the conclusion of Executive Session, the Board
will convene Open Session to begin some of the following scheduled agenda items.

Discussion Item

Public Health and Pharmacy Formulary Advisory Committee Pharmacist applicant review and
selection for Governor’s review

The Board discussed, reviewed and ranked multiple pharmacist candidates who applied for the
legislatively created Public Health and Pharmacy Formulary Advisory Committee. They were
tasked with narrowing down a diverse group of candidates that they could recommend to the
Governor’s office. Members used a point system to rank candidates based on various
qualifications identified in the information provided, like years/type of pharmacy practice
(community/retail, institutional/hospital, educational/other) and diversity (race, ethnicity,
geographic). Executive Director, Marc Watt stated that an educator might bring some additional
value to this committee because of their expertise and ability to effectuate change at the
university level, which may help positively impact pharmacist educational curriculum. Pharmacist
Consultant, Fiona Karbowicz stated that this was a complex process and asked that the board
take into account that the candidates bring a lot of different experience to the table from their
pasts, not just from their current professional roles. Marc stated that the next steps include the
Governor’s office reviewing our list of nine candidates to narrow it down to the Governor’s top
three and typically they’d reach out to him to ask for perspective and answer any questions they
might have to make the final selections.

MOTION
Motion to recommend the following nine candidates to the Governor for review and
consideration for selection of three (one each - retail, other and hospital category) for the
Public Health and Pharmacy Formulary Advisory Committee:

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was made and unanimously carried (Motion by Chute, seconded by Armstrong).

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

1. NAPLEX Scores – none
2. MPJE Scores – none
3. License/Registration Ratification – July 26, 2017 – September 26, 2017
4. Pharmacy Technician Extensions – none
5. Board Minutes – August 9-10, 2017 and September 28, 2017

**MOTION**

Motion to approve the consent agenda was made and unanimously carried (Motion by Vipperman, seconded by Larson).

**ISSUES/ACTIVITIES**

**Board Meeting Dates**

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

**Proposed Dates for 2019**

- February 6-8, 2019*         Portland (*3 day meeting)
- April 10-11, 2019           Portland
- June 5-6, 2019              Portland
- August 7-9, 2019*           Portland (*3 day meeting)
- October 9-10, 2019          Portland
- November 6-7, 2019          Portland (Strategic Planning)
- December 11-12, 2019        Portland

**Rulemaking Hearing Dates**

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

- November 29, 2017
- May 23, 2018
- November 27, 2018
**Proposed Dates for 2019**

- May 22, 2019
- November 26, 2019

**MOTION**

Motion to approve proposed Board meeting and rulemaking hearing dates for 2019 was made and unanimously carried (Motion by Chute, seconded by James).

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**Committees/Meetings**

Mid-Willamette Valley Pain Summit 9/22/17, Salem – Pharmacist Consultant, Fiona Karbowicz, reported that she, the Board Fellow and Intern attended this meeting where she spoke about Naloxone.

2017 Intergovernmental Working Meeting on Pharmacy Compounding, 9/26-27/2017, Silver Spring, MD – Compliance Director, Brianne Efremoff and Pharmacist Consultant, Fiona Karbowicz attended and reported that the FDA has changed their tone and have increased their communication as well as the amount of information and said it was encouraging, productive and they had excellent breakout sessions. Fiona shared that USP800 compliance is delayed until 12/1/19. This will help give time for pharmacies to comply; some may need costly remolds. She stated that since the FDA has increased their communications with us, it has improved our relationship with their organization. Brianne stated that they had some great takeaways from this meeting regarding our compounding re-write, as well as references from other states that have already adopted updated compounding rules.

NABP Executive Officer Meeting, 10/2-4/2017 – Chicago, IL – Executive Director, Marc Watt reported that this meeting brought Board of Pharmacy directors together where they discussed issues about regulation and congressional bill HR 3446 re occupational licensing boards and how it relates to the North Carolina case. Board Counsel, Tom Cowan spoke about anti-competitive constructs around licensing (tattoo artist vs. a licensed professional) that need oversight. Licensing has become a way to control competition, which will increase the number of licenses and it is not about regulation, it’s about unlicensed practices. Marc also stated that they discussed technology and mentioned a free CPE app for smart phones, which sends user’s reminder notices with how much time they have left to take their test, which includes push notices from Boards for a price.

They also had in-depth discussions about the CVS opioid 7 day max dispensing policy, FDA and blister packs, therapeutic substitutions, how California set a lower standard for compounding for animal medications, as well as a few other trending topics. NABP may add a pharmacist code of ethics to the Model Rules. It was reported that some Canadian companies are shipping drugs illegally into northeast by diverting through non-legal channels to US. Wholesalers from Puerto Rico are shipping drugs to the US, not one manufacturer in the US is selling legally to Puerto Rico that can be re-imported. Some made it to California where they found the drugs were counterfeit and did not contain any amount of the correct drug.

NABP Districts 6-8 Meeting, 10/8-11/2017, San Antonio, TX – Board Member, Kate James reported that she attended and stated that she found that the Naloxone presentation was interesting and was happy to hear what other states are doing. Board Vice President, Rachael DeBarmore stated that she attended and reported that Technicians in Idaho are now providing immunizations. She stated there was a resolution asking NABP to address how pharmacy
boards can move towards a standard of care approach rather than prescriptive approach. Executive Director, Marc Watt reported that they discussed our proposed a resolution regarding short supply products and expiration dates and stated that NABP will write a letter directly to the FDA in December. Board President, Penny Reher stated that there are several products manufactured in Puerto Rico and we are expecting an impact due to the hurricane. Marc stated that we have reached out to APHA to help us create a program for certificate for prescribing; he also noted that NABP could help with this and they may initiate it sooner than later.

OSPA Lane County – 2/17-18/2018, Eugene - Pharmacist Consultant, Fiona Karbowicz asked the board for volunteers to speak at this event. Rachael DeBarmore volunteered.

OSPA Annual Convention - 10/21-22/2017, Portland – Compliance Director, Brianne Efremoff, Pharmacist Consultant, Fiona Karbowicz and Board Member, Cyndi Vipperman will attend.

OSHP Fall Seminar – 11/18/2017, Portland – Pharmacist Consultant, Fiona Karbowicz is scheduled to speak at this upcoming event that pertains to unique jobs in pharmacy, for the student track.

NABP Interactive Compliance Officer/Legal Counsel Forum 11/29-30/2017 Compliance Director, Brianne Efremoff is scheduled to attend.

NABP District 8 Meeting announced – Administrative Director, Karen MacLean reported that this meeting will be held 9/23-26, 2018 in Kansas City, KS.

Board Member/Staff Presentations –

Pharmacy Coalition – 10/11/17- Pharmacist Consultant, Fiona Karbowicz is scheduled to attend.

Professional Practice Roundtable – 10/19/17 per Executive Director, Marc Watt they will be combining Hospital and Retail Pharmacies for this upcoming meeting.

Board President, Penny Reher called for an Executive Discussion to discuss a deliberated contested case. Contested Case Deliberation pursuant to ORS 192.690(1) - Not Open to the Public

MOTION
Motion to enter Executive Session at 4:11PM was made and unanimously carried (Motion by James, seconded by Larson).

MOTION
Motion to resume Open Session at 4:22PM was made and unanimously carried (Motion by James, seconded by Larson).

Financial/Budget Report – Board President, Penny Reher asked the board if they were interested in starting board meetings later or if anyone had any ideas to lower costs due to our budget cut to travel. The Board discussed the potential of starting later on the first day and possibly looking at trying it out at the April 2018 meeting. Administrative Director, Karen
MacLean reported that the financial plan is preliminary and not uploaded yet for the current biennial financial reports.

**Legislative Update** – Executive Director, Marc Watt spoke about a newly created Governor’s office task force that’s specific to the issues of opioid overdose and a drug take back plan. The 2017 proposed legislation did not pass due to DEQ’s fiscal impact estimate and need for five FTE; the fiscal killed the bill. However, the task force is working on a new proposal and Marc has volunteered to help and is waiting to hear back from the group.

**PDMP** – Marc reported that the Opioid Task Force is driving some PDMP changes that may be considered in 2018. They are looking at making it a requirement for physicians to use PDMP when prescribing and the potential for non-retail pharmacies to be included.

**HB 2397** – Marc stated that there was a letter from Senator Peter Courtney regarding a case from Ohio where a diabetic patient died because they couldn’t get their medications. Senator Courtney stated that they do not want to see that happen in Oregon. In lieu of drafting 2018 legislation, Marc advised them that this could happen via 2017 HB 2397 as a continuation of therapy. They asked for this to be a top priority for the Advisory Committee and Senator Courtney is eager to get this addressed quickly. Board Vice President, Rachael DeBarmore commented that just because pharmacists can prescribe, doesn’t mean that insurance would automatically pay for it.

Adjourn

**MOTION**
Motion to adjourn at 4:41PM was made and unanimously carried (Motion by Chute, seconded by Larson).

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**THURSDAY, OCTOBER 12, 2017**

Penny Reher, R.Ph, Board President, called the meeting to order at 8:31AM

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

The following staff members will be present for all or part of this session:
Marc Watt, Executive Director Brianne Efremoff, Compliance Director
Karen MacLean, Administrative Director Chrissy Hennigan, Licensing Supervisor
Fiona Karbowicz, Pharmacist Consultant Joe Ball, Chief Investigator
Annette Gearhart, Compliance Secretary Kim Oster, Compliance Assistant
Rachel Melvin, Executive Support Specialist

Tom Cowan, Sr. AAG Board Counsel
Tim Frost, Board Fellow
Pharmacy Students and OBOP Intern introduced themselves.
Reports:

Board Member, Christine Chute attended the Governors DUII Advisory committee and spoke about a NTSB report about marijuana impaired driving and stated that the take away was that the Oregon standard is the correct standard per the report. Kate James attended a national compounding meeting in Texas that centered on rules for USP and that it will vary state to state whether boards of pharmacy or OSHA will regulate USP 800.

Executive Director, Marc Watt stated that we have two public member applicants that are now at the Governor’s office for review and it is possible we will have someone in place by the February board meeting. He reported that he and Karen met with Nakeia Daniels, Affirmative Action Manager to discuss our diversity and inclusion plan; we have the HPRB audit coming up and he plans on meeting with Senator Courtney regarding diabetic drugs and other alternatives pharmacists can prescribe.

Board Counsel, Tom Cowan stated that we have been able to resolve multiple complex cases and he thanked staff for providing excellent investigations. He reported that he has hearings scheduled through July for contested cases and lastly he said that he really appreciates how engaged our staff and board are and how that affects case review.

Compliance Director, Brianne Efremoff thanked Executive Director Marc Watt and Board Counsel, Tom Cowan for assisting staff and she stated that currently inspections are at 66% and going strong. HPSP currently has 22 individuals enrolled and she mentioned that our inspectors are presenting law updates while they are out inspecting. She is busy working on the self-inspection reports for 2018 and these should be complete by mid-December.

Pharmacist Consultant, Fiona Karbowicz attended a task force meeting at NABP, which included a robust discussion related to defining the pharmacist - patient relationship and stated there is more to come in the future and she reported that she’s been busy working on approving CE and our approval mechanism.

Administrative Director, Karen MacLean attended Administrative Rules training in Salem where she, Pharmacist Consultant, Fiona Karbowicz and Project Manager, Mo Klein learned how to use the new database the Secretary of State Administrative Rules Division has developed to draft and file new rules. She reported that she finished and submitted our 2017 Annual Performance Progress Report, which is now on the web. She’ll be attending the upcoming DOJ Public Law Conference with several of our staff. This is an excellent conference that encompasses the latest state changes for human resources, public records, procurement, administrative law etc.

Licensing Department Supervisor, Chrisy Hennigan reported that her team has been working on completing the pharmacist audit and they’ve received 1341 or 96% responses. We’re waiting for responses from 48 people. She also reported that her team started the audit review and have 5% completed and final notices will be sent out to those who haven’t responded. Staff received a few calls from frustrated callers who stated that NABP told them that we, the agency, should just be able to log in and retrieve their CE and they were upset we don’t do it that way. We had to explain that we are not set up to do that and that even NABP’s website states the end user is responsible
to check with each state Board to verify what is accepted proof of CE. Because we accept other forms of CE, Chrisy doesn’t think that will be a good option in the near future either.

The Intern renewal launched on 9/28 and we’ve had 83 or 25% renew to date. The Non-Prescription Drug outlet and other various smaller license categories renewals will launch soon. She mentioned that since Non-Prescription Drug Outlet renewals are able to renew online, and that we are now accepting Discover card and are working on adding American Express, we hope that more businesses will complete the renewal online. She also reported that they have added a new question to renewals, which asks businesses if they identify as a “small business.” This is defined as “a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees”.

We have received approximately 330 applications since we started the new pharmacist licensing procedure and for new graduates this spring. The following are some statistics on this successful change. The average number of days from the first exam to licensure is 26 calendar days. The average number of days from the receipt of application to licensure is 11 calendar days. The average number of days it takes, to have fingerprints taken after an individual receives the instructions is 2.5 days. For new reciprocity applicants, the average number of days from the date of they took the MPJE exam to licensure is 30 days. The average number of days from the receipt of an application to licensure is 12 days (including the time it takes to complete fingerprint process) and we are averaging 9 days for applicants to have their fingerprints taken, after they receive the instructions.

For reciprocity applicants that started the process prior to our April 1st implementation, the average number of days from the receipt of their reciprocity application to licensure is 227. The average number of days from the date they took the MPJE exam to licensure is 67. The average number of days it took for them to have their fingerprints taken after they received the instructions, was 71.

Project Manager - Executive Director, Marc Watt reported on Mo Klein’s behalf and stated that she is working on our IT project to replace our current provider and busy working on our database upgrade from L2K to MLO.

Strategic Planning 2017 Meeting Update - Administrative Director, Karen MacLean met with the meeting facilitator and is currently working on creating the agenda.

GENERAL ADMINISTRATION

Rules

Review Rulemaking Hearing Report & Comments – none
Consider Adoption of Rules – none
Consider Adoption of Temporary Rules – none
Consider Rules and send to 11/29/17 Rulemaking Hearing
First Look */ Second Look **
Division 010 – Board Member Compensation**

Administrative Director, Karen MacLean asked the board to review the revised board member compensation rule and policy, which includes the board and the newly formed Advisory Committee. Staff suggest pro-rating be reduced to 2 rather than 4 options for easier management and not less than $30, the statutory original rate. Minimum meeting times of 3 hours will equal $50 and 6 hours or more will equal $100. The board had a brief discussion and had some concerns about the Advisory Committee members potentially traveling from all over the state and the fact that the fee’s for travel time as well as mileage reimbursement and per diem for meals will impact our travel budget. The board had a good discussion about travel time and whether or not to include it, as well as prep time in the rule. The policy will be finalized after the rules are adopted.

MOTION
Motion to send Board Member & Formal Advisory Committee Member Compensation rules as revised in OAR Chapter 855-010-0016 to rulemaking hearing was made and unanimously carried (Motion by James, seconded by Larson).

Division 010 – Criminal Background Checks**

Pharmacist Consultant, Fiona Karbowicz reviewed the revised language provided by DAS regarding newly adopted rules for criminal background checks for statewide processes. Administrative Director, Karen MacLean explained how she incorporated the DAS provided language into our existing rules. Fitness determination may be made by the agency, which is why we retained our original list of crimes. DAS rules cite specifically to the crimes that will be considered, issues regarding juvenile records, expunged records or set aside by ORS 419A.260-419A.262. DAS rules also site to an adult record that has been set aside under ORS 137.225. DAS reviewed our existing rule and stated that they approved the list of crimes and advised that we should not add to the list.

Board Counsel, Tom Cowan and the board discussed revising the language prior to the list of crimes to reflect the exact language that DAS provided. Tom stated that he did not believe this added language would change our burden of proof.

MOTION
Motion to send Criminal Background Check rules in OAR Chapter 855-010-0045 through OAR 855-010-0120 as revised to rulemaking hearing was made and unanimously carried (Motion by James, seconded by Chute).

Division 019 – Contraceptive Update**

Pharmacist Consultant, Fiona Karbowicz stated that we updated the rule by incorporating 2017 legislative additions of the depo shot and vaginal ring, effective January 1, 2018. The training program is now available and pharmacists are now able to take the module and receive their certificate. Fiona is updating the documentation forms to include these new options and they will be available on the web for the effective date.
MOTION
Motion to send Contraceptive rules in OAR Chapter 855-019-0455 through 855-019-0460 and OAR 855-041-2310 through 855-041-2340 to rulemaking hearing was made and unanimously carried (Motion by James, seconded by Larson).

Division 019 and 041 – Naloxone**

Pharmacist Consultant, Fiona Karbowicz reported that the rule was updated to incorporate 2017 legislative changes that increase access to Naloxone and eliminate previous mandated training requirements. The formal training components were removed and OHA has reviewed it and we have been given the green light to move forward.

MOTION
Motion to send Naloxone rules in OAR Chapter 855-019 & 855-041 making hearing was made and unanimously carried (Motion by Chute, seconded by Vipperman).

Division 041 – Pharmacy Drug Delivery**

Pharmacist Consultant, Fiona Karbowicz presented a PowerPoint that included an overview of the history of the existing depot rule to help frame the context of the rule edits. She stated that only two waiver requests have been approved and each had very specific circumstances and parameters in place. Fiona defined “Drug Outlet” and noted that the depot rule was meant to be a carefully crafted exception to the drug outlet and registration requirements. Board Counsel, Tom Cowan stated that the depot rule is a deviation from the drug outlet definition and the waiver clause is an additional step away from the rule.

The board had a few questions regarding the history and Fiona stated that staff went back to the board minutes to determine how the depot rule was constructed, how several years ago there were revisions to this rule and what waiver requests were received. Fiona highlighted that through the historical review, she realized that a depot does not have a drug outlet registration; therefore, we are working with exceptions to the presumptive rules. Tom responded more specifically to his analysis of the legislatively presumptive methods of registering a drug outlet where functions like dispensing, transfer, delivery etc. take place. Staff evaluates requests on this regularly and tries to handle appropriate outlet registrations consistently. He acknowledged at some point, there was a case made for unique circumstances where balancing access and need and particular circumstances an exception was crafted, which is what we know as Depot. There is also an exception process to that which has been managed by staff over the years. His understanding is that the reason the board has draft concepts before them today is because there are variety of circumstances that are coming at us from differing orientations. He added that the board resolved a large case by stipulation yesterday that addressed some of these issues and there are pending requests to see if the depot definition applies.

After a lengthy discussion regarding the proposed revisions to the Depot rule, the board members decided to revisit this at a later time and to add this topic to the upcoming strategic planning and future meeting agendas.
Division 019 and 041 – Community Pharmacy Personnel/PIC**

Pharmacist Consultant, Fiona Karbowicz reviewed the edits addressing requirements for community pharmacy personnel with the intent to match the hospital CPO rules for retail. Board President, Penny Reher stated that these edits empower PICs and strengthen their role as well as hold the appropriate people accountable. Staff received comments in support and opposition and the board asked for clarification regarding hiring out of state pharmacists and how long it takes to reciprocate and how long can the out of state pharmacist have to become an Oregon licensed pharmacist.

Board Member, Christine Chute stated she didn’t understand why they have to be licensed in Oregon, when we can hold the outlet responsible. Board President, Penny Reher used the analogy of having a Washington licensed pharmacist overseeing an Oregon location and explained that the laws are not the same in all states. Board Counsel, Tom Cowan stated that he thinks it’s debatable if this is necessary, but the lines are blurry between corporate leadership, PICs and the outlet. Corporations may have policy and procedures on paper and when it comes to the burden of proof, we struggle. Compliance Director, Brianne Efremoff stated that they do their best to try to come up with a true resolution that effectuates change to promote patient safety. Board Member Cyndi Vipperman expressed that she liked the rules because it was giving our PICs back up and better support to be empowered to follow Oregon’s rules. Board member, Dianne Armstrong wanted to know if other states required this and staff stated that they were not aware of this existing anywhere else. It was highlighted that traditionally these oversight positions have been held by pharmacists. More recently, we’re seeing some corporations are having non-pharmacists or pharmacists not licensed in Oregon that don’t understand our laws making decisions that impact the Oregon PICs. The board had a lengthy discussion about corporate workflow, policy and procedures and the fact that the board is only responsible for ensuring PICs follow Oregon laws and rules, not enforcing their corporate policies and procedures. Tom said the intent is to empower the PIC to use professional judgement, but if the corporation doesn’t allow it because it goes against their policy and procedures, that can be an issue.

The board members provided staff with their specific issues to address in the draft language to add and some questions about the store management’s role over the PIC. Fiona stated that it really depends on the company and it varies, but it typically comes down to labor hours and staffing. At the end of the discussion, the board would like staff to work on this a bit more and bring it back to the next meeting.

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Division 041 – Remote Distribution Facility

Pharmacist Consultant, Fiona Karbowicz stated that these proposed changes clarify the intent and utilization of a Remote Distribution Facility (RDF) by an Oregon Institutional Pharmacy (IP). RDF rules are moved to the 5000 section of Div 041 so that it is clear this is linked to institutional pharmacies (IPs) only.

MOTION
Motion to send Remote Distribution Facility rules in OAR Chapter 855-041-4200, 5050 and 5055 to rulemaking hearing was made and unanimously carried (Motion by Vipperman, seconded by Armstrong).
Division 080 – Controlled Substances

Pharmacist Consultant, Fiona Karbowicz read the amended language to declassify cannabis as a CS in OR per 2017 SB 302. Removes marijuana and THC from Schedule II CS list and keeps marijuana in Schedule I.

MOTION
Motion to send Controlled Substance rules in OAR Chapter 855-080-0022 to rulemaking hearing was made and unanimously carried (Motion by DeBarmore, seconded by Chute).

Policy Issues for Discussion

Compounding Update

Pharmacist Consultant, Fiona Karbowicz stated that she spoke in depth about this topic in the first day of this board meeting and didn't have anything to add. Rules are being drafted so that both licensees and compliance officers will have the necessary information to understand compliant practices of USP 795/797.

Discussion Items

Waiver Requests

This is a renewal of an ongoing request for sink waiver for Murray Drugs Inc., Heppner and Condon pharmacies.

MOTION
Motion to approve Murray Drugs Inc. (Heppner and Condon pharmacies) request to continue waiver of OAR 855-041-1035(5) for five years was made and unanimously carried. (Motion by James, seconded by Vipperman).

Update re: Board Authorities, Policies and Compliance (ABC) Guidelines

Compliance Director, Brianne Efremoff reviewed minor edits, pursuant to the August discussion and Board Counsel, Tom Cowan recommends no change to applications at this time. The Board will continue to see all unsworn falsification cases for review. Executive Director, Marc Watt requested the next ABC review to happen annually at the June Business meeting.

MOTION
Motion to approve Board Authority, Policies and Compliance Guidelines document as revised was made and unanimously carried. (Motion by Chute, seconded by Larson).

Board President, Penny Reher called for an Executive Discussion to discuss a deliberated contested case. Contested Case Deliberation pursuant to ORS 192.690(1) - Not Open to the Public.

Minutes – October 11-12, 2017
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MOTION
Motion to enter Executive Session at 1:51PM was made and unanimously carried (Motion by James, seconded by Chute).

MOTION
Motion to resume Open Session at 2:04PM was made and unanimously carried (Motion by Chute, seconded by James).

MOTION
Motion to accept stipulated order Case No. 2015-0533 was made (Motion by Larson, seconded by Armstrong), James recused.

OHSU Dose Edge Request –

Pharmacist Consultant, Fiona Karbowicz reviewed the request submitted by OHSU pertaining to alternative pharmacist verification of technician work products mixed in a clean room. The template they provided was written by OHSU employed pharmacists. Jennifer Zannon, R.Ph. with OHSU and Erin Corella spoke briefly to the board and provided a scenario of how this request will work.

They stated that allowing these processes would improve workflow in order to help their patients more efficiently. The board members asked about error rates and Erin stated that all 12 steps are photographed, the error rate is very low and she mentioned that OHSU tracks the data and any or all errors that are caught and it’s then discussed internally.

The board discussed the request and asked OHSU to send the board 6 months of data moving forward and directed staff to work with OHSU to ensure application(s) to facilitate correct licensure as Remote Processing. Board also directed staff to present future similar requests for consideration.

Postal Prescription Services (PPS) Request –

This is a request for alternative pharmacist verification made by PPS that was originally presented at the August 2017 board meeting where the board directed staff to get additional information, which has since been provided. The board discussed the request, the technology, and the logistics involved; Jeff Welter and Camile Tackett were present for the conversation. The Board directed staff to facilitate correct licensure designation to allow this alternative pharmacist verification to occur at only this location, under these circumstances. Board also directed staff to present future similar requests.

Penny then invited Jeff Welter R.Ph., General Manager from Postal Prescription Services to speak to the board about the process and stated that the equipment hasn’t failed in the past 4 years that they’ve been using it.

Per Diem Policy –

Per Board President, Penny Reher, pursuant to the earlier conversation regarding the updated Per Diem Rule, we will follow up after the rule has been adopted.
List-serve Survey Requests –

The board wanted some clarification between a public records request list vs. the list-serve database. There was a brief discussion about the quality of the messages and attaching our brand and Board Member, Roberto Linares advocates that we deny these requests and have them send their public records requests for the appropriate list-serve. Executive Director, Marc Watt stated that some requests from OHA or similar organizations should be given more of a thoughtful look due to our relationships.

Pharmacogenomics request, Pacific/OHSU - Survey request to collect healthcare professionals’ opinions and experiences on pharmacogenomics and request to send to Oregon licensed RPh.

Veterinary pharmacy competency request - Survey funded by the Community Pharmacy Foundation for NC State Univ. IRB – 2 veterinary R.Ph. The purpose of this study is to survey community pharmacists on their knowledge of veterinary pharmacotherapy at baseline.

OHA survey request and comments- Penny and Rachael previously approved this survey and OHA thanked the Board and said they received very helpful input.

OHA credentialing rulemaking message request - This is a request to send a message to all OR licensed R.Ph. regarding the Common Credentialing rulemaking comment period being extended until the end of October.

**MOTION**

*Motion to authorize use of OBOP list-serve for OHA rulemaking notice regarding Common Credentialing was made and carried. (Motion by DeBarmore, seconded by Larson). Linares and James opposed*

**OHA request for OBOP Syringe Access Policy –**

Pharmacist Consultant, Fiona Karbowicz stated that she and Executive Director, Marc Watt met with OHA regarding this topic. OHA is requesting OBOP to adopt a syringe access policy/position statement or a joint statement with the Oregon Medical Board in the interest of public safety. The board last discussed this in 2004. Given the current opioid crisis and hepatitis outbreaks, the need and access are more prevalent, but access is still limited thru pharmacies. Fiona asked the board if staff should draft something or work with OHA to draft a position statement and the board collectively agreed.

**Contraceptive Prescribing Update –**

Pharmacist Consultant, Fiona Karbowicz stated that they were in the process of finalizing the documents and editing questions and should have them prepared by December’s board meeting.
Providence Request –

Pharmacist Consultant, Fiona Karbowicz asked the board if the request from Providence Seaside Pharmacy process to deliver medications to patients via the Providence Medical Group – Cannon Beach clinic complies with Oregon laws and rules. Most of the board members agreed that they are not in favor of granting this request because it is not in alignment with current Oregon rules.

**MOTION**

Motion to deny Providence Seaside request was made and carried. (Motion by James, seconded by Vipperman). Reher Opposed

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**OPEN FORUM –**

Past Board Member, Ken Wells spoke about the proposed rule regarding Community/PIC personnel and stated that it he believes it’s extremely important to the pharmacists and that this rule will address the workarounds out in the world. He gave examples of how other store management access the pharmacy in an emergency.

Linda Howrey had some questions about who can access the pharmacy, because she was concerned that if a manager is not a licensed Oregon pharmacist, they are not able to access the pharmacy to perform functions of their job.

Jackson Leong, pharmacist from Payless spoke about translation services and wanted to know if it’s a requirement from OBOP that the pharmacy has to provide translation services; does the board provide it for free? Executive Director, Marc Watt stated that he didn’t believe it was a requirement to provide any instructions except in English.

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**Adjourn**

**MOTION**

Motion to adjourn at 4:26PM was made and unanimously carried (Motion by Larson, seconded by Armstrong).

Accepted by:

Marcus Watt,
Executive Director
Executive Session of the Board was held on Wednesday, Oct. 11, 2017 to discuss Compliance cases, followed by motions on Thursday, Oct. 12, 2017.

Executive Session of the Board was held on Wednesday, Oct. 11, 2017 from 4:11pm – 4:22pm for Contested Case Deliberation pursuant to ORS 192.690(1).

Executive Session of the Board was held on Thursday, Oct. 12, 2017 from 1:51pm – 2:04pm for Contested Case Deliberation pursuant to ORS 192.690(1).

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

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

Motion to grant waiver of FPGEC requirement for Applicant JN.
Motion by: Cyndi Vipperman; Seconded by: Kate James. Motion unanimously carried.

Motion to grant waiver of FPGEC requirement for applicant MB.
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Motion to deny applicant TK’s request.
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Cases 2014-0394, 2015-0493 and 2016-0440 Motion to accept stipulated order.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0073  Motion to withdraw Default Order issued on 7/18/2017 and accept Stipulated Agreement.  
Motion by: Christine Chute; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2011-0031  Motion to grant request to remove work place restrictions on her probation.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2016-0169  Motion to deny request.  
Motion by: Kate James; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0096  Motion to withdraw notice and close case.  
Motion by: Christine Chute; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0367  Motion to grant technician license with Board direction.  
Motion by: Dianne Armstrong; Seconded by: Christine Chute. Motion unanimously carried.

Case 2016-0490  Motion to accept signed consent order.  
Motion by: Cyndi Vipperman; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0089  Motion to withdraw Notice issued on 4/28/2017, and dismiss case with Board direction; and in  
Case 2016-0458 and Contested Cases 2017-0088 and 2017-0115  Motion to accept proposed Consent Order settling Contested Cases with proposed Consent Order incorporating Case 2016-0458.  
Cases 2017-0090, 2017-0151 and 2017-0152  Motion to close with Board direction.  
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2016-0569  Motion to impose $10,000 civil penalty per violation against outlet.  
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0251  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.  
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0308  Motion to revoke technician license and impose $1,000 civil penalty per violation.  
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0280  Motion to deny pharmacist license.  
Motion by: Kate James; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0254  Motion to revoke technician license and impose $1,000 civil penalty per violation.  
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0278  Motion to ratify Stipulated Consent Order to surrender license.  
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0317  Motion to impose $1,000 civil penalty per violation against pharmacist.
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0345  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion carried with Rachael DeBarmore recused.

Case 2017-0275  Motion to close with Board direction.
Motion by: Cyndi Vipperman; Seconded by: Shannon Larson. Motion carried with Roberto Linares and Kate James recused.

Case 2017-0291  Motion to revoke drug outlet registration and impose $10,000 civil penalty per violation against outlet.
Motion by: Cyndi Vipperman; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0272  Motion to close with Board direction.
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0246  Motion to revoke pharmacist license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0136  Motion to indefinitely suspend pharmacist license and impose a $1,000 civil penalty per violation.
Case 2017-0414  Motion to impose $1,000 civil penalty per violation against technician and close with Board direction.
Motion by: Dianne Armstrong; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0106  Motion to impose $1,000 civil penalty per violation against pharmacist.
Motion by: Shannon Larson; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0129  Motion to revoke technician license and impose $1,000 civil penalty per violation.
Motion by: Dianne Armstrong; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0353  Motion to grant technician license.
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0326  Motion to grant technician license.
Motion by: Cyndi Vipperman; Seconded by: Kate James. Motion unanimously carried.

Case 2017-0290  Motion to deny technician license and impose $1,000 civil penalty per violation.
Motion by: Kate James; Seconded by: Shannon Larson. Motion carried with Dianne Armstrong opposed.

Case 2017-0245  Motion to accept withdrawal of technician application.
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.
Case 2017-0213  Motion to deny technician license.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0242  Motion to grant intern license.  
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0281  Motion to grant technician license with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0309  Motion to close with Board direction.  
Motion by: Kate James; Seconded by: Cyndi Vipperman. Motion carried with Roberto Linares opposed.

Case 2017-0270  Motion to close case with Board direction.  
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0269  Motion to close with Board direction.  
Motion by: Christine Chute; Seconded by: Cyndi Vipperman. Motion unanimously carried.

Case 2017-0241  Motion to close with Board direction.  
Motion by: Christine Chute; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0248  Motion to close with Board direction.  
Motion by: Christine Chute; Seconded by: Dianne Armstrong. Motion unanimously carried.

Cases 2017-0284  Motion to impose $10,000 civil penalty per violation against outlet.  
Motion by: Kate James; Seconded by: Shannon Larson. Motion unanimously carried.

Case 2017-0354  Motion to close with Board direction; and in
Case 2017-0279, 2017-0288, 2017-0310, 2017-0311, 2017-0327, 2017-0334  Motion to deny technician license and impose $1,000 civil penalty per violation.  
Motion by: Dianne Armstrong; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0356  Motion to grant pharmacist license.  
Motion by: Dianne Armstrong; Seconded by: Kate James. Motion unanimously carried.

Case 2016-0575  Motion to close with Board direction.  
Motion by: Shannon Larson; Seconded by: Christine Chute. Motion unanimously carried.

Case 2016-0514  Motion to close with Board direction.  
Motion by: Cyndi Vipperman; Seconded by: Dianne Armstrong. Motion unanimously carried.

Case 2017-0160  Motion to close with Board direction.  
Motion by: Dianne Armstrong; Seconded by: Shannon Larson. Motion unanimously carried.
Case 2017-0265  Motion to close with Board direction.
Motion by: Shannon Larson; Seconded by: Christine Chute. Motion unanimously carried.

Case 2017-0329  Motion to close with Board direction.
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion unanimously carried.

Motion to accept the items on the consent agenda with cases 2016-0575, 2016-0514, 2017-0160, 2017-0265 and 2017-0329 pulled for discussion.
Motion by: Kate James; Seconded by: Dianne Armstrong. Motion unanimously carried.

Cases Closed with Board Direction:

Executive Session of the Board was held on Thursday, Oct. 12, 2017 from 1:51pm – 2:04pm for Contested Case Deliberation pursuant to ORS 192.690(1).

Case 2015-0533  Motion to accept Consent Order.
Motion by: Shannon Larson; Seconded by: Dianne Armstrong. Motion carried with Kate James recused.