

## **BOARD MEETING MINUTES**

**Oregon Board of Pharmacy  
800 NE Oregon Street  
Portland, OR 97232  
February 11-13, 2015**

*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, FEBRUARY 11, 2015**

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

Ken Wells, President  
Christine Chute  
Brad Fujisaki  
Kate James

Roberto Linares, Vice President  
Penny Reher  
Heather Anderson

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

Marc Watt, Executive Director  
Karen MacLean, Administrative Director  
Courtney Wilson, Project Manager  
Fiona Karbowicz, Pharmacist Consultant  
Katie Baldwin, Inspector  
Brienne Cooper, Inspector  
Bayo Arigbon, Licensing Representative

Gary Miner, Compliance Director  
Chrisy Hennigan, Office Manager  
Joe Ball, Chief Investigator  
Michele Cale, Inspector  
Laura Elvers, Inspector  
Annette Gearhart, Compliance Secretary  
Devin Emerson, Licensing Representative

Tom Cowan, Sr. AAG Board Counsel

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Agenda Review and Approval

#### **MOTION**

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

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#### **MOTION**

**Motion to enter Executive Session at 8:34 AM was made and unanimously carried (Motion by Reher, second by Anderson).**

**EXECUTIVE SESSION - PUBLIC MAY NOT ATTEND, 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 resume Open Session at 4:54 PM was made and unanimously carried (Motion by Reher, second by Linares).**

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**OPEN SESSION - PUBLIC MAY ATTEND** - At the conclusion of Executive Session, the Board may convene Open Session to begin the scheduled agenda for February 12, 2015. Items that may be covered are marked with an asterisk.

**Adjourn**

**MOTION**

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

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**THURSDAY, FEBRUARY 12, 2015**

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

Ken Wells, President  
Christine Chute  
Brad Fujisaki  
Kate James

Penny Reher  
Heather Anderson

Roberto Linares, Vice President – excused absence

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

Marc Watt, Executive Director	Gary Miner, Compliance Director
Karen MacLean, Administrative Director	Chrisy Hennigan, Office Manager
Courtney Wilson, Project Manager	Joe Ball, Chief Investigator
Fiona Karbowicz, Pharmacist Consultant	Michele Cale, Inspector
Katie Baldwin, Inspector	Laura Elvers, Inspector
Brianne Cooper, Inspector	Annette Gearhart, Compliance Secretary
Kim Oster, Compliance Assistant	

Thomas Cowan Sr. AAG 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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## GENERAL ADMINISTRATION

### Discussion Items

Compliance Director Gary Miner and Administrative Director Karen MacLean presented seven requests to the Board for consideration.

**Walgreens #1261-2** requested approval for licensure as a Remote Processing Outlet. It was noted that all application requirements and application checklist items were satisfied. The Board approved their application.

### MOTION

**Motion to approve Walgreens #1261 Remote Processing Application was made and unanimously carried. (Motion by Chute, second by Reher).**

Staff asked the Board if they would like to continue to review future Remote Processing Applications or if they would like to delegate the authority to staff. The Board determined that they would delegate the future review and approval of Remote Processing Applications to staff.

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**M. Molina** requested a six month extension of her Pharmacy Technician license. The Board approved her request.

### MOTION

**Motion to approve M. Molina's request to extend Pharmacy Technician license for 6 months was made and unanimously carried (Motion by Chute, second by James).**

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**T. Thompson** requested a 30 day extension of her Pharmacy Technician license. The Board approved her request.

There was a brief discussion about whether or not the timeframe to extend should be standardized; however there was no decision made. The option to consider extensions is a new rule effective 1/1/15 and the Board will consider these on a case by case basis.

### MOTION

**Motion to approve T. Thompson's request to extend Pharmacy Technician license for 30 days was made and unanimously carried (Motion by Chute, second by Anderson).**

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**Harvard Avenue** requested to renew their waiver from OAR 855-041-1035 which requires a sink to be in the pharmacy as minimum equipment. The Board approved an extension of Harvard Avenue's waiver request for an additional five years.

### MOTION

**Motion to approve Harvard Avenue's waiver request from OAR 855-041-1035 for five years was made and unanimously carried. (Motion by Reher, second by James).**

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**Oregon Department of Corrections** requested a waiver from OAR 855-041-1130 to remove the telephone number of the prescription labels that are sent to the correctional facilities as inmates have been calling the pharmacies to obtain information about other inmate's medications in order to extort, purchase, trade, borrow, or steal doses away from the patient that they were intended.

To decrease a security risk and fuel load problem in the cells, the amount of written material sent to a correctional facility will be at the pharmacist's professional discretion for appropriate amount of counseling and drug information.

The Board approved the Oregon Department of Correction's waiver request.

#### **MOTION**

**Motion to approve Oregon Department of Correction's waiver request from OAR 855-041-1130 for five years was made and carried. (Motion by Reher, second by Fujisaki). Reher, Fujisaki, Wells, James in favor of, Chute and Anderson opposed**

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**Samaritan Pacific Communities Hospital** requested a waiver from OAR 855-041-1035 to remove the existing sink from the pharmacy dispensing area. It was noted that the IV anteroom currently has a sink and that the IV area is located in the footprint of the pharmacy.

The Board approved Samaritan Pacific Communities Hospital's waiver request. However, rather than approving their request for five years, they approved it for three years, as USP 800 is considering a requirement for having a separate sink for hand washing.

#### **MOTION**

**Motion to approve Samaritan Pacific Community Hospital's waiver request from OAR 855-041-1035 for three years was made and unanimously carried. (Motion by James, second by Chute). Reher recused**

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**Catamaran Home Delivery** requested approval for licensure as a Remote Processing Outlet. It was noted that all application requirements and application checklist items were satisfied. The Board approved their application.

#### **MOTION**

**Motion to approve Catamaran Home Delivery's Remote Processing Application was made and unanimously carried. (Motion by James, second by Reher).**

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#### **Corresponding Responsibility**

Board Member Penny Reher presented an article for discussion from the DEA Chronicles on a Pharmacist's Obligation: Corresponding Responsibility and Red Flags of Diversion. Penny indicates that over the past couple of years the operations of wholesale distributors have been under more scrutiny from the DEA. As a result pharmacies are receiving more scrutiny from wholesale distributors. Corresponding responsibility is an issue that is affecting the entire supply chain. DEA's regulation (21 C.F.R. 1306.04) addressing corresponding responsibility states that the pharmacist is in the same position as the practitioner who issued the prescription (but without having actually conducted a medical examination of the patient) and must exercise professional

judgment to determine whether a prescription for a controlled substance was issued for a legitimate purpose. Penny believes that the pharmacy community is looking for guidance on this matter. She drafted a checklist for narcotic prescribing red flags which includes the following elements: pattern prescribing, prescribing combinations of frequently abused controlled substances, geographic anomalies, shared addresses by customers presenting on the same day, large quantities and large strengths, paying cash, patients with the same diagnosis code from the same doctors, prescriptions written by doctors for infirmaries not consistent with their area of specialty, fraudulent prescriptions, and prescriptions that other pharmacies refused to fill.

Penny asked for feedback on the checklist and if other Board Members had additional suggestions. It was suggested that steroids be added to the list and that pharmacists check the Prescription Drug Monitoring Program.

Sally Logan from Kaiser Permanente indicated that she has conducted training relating to this matter and that they advise pharmacists to look into the prescription if it's more than 250 tablets of an opiate. Sally also stated that they had developed a clarification document and in the end, the pharmacist is responsible for documentation within the prescription.

Dennis McAllister commented that the National Association of Boards of Pharmacy is looking at this matter on a national level and will be issuing a report that should be available in March.

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### **Technicians in a Tele-presenter Role Update**

Executive Director Marc Watt provided an update on the ongoing correspondence that the Board has continued to have with Safeway regarding their request to utilizing pharmacy technicians in a telepresenter capacity in connection with the facilitation of telehealth sessions. The Board continues to have open dialogue with Safeway about jurisdiction, boundary, and HIPPA related matters as they relate to the use of pharmacy technicians acting in a dual capacity as a medical assistant for the purposes of telehealth. Board Counsel Tom Cowan indicated that the dialogue that the Board has had with Safeway has been very productive. However, it is clear that there is more to learn about this new practice and that there is more learning to do together.

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### **Medication Reconciliation Update**

Pharmacist Consultant Fiona Karbowicz asked the Board for guidance on their intent for medication reconciliation. Board members indicated that they believe pharmacies are looking for guidance on this topic. They would like staff to reach out to health systems to view their current practices and bring as many players as possible together for dialogue. Executive Director Marc Watt commented that there have been a couple of onsite visit offers from health systems and that staff will begin to take them up on their offers.

A Board member commented that they would not support a rule to address medication reconciliation. There was agreement that best practices or a guidance document would be valuable. Additionally, they would not like to limit technicians performing certain aspects of medication reconciliation and creating barriers.

Executive Director Marc Watt stated that a technician cannot work without the supervision of a pharmacist and that the activities performed by a technician need to be reviewed by a pharmacist. Therefore the Board's current rules may already place restrictions.

Concerns expressed as they related to medication reconciliation include physicians prescribing off of data that has been collected but not yet reviewed by a pharmacist. It was also mentioned that technicians may be making clinical decisions that they shouldn't be making.

The Board directed staff to reach out to other state through the National Association of Boards of Pharmacy to see how other states handle medication reconciliation and include a patient advocate in these conversations.

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**Oregon Legalization of Marijuana** Executive Director Marc Watt asked the Board for direction on how they would like to handle marijuana cases effective July 1, 2015 when the law changes. Where applicants for licensure have marijuana crimes reflected on their criminal background checks, how should these be handled? The Board said they would ask if it was legal at the time pursuant to Oregon Law. If there is a case where existing licensee has new marijuana related activity once it becomes legal in Oregon on July 1, 2015, how should these be handled? Board discussion covered a few areas. There are employer issues, for example in cases related to use of marijuana where employer termination as a result of failing a drug test as well as active impairment at work is the issue, if the licensee actively and knowingly violated policies at work it would be considered unprofessional conduct. It was asked if a licensee possesses a medical marijuana card can they be disciplined. Board Counsel Tom Cowan stated that there are statutory prohibitions in place and if there is no indication of impairment or abuse, it would be difficult to discipline a licensee who is a medical marijuana card holder. In such instances, it may be okay for a licensee who is a medical marijuana card holder to use, however, it would not be okay to use in excess or by putting other people in danger similar to alcohol. For licensees in the Health Professionals Service Program (HPSP) the Board would still require abstinence for involvement in the program. The Compliance staff and Board Counsel will evaluate licensee marijuana related cases to help make appropriate recommendations for marijuana related cases after July 1, 2015.

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### **Board Notification Requirements**

Board President Ken Wells indicated that the Board has termination notification requirements in statute for pharmacy technicians (ORS 689.497). However, termination requirements for pharmacists are not in statute. Currently, the Board requires an employer to provide the Board with notification if a pharmacy technician is terminated. The employer must also provide the pharmacy technician with a copy of the notification that they provide to the Board. The pharmacy technician may provide the Board with notification stating their position as it relates to the cause of termination. It was discussed that the intent of this requirement was to prevent diversion and ensure competency. Board Counsel Tom Cowan indicated that there are rules that apply to notification and reporting requirements for pharmacist termination, although these rules may not be being followed at this time. The Board stated that they would like additional rules to be developed that would put the responsibility on to the outlet. Staff will begin drafting rules and will bring it back for review and discussion at a future Board Meeting.

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### **Appearances**

Executive Director Bethany A. Walmsley, CPHQ, CPPS of the Oregon Patient Safety Commission presented a slideshow presentation on the Oregon Patient Safety's adverse event reporting program. An overview on the Oregon Patient Safety Commission was provided which included their mission and the services they provide. Such services consist of encouraging patient safety awareness through the publication of safety toolkits and improvement guides, managing the Oregon's Patient Safety Reporting Program (PSRP) and Early Discussion and

Resolution (EDR), convening quality improvement work groups and collaborative activities, and distributing monthly patient safety newsletters. A summary of how data is collected was provided. It was indicated that all information collected by the Commission is confidential per statute. Additionally, collected data is presented in aggregate for statewide learning; individual data points are not shared. There has also never been a confidentiality breach. The goal of the reporting program is to understand why and how adverse events occur and share aggregate information statewide to improve healthcare in Oregon.

Bethany indicated that they would like the Board to help encourage pharmacies to participate in the reporting program. Currently only 17% of pharmacies are reporting to the Commission. She stated that a representative from the Oregon Patient Safety Commission will be attending the Pharmacy Roundtable Meeting in March and that they will continue to work hard to increase participation.

The Board thanked Bethany for her appearance.

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## **ISSUES/ACTIVITIES**

### **Reports:**

Board President/Members

President Ken Well reported that he attended the recent Pharmacy Coalition and Roundtable meetings. He will also be attending the OSPA Lane County Meeting along with Board Members Christine Chute and Penny Reher.

Board Member Brad Fujisaki stated that he had attended the Board's recent Pharmacist-in-Charge training program. He thought it was interesting and that it would be a good idea for new Board Members to attend or to review the slideshow presentation.

Board Members Christine Chute, Kate James and Heather Anderson had nothing to report.

Executive Director Marc Watt reported that Cheryl Fox had accepted the vacant Inspector position with the Board. She will be starting later in February. Marc stated that staff continues to be busy with the legislative session. He asked the Board if they would like to see a list of the legislative bills that staff is tracking weekly. The Board agreed that they would like to be sent a list of the legislative bills that are being tracked on a weekly basis. Marc shared that he had recently met with representatives from the Food and Drug Administration (FDA) and that they had indicated that they will be increasing oversight of compounding pharmacies. He also reported that he had met with Senator Laurie Monnes Anderson and Representative Mitch Greenlick regarding practitioner dispensing. To date, no legislation has been introduced in relation to practitioner dispensing. Marc shared that an all staff meeting has now been added to the monthly staff appreciation and recognition meeting in order to help improve communication throughout the agency.

Board Counsel Tom Cowan stated that he appreciates the great relationships with staff and the good quality work that they produce. He reported that staff has been doing well on contested cases.

Compliance Director Gary Miner stated that staff has been working on educating stores that sell over-the-counter medications on registration requirements. He hopes to get them into compliance and adhering to the Board's regulations. Gary provided a summary of the 2014 Oregon pharmacy inspections. He stated that 100% of pharmacies were inspected for 888 outlets. 84.7%

of pharmacies passed the inspection, 12.5% received warning notices and 2.7% received a notice of non-compliance. Gary shared that to date there are 19 individuals enrolled in the Health Professional Service Program (HPSP). They are all Board referrals. Gary reported that the Compliance staff recently had a retreat at which they discussed inspections and the documentation of findings and the progression to discipline based on findings. They also discussed reporting forms, outreach and continuing education programs, new rules, and other communications.

Compliance Director Gary Miner shared a field question from Kaiser Permanente regarding their refill program. He indicated that the patient would request a refill and the technician would access the patient's profile and prepare a refill request to send to the prescribing practitioner. The practitioner would then review the request and if appropriate, would send a new prescription to the pharmacy. The new prescription would have the patient's medical record as part of the prescription. The clerk would then enter this in to the computer system and type in the medical record number and scan the prescription which would be sent to a work queue. A technician or pharmacist would access the queue and perform the order entry process. Gary stated that in the past the Board has determined that a clerk can scan a prescription into a work queue, but not into the patient profile. Gary asked the Board if a clerk can participate in the refill process to scan the prescription into the working queue using the procedure explained. The Board indicated that this system is allowable.

Pharmacist Consultant Fiona Karbowicz reported that she and staff have continued to meet with the Emergency Preparedness group. They are working together on developing a memorandum of understanding. She indicated that pharmacists from various practice settings are participating in this. The goal is to have this completed by June. Fiona stated that she has participated in her first cultural competency continuing education approval meeting held by the Oregon Health Authority (OHA) Office of Equity and Inclusion. She stated that there is a lot of work ahead in order to develop a continuing education evaluation and approval process and a list of approved programs that OHA is required to keep on its website. Fiona also indicated that staff had received a request from the Board of Nursing to partner on amending the requirements for a nurse practitioner's prescriptive authority. Staff will be working with the Board of Nursing on training for dispensing authority for nurse practitioners as required by ORS 678.390(3)(a).

Administrative Director Karen MacLean provided an update on electronic fingerprinting. She stated that since applicants have been submitting electronic fingerprints that the fingerprint rejection rate has gone down significantly. At this time electronic fingerprinting is only applicable to in-state applicants. However, the state is working on a contract to allow for out-of-state applicants to capture the fingerprints electronically. Karen stated that she had attended a meeting in relation to House Bill 3168 from 2013. The purpose of House Bill 3168 is to streamline background check processes, statewide, while maintaining high levels of safety. Karen stated that they are working on implementing this legislation and developing draft rule language. Karen reported that she is continuing to work with staff on legislative fiscal impact statements. She is also working on identifying a location for the National Association of Boards of Pharmacy District Meeting for 2016.

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### **Board Member/Staff Presentations**

Board President Ken Wells reported on the Pharmacy Coalition Meeting held on February 10<sup>th</sup>. He indicated that the meeting was supported well by Board staff and Board members. Legislative bills that the Coalition is monitoring were shared at the meeting. Ken stated that the Board has a good relationship with the Coalition which includes working together to help draft bills and testify



on bills. Ken shared that pharmacists need to be aware of what is going on that relates to the profession as legislative activity can happen quickly.

Board President Ken Wells stated that the Professional Practice Roundtable on January 8<sup>th</sup> was primarily focused on Board rules.

### **Committees/Meetings**

The Board encouraged pharmacists to attend the upcoming OSPA Lane County Meeting to be held on February 21-22 in Eugene.

The National Association of Boards of Pharmacy (NABP) Annual Meeting will be held May 16-19, 2015 in New Orleans, Louisiana. Executive Director Marc Watt and Board Vice President Roberto Linares will be attending the meeting. Board Member Penny Reher will also be in attendance as she is on the Resolution Committee for District 7. She will be receiving a partial scholarship from NABP for travel expenses. The Board determined that they would reimburse her for the remainder of her travel expenditures. Board President Ken Wells may be attending the meeting on behalf of the Oregon Patient Safety Commission. Oregon State University would be paying costs associated with his travel.

Executive Director Marc Watt and Administrative Director Karen MacLean will be attending the NABP District 6-8 Meeting on September 14-17, 2015 in Lake Tahoe, Nevada in preparation for the 2016 meeting that is being hosted in Oregon.

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### **Board Meeting Dates**

*Note: The Board of Pharmacy moved its regularly scheduled meeting dates from Tuesday/Wednesday to Wednesday/Thursday beginning February 2015. \*Note, the February and August Meetings have a third day, that will include a Friday. The dates below reflect the upcoming changes.*

- |                         |           |                      |
|-------------------------|-----------|----------------------|
| • April 8-9, 2015       | Salem     |                      |
| • June 10-11, 2015      | Portland  |                      |
| • August 12-14, 2015*   | Portland  | (3 day meeting)      |
| • October 7-8, 2015     | Portland  |                      |
| • November 4-5, 2015    | Corvallis | (Strategic Planning) |
| • December 16-17, 2015  | Portland  |                      |
| • February 10-12, 2016* | Portland  | (3 day meeting)      |
| • April 6-7, 2016       | Portland  |                      |
| • June 8-9, 2016        | Portland  |                      |
| • August 10-12, 2016*   | Portland  | (3 day meeting)      |
| • October 5-6, 2016     | Portland  |                      |
| • November 2-3, 2016    | Corvallis | (Strategic Planning) |
| • December 7-8, 2016    | Portland  |                      |

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### **Rulemaking Hearing Dates**

- May 28, 2015
- November 24, 2015
- May 24, 2016
- November 22, 2016

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## Financial/Budget Report

Executive Director Marc Watt and Administrative Director Karen MacLean provided an overview of the November and December financial reports as well as quarterly comparisons. They indicate that expenditures are still below target expectations and that revenues are currently higher than estimated largely due to an unanticipated civil penalty received in 2014. However, implementing the biennial fees should help absorb some of the excess in revenue.

Executive Director Marc Watt and Administrative Director Karen MacLean stated that the Board's Budget Hearing before the Education Ways and Means Committee is to be held on February 16<sup>th</sup>.

There are a number of policy packages that are being requested including: an IT upgrade, the addition of a dedicated Licensing Supervisor position, increase for IT Services and the continuation of implementing Paperless Records Retention. Board President Ken Wells will also be attending the hearing.

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## Legislative Update

Board President Ken Wells and Executive Director Marc Watt provided an overview on Senate Bill 148-1. Senate Bill 148-1 proposes to change the membership of the Board to add two pharmacy technicians and making the total number of Board members nine rather than seven. The Governor's Office does not support the bill as written. The Board was asked if they were comfortable with the proposed compilation or if they would be more comfortable adding one pharmacy technician and making it an eight member Board or adding one pharmacy technician and one pharmacist to make it a nine member Board. Board members supported the idea of adding a pharmacy technician on to the Board. They thought that the Board would benefit from adding a pharmacy technician to the mix and that a pharmacy technician's input would be valuable. Board Member Ken Wells commented that adding a pharmacy technician to the Board is essential with the complexities evolving in the industry. The Board made in motion to support Senate Bill 148 with amendments to include the addition of one pharmacy technician for the make-up of the Board.

## MOTION

**Motion to support SB 148 with amendments to include one Pharmacy Technician for the make-up of the Oregon Board of Pharmacy membership was made and unanimously carried. (Motion by Chute, second by James).**

Executive Director Marc Watt presented Legislative Concept (LC) 1387 which would make changes to the Prescription Drug Monitoring Program (PDMP). Some of the requirements proposed in this LC include requiring the use of PDMP before opiates are prescribed for chronic non-cancer pain, as well as requiring the use of certain protocols for the dispensing of opiates for chronic non-cancer pain. The LC would not impact pharmacies. However, it would impact prescribers. The author of the concept, Rob Bovett, Legal Counsel for the Association of Oregon Counties is asking the health related licensing Boards to support this concept. Board members were in agreement that PDMP has great data. However, it is not useful if it is not being used. Currently, less than 20% of prescribers are using the program. The Board strongly supported the concept of mandatory usage of the PDMP program for prescribers and dispensers of controlled substances.

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## Topics for Future Discussion

- Pharmacy Security
- How Final Orders are published on the BOP website
- CCO's / Medical Home
- Temporary Pharmacies
- Internship / Preceptors
- Counseling on all Controlled Substance dispensing

The following was added:

- Integration of Patient Safety Commission
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## Strategic Planning Update

Administrative Director Karen MacLean and Pharmacist Consultant Fiona Karbowicz provided an update on the Board's strategic planning initiatives. Strategic planning initiatives include technician licensing, workplace environment, drug shortage/compounding, and non-pharmacy dispensing. Progress made with technician licensing includes a hearing that was held on the technician licensing process, a survey on technician licensing and subsequent rules that were adopted as a result of feedback from licensees. Draft rules have also been prepared to transition technician into biennial licensure in 2016. The Board has conducted proactive outreach to licensees to educate them on the workplace environment rules. A work-group will be convened later this year for discussion on additional rules that may be needed. The Board and staff are continuing to work with the Food and Drug Administration regarding the Drug Quality and Security Act (DQSA) and the Drug Supply Chain Security Act (DSCSA) implementation. There have also been multiple work-group meetings on the compounding rules in Division 045. For non-pharmacy dispensing, several meetings were held with a work-group and a final concept on non-pharmacy dispensing was drafted. Other things that staff have been working on related to strategic priorities include telemedicine, awareness of and rapid response to new technologies, medication reconciliation, a renewed customer service focus, technician duties, auto refills, prescription fraud, medication errors, and succession planning.

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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 – none
2. MPJE Scores – none
3. Pharmacist Consultant
4. Project Manager Report
5. License/Registration Ratification (November 27, 2014-February 10, 2015)
6. Extension Requests - none
7. Approval of Board Meeting Minutes (December 2-3, 2014)

## MOTION

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

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**OPEN FORUM** At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Board President Ken Wells invited any comments from the public.

Paul Leyva from Roadrunner Pharmacy stated that their pharmacy is current on the licensure requirements for out-of-state pharmacies in all 50 states and that they are familiar with the nuances in regulations from state to state. He indicated that their pharmacy is 797 certified by the DEA so that they can produce medications such as Buprenorphine and Diazepam. Paul stated that the Board has limited their pharmacy's ability to bring medications to veterinary clinics because of licensure requirements. He asked that the Board keep in mind the unique medication requirements of the veterinary practice when reviewing or writing regulations relating to compounding. He also asked that when the Board is making laws pertaining to veterinarian's medications needs to keep in mind that they practice differently from humans. He indicated that Tennessee and Virginia have recently exempted veterinarians from certain patient specific rules.

Dennis McAllister suggested that the Board consider hyper linking its mailings for Board meetings so that they are more accessible to the public.

**MOTION**

**Motion to enter Executive Session for the purpose of the Executive Directors performance review per ORS 192.660 at 3:10 PM was made and unanimously carried (Motion by Anderson, second by James).**

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**MOTION**

**Motion to resume Open Session at 4:50 PM was made and unanimously carried (Motion by Anderson, second by James ).**

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**Adjourn**

**MOTION**

**Motion to adjourn at 4:50 PM was made and unanimously carried (Motion by James, second by Fujisaki).**

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**FRIDAY, FEBRUARY 13, 2015**

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

Ken Wells, President  
Penny Reher  
Heather Anderson  
Roberto Linares, Vice President – excused absence

Christine Chute  
Brad Fujisaki  
Kate James

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

Marc Watt, Executive Director  
Karen MacLean, Administrative Director  
Courtney Wilson, Project Manager  
Fiona Karbowicz, Pharmacist Consultant  
Katie Baldwin, Inspector  
Brienne Cooper, Inspector  
Kim Oster, Compliance Assistant  
Rene' Sanders, Licensing Representative  
Devin Emerson, Licensing Representative

Gary Miner, Compliance Director  
Chrisy Hennigan, Office Manager  
Joe Ball, Chief Investigator  
Michele Cale, Inspector  
Laura Elvers, Inspector  
Annette Gearhart, Compliance Secretary  
Michael Hunt, Licensing Representative  
Jennifer Hummel, Licensing Representative  
Bayo Arigbon, Licensing Representative

Tom Cowan, Sr. AAG Board Counsel

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General Administration Continued

### **Appearance**

Natalea Suchy, PharmD, BCACP Clinical Assistant Professor, Oregon State University and Oregon Health Science University College of Pharmacy provided a presentation on cultural competence and health disparities to the Board and all staff members. Her presentation provided information on society and cultural relationships, the effect of culture on health care, health disparity and equity, and health care barriers.

The Board thanked Natalea for her educational presentation.

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### **Rules & Policy Discussion**

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Review Rulemaking Hearing Report – None

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Consider Adoption of Temporary Rules – None

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Send Rules to Rulemaking – None

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Consider Adoption of Rules – None

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### **Rules Policy Issues for Discussion**

Compliance Director Gary Miner explained staff's new process for rule development and progression. He also discussed a new structure that staff will follow for rules that are to be presented to the Board for discussion and consideration.

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### **Division 025 Technician Licensure**

Pharmacist Consultant Fiona Karbowicz presented draft rule amendments to the Division 025 Certified Oregon Pharmacy Technician and Pharmacy Technician rules. The proposed rule

amendments incorporate changes to renew the Certified Oregon Pharmacy Technician license on a biennial basis. The draft rules also reflect amendments to make the Pharmacy Technician license expire the second June 30<sup>th</sup> from the date of issuance. It is proposed that the Pharmacy Technician license would not be valid for more than two years. Staff suggested that the Board consider two potential adoption dates for these rules. One adoption date for amendments to the Pharmacy Technician license and one adoption date for amendments to the Certified Oregon Pharmacy Technician license. The Pharmacy Technician amendments are suggested to be implemented July 1, 2015 and the Certified Oregon Pharmacy Technician amendments are suggested to be implemented Spring 2016.

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### **Division 041 Drug Storage**

Compliance Director Gary Miner and Pharmacist Consultant Fiona Karbowicz presented new draft rules for the proper storage, refrigeration and temperature requirements of drugs, vaccines and biological products. Gary indicated that staff incorporated some of the Centers for Disease Control and Prevention's (CDC) guidelines into the draft rules and worked with the Oregon Health Authority's Immunization Department for additional input. The Board currently has limited rules on the storage of drugs. These rules are intended to serve as minimum standards for drug storage and create a baseline for pharmacies to adhere to.

The Board asked staff to make revisions to some of the language in the draft rules. Staff will make these revisions and the Board will review the updated drug storage rules at its April meeting. The Board believes that these rules will be a great improvement. However, educating pharmacies about the new requirements will be critical.

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### **Division 019 and Division 041 PIC Requirements for Site Attendance**

Compliance Director Gary Miner and Pharmacist Consultant Fiona Karbowicz presented rule amendments in the Division 019 Duties of a Pharmacist-in-Charge and the Division 041 Out-of-State Pharmacies rules. These amendments were drafted after staff received and reviewed accumulated direction from the Board at its December meeting. The Division 019 draft amendments requires the PIC to be practicing onsite a minimum of 20 hours or fifty percent of the pharmacy's operating hours if less than 40 hours per week. Staff drafted two proposals for the Board to review for pharmacists who are designated the PIC of more than one pharmacy. One option establishes requirements for a pharmacist to be designated the PIC for more than one pharmacy. The other option eliminates the allowance of a pharmacist being designated as the PIC for more than one pharmacy. The Board asked staff to report back at the April Board Meeting how many pharmacists are currently designated as the PIC of more than one pharmacy. They also wanted consistency for the appointment of a new PIC for resident and non-resident pharmacies. The Board discussed allowing resident and non-resident pharmacies 90 days to have a new PIC in place.

Draft rule amendments also incorporate a requirement for PICs to ensure that a monthly rather than a quarterly inventory of all Schedule II drugs is correctly completed. The Board discussed requiring a perpetual inventory for controlled substances. The Board asked staff to estimate what the fiscal impact of compliance would be associated with this requirement and report back at the April Board Meeting.

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### **Division 041 Long Term Care**

Pharmacist Consultant Fiona Karbowicz presented new draft rules and rule amendments for long term care. These rules were created in collaboration with the long term care work-group. They establish new definitions and requirements for provider pharmacies, patient's choice of provider pharmacy, satellite pharmacy services, orders and drug distribution, the stocking or restocking of an automated dispensing unit in a facility, packaging, labeling, fully automated filling systems, counseling and med guides, shipping, returns and recalls, and refusal of delivery. Because of the complexities involved in these rules the Board directed staff to reconvene the long term care work-group to prioritize the rules that they would like the Board to consider for potential rulemaking.

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### **Division 110 Fees**

Pharmacist Consultant Fiona Karbowicz presented rule amendments in the Division 110 Fee rules. Amendments reflect changes needed for the Certified Oregon Pharmacy Technician license to be on a biennial fee schedule. Note, it is proposed that the fee will continue to be \$50.00. Draft rule amendments also incorporate changes for the Pharmacy Technician license to expire June 30<sup>th</sup> in even numbered years when this is implemented.

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### **Division 065 Wholesalers**

Pharmacist Consultant Fiona Karbowicz presented rule amendments in the Division 065 Wholesaler rules. The draft rule amendments which are needed to align the Board's rules with the Drug Quality and Security Act (DQSA) had minor changes since the Board reviewed them in October. Staff asked the Board for direction on whether or not they wanted to keep repackaging as strictly a manufacturer function or to also keep it as a wholesaler function. Staff indicated that repackaging has traditionally been a manufacturer function. However, some pharmacies need drugs to be repackaged and sometimes repackaging needs to be done for a dispensing system for a hospital. The Board indicated that if a wholesaler wanted to repackage they would need to provide the Board with an explanation of the functions that they are performing when they apply for licensure. The Board asked staff to update the wholesaler application to reflect this requirement.

Compliance Director Gary Miner summarized a memo that was sent from the National Association of Boards of Pharmacy (NABP) regarding the implementation of the Drug Supply Chain Security Act (DSCSA) in Verified Accredited Wholesale Distributor (VAWD) accredited facilities. The notification memo from NABP identified specific DSCSA related requirements under the Act which apply to VAWD wholesale distributors. This includes product tracing, Authorized Trading Partner requirements, verification requirements, and wholesale distributor licensing and reporting.

Compliance Director Gary Miner also stated that some of the compliance dates for DSCSA have been extended. Additionally, under the Federal law he shared that dispensers will have a six year recordkeeping requirement for transaction history, transaction information, and transaction statements. The Board's recordkeeping requirement is three years. However, dispensers will need to comply with Federal law. Gary stated that a memo will be sent with renewed pharmacy licenses highlighting information related to DSCSA. The Board asked staff to have a local wholesale distributor come to a future Board meeting to discuss how DSCSA affects them and the supply chain.

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### **Division 060 Manufacturers**

Pharmacist Consultant Fiona Karbowicz presented rule amendments in the Division 060 Manufacturer rules. The draft rule amendments are needed to align the Board's rules with the Drug Quality and Security Act (DQSA). These rules had minimal changes since the Board reviewed them in October.

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### **Division 062 Drug Distribution Agents**

Pharmacist Consultant Fiona Karbowicz presented rule amendments in the Division 062 Drug Distribution Agent rules. The draft rule amendments are also needed to align the Board's rules with the Drug Quality and Security Act (DQSA). These rules had minimal changes since the Board reviewed them in October.

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**OPEN FORUM** At the completion of regular Board Business, any Board licensee or member of the public is invited to meet with the Board to discuss issues of interest (typically the last item of the meeting)

Board President Ken Wells invited any comments from the public.

Sally Logan from Kaiser Permanente commented that her organization performs an inventory of their controlled substances every two to four weeks. They do this for a patient safety perspective and to provide them with a quality assessment.

Jackson Leong thanked the Board for forming the long term care work-group. He stated that long term care pharmacies take care of some of the most fragile citizens. Jackson shared that the new rules are good for standardization of care and standardized care. He also indicated that they are helpful for long term care practitioners to reference. Jackson also shared that the Center for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) recently came out with new guidelines on what is considered to be a dangerous drug. They are broken into categories A through C. He stated that Washington broke down the list as it relates to care homes. Jackson indicated there are people practicing in a variety of practice settings and that they should be aware of this list.

Josh Free from Consonus Pharmacy Services and President Elect of the Oregon State Pharmacy Association (OSPA) thanked the Board and staff for the industry outreach on the long term care rules. He stated that the industry is looking for clarity in order to provide the best services to care for a very vulnerable patient population. He also indicated that industry outreach throughout the long term care community will be important when the new rules are adopted.

Brian Egan from Omnicare stated that the new long term care rules will help to build more structure around what they are doing. Being able to reference rules will also be helpful for the pharmacy community when be audited by third parties.

### **MOTION**

**Motion to enter Executive Session pursuant to ORS 676.175 at 12:31 PM was made and unanimously carried (Motion by Anderson, second by Reher).**

### **MOTION**

**Motion to resume Open Session at 12:57 PM was made and unanimously carried (Motion by Fujisaki, second by James).**



**Adjourn**

**MOTION**

**Motion to adjourn at 12:58PM was made and unanimously carried (Motion by Reher, second by Anderson).**

**Accepted by:**

A handwritten signature in black ink, appearing to read "Marcus Watt". The signature is written in a cursive style with a large, stylized "W" and "T".

**Marcus Watt  
Executive Director**

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

Wednesday, February 11, 2015 @ 8:30 AM, Conference Room 1A  
Thursday, February 12, 2015 @ 8:30 AM, Conference Room 1A  
800 NE Oregon Street in Portland, Oregon

**Executive Session of the Board was held on 2/11/2015 to discuss Compliance cases, followed by motions on 2/12/2015. Working lunch held on Wednesday.**

**Board Members present for all or part of compliance session:**

<b>Kenneth Wells, R.Ph., President</b>	<b>Brad Fujisaki, R.Ph.</b>
<b>Roberto Linares, R.Ph., Vice President</b>	<b>Kate James, R.Ph.</b>
<b>Heather Anderson, Public Member</b>	<b>Penny Reher, R.Ph.</b>
<b>Christine Chute, Public Member</b>	

**Board Members absent for all of the compliance session:**

**Roberto Linares, R.Ph., Vice President absent for vote on Thursday.**

**Staff present for all or part of compliance session:**

<b>Gary Miner, R.Ph., Compliance Director</b>	<b>Marcus Watt, R.Ph., Executive Director</b>
<b>Joe Ball, R.Ph., Chief Investigator</b>	<b>Karen MacLean, Administrative Director</b>
<b>Katie Baldwin, R.Ph., Board Inspector</b>	<b>Courtney Wilson, Project Manager</b>
<b>Michele Cale, R.Ph., Board Inspector</b>	<b>Fiona Karbowicz, R.Ph., Pharmacist</b>
<b>Laura Elvers, R.Ph., Board Inspector</b>	<b>Consultant Annette Gearhart, Compliance Secretary</b>
<b>Brianne Cooper, R.Ph., Board Inspector</b>	<b>Devin Emerson, Licensing Representative</b>
	<b>Thomas Cowan, Senior AAG</b>

**Staff absent for all of the compliance session:**

**Kim Oster, Compliance Assistant absent Wednesday during discussions.**

**Motion to grant special request to take the MPJE.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2015-0013 Motion to grant license with 5 year probation with 24 UAs per year.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion carried with Brad Fujisaki recused.**

**Case 2013-0353 Motion to grant request and reduce UAs to 18 per year.**

**Motion by: Brad Fujisaki; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0057 Motion to withdraw Notice issued to Pharmacist-in-Charge; and**

**Case 2014-0058 Motion to withdraw Notice issued to outlet.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2010-0299 Motion to grant early release from probation upon completion of final HPSP requirements.**

**Motion by: Penny Reher; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2012-0241 Motion to deny request for early release from HPSP.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion carried with Brad Fujisaki and Kate James recused.**

**Case 2012-0367 Motion to deny request for early release from HPSP.**

**Motion by: Penny Reher; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0410 Motion to withdraw Notice issued to outlet and issue Deficiency Notice; and**

**Case 2014-0432 Motion to withdraw Notice issued to Pharmacist-in-Charge.**

**Motion by: Brad Fujisaki; Seconded by: Kate James; Motion unanimously carried.**

**Case 2013-0542 Motion to withdraw Notice issued in 2013-0542 and accept proposed Stipulated Consent Order and issue Letter of Concern to Pharmacist.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0039 Motion to accept ALJ Whitaker's Proposed Order and issue Final Order.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0362 Motion to place outlet on 5 year probation and impose \$10,000 civil penalty per violation; and in**

**Case 2014-0517 Motion to place pharmacist on 5 year probation and impose \$1,000 civil penalty per violation; and in**

**Case 2015-0023 Motion to issue Letter of Concern to CPT.**

**Motion by: Penny Reher; Seconded by: Heather Anderson; Motion carried with Brad Fujisaki recused.**

**Case 2014-0189 Motion to revoke outlet license and impose \$10,000 civil penalty per violation; and in**

**Case 2014-0496 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.**

**Motion by: Heather Anderson; Seconded by: Kate James; Motion unanimously carried.**

**Cases 2014-0259; 2015-0088; 2015-0089; 2015-0090; 2015-0091; 2015-0092; 2015-0093; 2015-0094; 2015-0095 and 2015-0096**

**Motion to revoke outlet registrations and impose \$10,000 civil penalty per violation; and in**

**Cases 2015-0097; 2015-0098; 2015-0099; 2015-0100; 2015-0101; 2015-0102; 2015-0103; 2015-0104**

**Motion to revoke pharmacist licenses of Pharmacists-in-Charges; and in**

**Case 2015-0105 Motion to revoke pharmacist license of the Director of Pharmacy Practice.**

**Motion by: Heather Anderson; Seconded by: Christine Chute; Motion unanimously carried.**

**Motion to delete case number 2015-0092 from 2/12/2015 motion.  
Motion by: Kate James; Seconded by: Brad Fujisaki. Motion unanimously carried.**

***[Case numbers 2015-0088; 2015-0089; 2015-0090; 2015-0090; 2015-0093; 2015-0094; 2015-0095; 2015-0096; 2015-0101; 2015-0102; 2015-0103; and 2015-0104 issued in error. Case numbers reassigned to new cases.]***

**Case 2014-0528 Motion to impose \$10,000 civil penalty per violation against outlet; and Letter of Concern to Pharmacist-in-Charge.  
Motion by: Penny Reher; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2013-0376 Motion to issue Letter of Concern to outlet.  
Motion by: Penny Reher; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0271 Motion to impose \$10,000 civil penalty per violation against outlet; and in  
Case 2014-0511 Motion to issue Letter of Concern to pharmacist.  
Motion by: Brad Fujisaki; Seconded by: Kate James; Motion carried with Ken Wells opposed.**

**Case 2014-0474 Motion to impose \$10,000 civil penalty per violation to outlet and letter of concern to Pharmacist-in-Charge.  
Motion by: Heather Anderson; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0471 Motion to suspend pharmacist license.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0394 Motion to revoke pharmacist license and impose \$1,000 civil penalty per violation.  
Motion by: Kate James; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0485 Motion to issue letter of concern recommending 3 hours CE in medication error prevention to pharmacist and Pharmacist-in-Charge; CC: letters to pharmacy.  
Motion by: Brad Fujisaki; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0381 Motion to revoke technician license and impose \$1,000 civil penalty per violation.  
Motion by: Kate James; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0515 Motion to revoke technician license and impose \$1,000 civil penalty per violation; and issue letter of concern to outlet and Pharmacist-in-Charge.  
Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0299 Motion to impose \$1,000 civil penalty per violation against pharmacist; issue letter of concern to technician recommending 3 hours of CE in medication error prevention.**

**Motion by: Brad Fujisaki; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0502 Motion to impose \$10,000 civil penalty per violation against outlet; and in**

**Case 2015-0008 Motion to impose \$1,000 civil penalty per violation against Pharmacist-in-Charge; and**

**Case 2015-0007 Motion to impose \$1,000 civil penalty per violation in Case No. 2015-0007 and impose the \$850 civil penalty stayed in Case No. 2013-0204 against technician.**

**Motion by: Heather Anderson; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2014-0461 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0459 Motion to revoke technician license and impose \$1,000 civil penalty.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0439 Motion to deny technician application and impose \$1,000 civil penalty per violation.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0383 Motion to deny technician license and impose \$1,000 civil penalty per violation.**

**Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0510 Motion to deny technician license.**

**Motion by: Heather Anderson; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0509 Motion to deny technician license.**

**Motion by: Brad Fujisaki; Seconded by: Christine Chute; Motion unanimously carried.**

**Case 2014-0490 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

**Motion by: Penny Reher; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0449 Motion to revoke technician license and impose \$1,000 civil penalty per violation.**

**Motion by: Brad Fujisaki; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0483 Motion to deny pharmacist license.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2015-0004 Motion to grant technician license.**

**Motion by: Heather Anderson; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0524 Motion to deny technician application.  
Motion by: Penny Reher; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2014-0457 Motion to grant technician license.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0438 Motion to grant pharmacist license.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0523 Motion to grant pharmacist license.  
Motion by: Heather Anderson; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2014-0437 Motion to grant technician license.  
Motion by: Penny Reher; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0519 Motion to grant technician license.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0504 Motion to impose \$10,000 Civil Penalty per violation against outlet.  
Motion by: Brad Fujisaki; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0453 Motion to issue Letter of Concern to outlet.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0370 Motion to impose \$10,000 civil penalty per violation against outlets.  
Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0482 Motion to impose \$10,000 civil penalty and grant outlet license.  
Motion by: Christine Chute; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0498 Motion to issue Letter of Concern to technician recommending 3 hours of CE in medication error prevention; and issue letter of concern to Pharmacist-in-Charge and outlet.  
Motion by: Brad Fujisaki; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0503 Motion to issue Letter of Concern recommending 3 hours CE in medication error prevention to pharmacist; CC: letter to outlet and Pharmacist-in-Charge.  
Motion by: Penny Reher; Seconded by: Kate James; Motion unanimously carried.**

**Case 2014-0355 Motion to impose 5 years probation against pharmacist license and impose \$1,000 civil penalty per violation; and issue letter of concern to outlet.  
Motion by: Heather Anderson; Seconded by: Kate James; Motion carried with Brad Fujisaki and Ken Wells opposed.**

**Case 2014-0462 Motion to issue Letter of Concern to pharmacist recommending 3 hours of CE in medication error prevention; and issue letter of concern to Pharmacist-in-Charge,**

**CC: letter to outlet.**

**Motion by: Brad Fujisaki; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0463 Motion to impose \$1,000 civil penalty per violation against technician; issue letter of concern recommending 3 hours CE in medication error prevention to pharmacist; letter of concern to outlet; CC: letters to Pharmacist-in-Charge.**

**Motion by: Penny Reher; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2014-0405 Motion to impose \$1,000 civil penalty per violation against technician; and issue letter of concern recommending 3 hours CE to pharmacist, letter of concern to Pharmacist-in-Charge and CC: outlet.**

**Motion by: Heather Anderson; Seconded by: Penny Reher; Motion unanimously carried.**

**Case 2014-0403 Motion to issue letter of concern recommending 3 hours CE in medication error prevention to pharmacist and technician, CC: letters to pharmacy.**

**Motion by: Christine Chute; Seconded by: Heather Anderson; Motion unanimously carried.**

**Case 2014-0532 Motion to revoke outlet's license and impose \$10,000 civil penalty per violation.**

**Motion by: Heather Anderson; Seconded by: Brad Fujisaki; Motion unanimously carried.**

**Case 2014-0506 Motion to issue letter of unable to substantiate to pharmacist.**

**Motion by: Christine Chute; Seconded by: Heather Anderson; Motion unanimously carried.**

**Motion to accept the items on the consent agenda as published with 2014-0506 pulled for discussion and 2013-0506 pulled for further investigation.**

**Motion by: Brad Fujisaki; Seconded by: Penny Reher; Motion unanimously carried.**

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

**Case: 2014-0478 Pharmacist: Letter of Concern recommending 3 hours CE in medication error prevention and suggesting a double check on all prescriptions.  
Pharmacy: Letter of concern**

**Case: 2014-0451 Pharmacist: Letter of Concern recommending 3 hours CE in medication error prevention.  
P.I.C.: Letter of Concern  
Pharmacy: CC: Letter of concern**

**Case: 2014-0493 P.I.C.: Letter of Concern  
Pharmacy: CC: Letter of concern**

**Case: 2014-0494 Pharmacist: Letter of Concern  
PIC and Pharmacy: CC: letter of concern**

**Case: 2014-0446** Pharmacist: Letter of Concern recommending 3 hours CE in medication error prevention.  
PIC: Letter of Concern recommending 3 hours CE in medication error prevention.  
Pharmacy: CC: Letter of concern.

**Case: 2014-0356** PIC: Letter of Concern recommending 3 hours CE in medication error prevention.  
Pharmacy: CC: Letter of concern.

**Case: 2014-0469** Pharmacy: no action  
Pharmacist: no action

**Case: 2014-0499** Pharmacist and CPT: Letter of Concern (No CE)  
Pharmacy and PIC: CC: Letters of concern.

**Case: 2014-0488** Pharmacist and CPT: Letter of Concern  
Pharmacy and Pharmacist-in-Charge: CC: Letter of concern

**Case: 2014-0501** Pharmacist: Letter of Concern  
Pharmacist-in-Charge and Outlet: CC Letter of Concern

**DEFICIENCY NOTICES:**

Cases 2014-0183; 2014-0319; 2014-0407; 2014-0409; 2014-0422; 2014-0441; 2014-0450; 2014-0452; 2014-0465; 2014-0466; 2014-0473; 2014-0475; 2014-0476; 2014-0484; 2014-0512; 2014-0513; 2014-0516; 2014-0525; and 2014-0530.

**UNABLE TO SUBSTANTIATE:**

Cases: 2013-0470; 2014-0395; 2014-0454 and 2014-0458.

**NO VIOLATION:**

Cases: 2014-0345; 2014-0352; 2014-0393; 2014-0430; 2014-0456 and 2014-0520.

**NO JURISDICTION:**

Case: 2014-0521

**C.E. AUDIT CASES:**

Authority delegated to the Compliance Director by the Board [grant staff authority to issue LOC if CE completed in June. If CE not completed or completed outside of timeframe then: 1. Take and pass MPJE and complete and submit documentation of CE licensee was short within 120 days (in lieu of discipline); or 2. Notice: \$1,500 civil penalty with Order: \$1,500 stay \$1,000 and complete and submit documentation of CE licensee was short.  
Cases: 2014-0455; 2014-0477 and 2014-0531



**CPT C.E. AUDIT CASES:**

Authority delegated to the Compliance Director by the Board [grant staff authority to revoke technician license to all technicians who did not respond to technician audit; and in regards all initial non-response technicians whose CE was unacceptable; and all other technicians that did not fulfill CE requirement in appropriate time period receive letters of concern.]

Case: 2014-0460

**UNSWORN FALSIFICATION:**

By authority delegated to Oregon Board of Pharmacy Staff by the Board, the following applicants and licensees have been issued Notice: Deny (Revoke) with \$1,000; proposed Consent: \$1,000 with \$850 stayed pending no further violations for 3 years and 3 hours of CE in law/ethics.

Case: 2014-0489; 2014-0505; 2014-0507; 2014-0508; 2014-0522; 2015-0017; 2015-0018 and 2015-0019.

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

By authority delegated to Oregon Board of Pharmacy Staff by the Board [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty stay \$700 pending no further violations for three years when PIC Self Inspection Form not completed or not available as required] the following notices with Historical orders have been issued:

Case: 2014-0468

**DENIAL OF APPLICATION ORDERS:**

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

Case: 2015-0020