

BOARD COMPLIANCE MINUTES

**Oregon State Board of Pharmacy
800 NE Oregon Street #150
Portland, OR 97232
April 4, 2006 @ 8:30 a.m.
Linda Howrey, RPh. Presiding**

An Executive Session of the Board to discuss Compliance was held on April 4, 2006 in the Board of Pharmacy Conference Room. Board Members present: Bernie Foster, Lee Howard, Linda Howrey, R.Ph., Cathryn Lew, R.Ph. (arrived at 9:15 am), Blake Rice, R.Ph., Marc Watt, R.Ph. and Ann Zweber, R.Ph.. Staff present: Executive Director Gary Schnabel, Administrative Director Karen MacLean, Project Manager Tony Burt, Consultant Pharmacist Paige Clark, Compliance Director Gary Miner, Board Investigators Joe Ball, Michele Cale, Mike Beck and Judy Van Uden and Compliance Secretary Annette Gearhart. Board Counsel Thomas Cowan also present.

Working lunch.

Blake Rice was present during executive session, but absent during the motions.

Cathryn Lew was present during executive session, but absent during the motions for Case Numbers 2006-0110, 2005-0345, 2005-0480, 2005-0440 and 2005-0441.

BOARD APPEARANCES:

Case: 2006-0110

Motion to deny request for reinstatement of pharmacist license. May reapply for reinstatement no sooner than January 1, 2007. Prior to reapplying, revoked pharmacist is to take and pass the MPJE and earn 3 hours of CE in the area of error reduction in 2006 was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Ann Zweber)

CASE REVIEW:

Case: 2005-0345 & 2005-0480

Motion to revoke drug outlet registration in case 2005-0345; and close case 2005-0480 under investigation was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Lee Howard)

Case: 2005-0440

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Ann Zweber; Seconded by: Marcus Watt)

Case: 2005-0441

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Ann Zweber)

Case: 2005-0442

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Ann Zweber)

Case: 2005-0475

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Ann Zweber; Seconded by: Cathryn Lew.)

Case: 2005-0469

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Lee Howard)

Case: 2005-0481

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Marcus Watt)

Case: 2005-0482

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew)

Case: 2005-0499

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Lee Howard)

Case: 2005-0500

Motion to impose \$1,000 per violation against outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Lee Howard)

Case: 2005-0435

Motion to impose \$1,000 per violation Civil Penalty (23 prescriptions) was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Marcus Watt)

Case: 2006-0015

Motion to revoke pharmacy technician's license and issue Letter of notification to pharmacy was unanimously accepted with Cathryn Lew abstaining due to conflict of interest. (Motion by: Marcus Watt; Seconded by: Ann Zweber)

Case: 2006-0064

Motion to issue a Reprimand to the pharmacist was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Marcus Watt)

Case # 2006-0160: Motion to Revoke technician license was unanimously accepted. (Motion by: Lee Howard; Seconded by: Ann Zweber.)

Case #2006-0162: Motion to suspend pharmacist license for 30 days was unanimously accepted. (Motion by: Lee Howard; Seconded by: Cathryn Lew.)

Case #2005-0361: Motion to revoke pharmacy license was unanimously accepted. (Motion by: Lee Howard; Seconded by: Cathryn Lew.)

Case #2006-0161: Motion to impose \$10,000 civil penalty against pharmacy owner was unanimously accepted. (Motion by: Lee Howard; Seconded by: Ann Zweber.)

Case #2006-0163: Motion to reprimand pharmacy license was unanimously accepted. (Motion by: Lee Howard; Seconded by: Cathryn Lew.)

Case: 2006-0050

Motion to impose \$1,000 civil penalty against outlet; stay civil penalty if QA plan is presented to the Board within 60 days regarding security is approved was unanimously accepted with Ann Zweber abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Lee Howard.)

Case: 2006-0042

Motion to impose \$1,000 per violation against pharmacist-in-charge was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2005-0519

Motion to impose \$3,000 Civil Penalty against pharmacist-in-charge was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Ann Zweber; Seconded by: Cathryn Lew.)

Cases: 2005-0415 and 2005-0520

Motion to impose \$1,000 per violation against outlet in 2005-0415; and \$500 civil penalty against technician in 2005-0520, Letter of notification to corporation was unanimously accepted with Marcus Watt abstaining due to conflict of interest. (Motion by: Ann Zweber; Seconded by: Cathryn Lew.)

Cases: 2005-0464 and 2006-0033

Motion to impose \$1,000 civil penalty per violation against outlet in 2005-0464; and impose \$500 civil penalty against technician in case 2006-0033. Issue Letter of Concern to PIC was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0026

Motion to impose \$1,000 civil penalty against pharmacy and issue Letter of Concern to pharmacist and PIC was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0031

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and CC: pharmacy was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0025

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC and Technician, CC: pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Cases: 2006-0051 and 2006-0126

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty in case 2006-0051. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Motion to impose \$1,000 against pharmacy in case 2006-0051 and issue Letter of Concern to current PIC was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

AMENDMENT: Motion to impose \$1,000 Civil Penalty against pharmacist in case 2006-0126. Motion to impose \$1,000 per violation civil penalty against former PIC in case 2006-0051 and issue Letter of Concern to current PIC was unanimously accepted. (Motion by: Cathryn Lew; Seconded by: Bernie Foster. Marcus Watt and Blake Rice not present for amendment.)

Case: 2006-0062

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC, CC: pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2005-0505

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Letter of Concern to PIC, CC: pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2005-0369

Motion to impose \$1,000 Civil Penalty against pharmacist; *or* earn 3 hours of CE and report error to ISMP within 60 days in lieu of civil penalty. CE is to be in the area of medication error reduction and is not eligible for CE requirements for renewal purposes. Issue Letter of Concern to PIC was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2005-0374

Motion to issue Letter of Concern to technician and pharmacist; CC: PIC and pharmacy was unanimously accepted with Linda Howrey abstaining due to conflict of interest. (Motion by: Cathryn Lew; Seconded by: Ann Zweber.)

Case: 2005-0485

Motion to issue Letter of Concern to outlet was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0014

Motion to issue Letter of Concern to pharmacist and CC: pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0027

Motion to issue Letter of Concern to pharmacist and PIC, CC: pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0029

Motion to issue Letter of Concern to intern, CC: PIC and pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0077

Motion to issue Letter of Concern to PIC was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2006-0039

Motion to issue Letter of Concern to district manager, CC: Letter of Concern to pharmacy was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

ADMINISTRATIVE DISCUSSION:

Case: 2005-0235

Motion to deny request to reconsider proposed discipline and that they should be following their procedures was unanimously passed. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

Case: 2005-0058

Motion to accept the proposed resolution was unanimously accepted. (Motion by: Marcus Watt; Seconded by: Cathryn Lew.)

COMPLIANCE CONSENT AGENDA:

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

Motion to accept the items on the consent agenda was unanimously accepted with Linda Howrey abstaining in case 2005-0419 due to conflict of interest. (Motion by: Marcus Watt; Seconded by: Ann Zweber.) Cathryn Lew not present during motion.

WARNING NOTICES:

Accept all of the following warning notices as deficiencies corrected.

Case: 2005-0419, 2005-0462, 2005-0466, 2005-0467, 2005-0474, 2005-0492, 2005-0493, 2005-0507, 2005-0508, 2005-0511, 2005-0513, 2005-0514, 2006-0002, 2006-0006, 2006-0007, 2006-0008, 2006-0011, 2006-0019, 2006-0022, 2006-0023, 2006-0040, 2006-0043, 2006-0044, 2006-0046, 2006-0047, 2006-0054, 2006-0058, 2006-0059, 2006-0069, 2006-0072, 2006-0076, 2006-0084, 2006-0085, 2006-0096, 2006-0105 and 2006-0119.

UNABLE TO SUBSTANTIATE:

Case: 2005-0436, 2005-0506, 2005-0518, 2006-0010 and 2006-0087.

NO VIOLATION:

Case: 2005-0496, 2005-0504, 2005-0510, 2005-0512, 2006-0013, 2005-0018, 2006-0020, 2006-0032, 2006-0049, 2006-0078 and 2006-0101.

C.E. AUDIT CASES:

Case: 2005-0314 Passed MPJE on: 2/01/2006

Case: 2005-0316 Passed MPJE on: 3/24/2006

Case: 2005-0319 Passed MPJE on: 2/03/2006

“PRODUCT IDENTIFICATION LABEL” CIVIL PENALTY ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on 6/10/2003 and amended on 10/11/2005, [grant staff authority to issue discipline in the form of \$1,000 Civil Penalty if more than 5% sampling of labels is missing the PIL] the following notices with proposed orders have been issued:

Case: 2006-0122

“NO PIC” CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on Jan. 26, 2005 and amended on 8/9/2005 and confirmed on 10/11/2005, [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 civil penalty for first month, additional \$1,000 civil penalty per week thereafter up to \$5,000. (PIC gaps lasting more than two months are to be presented to the Board for discipline.)] the following notices with proposed orders and/or Letters of Concern have been issued:

Case: 2006-0073

“NO PIC” CIVIL PENALTY ORDERS and/or Letters of Concern :

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on Jan. 26, 2005 and amended on 8/9/2005 and confirmed on 10/11/2005, [Grant staff authority to issue discipline in no PIC cases: Five days or less (to allow for holiday weekends) = Letter of Concern; More than five days with no PIC = \$1,000 civil penalty for first month, additional \$1,000 civil penalty per week thereafter up to \$5,000. (PIC gaps lasting more than two months are to be presented to the Board for discipline.)] the following notices with proposed orders and/or Letters of Concern have been issued:

Case 2006-0118

TECHNICIAN LICENSES GRANTED WITH PROBATION:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on October 11, 2005, the following technician licenses have been granted with probation:

Cases: 2006-0079 and 2006-0094

“SHORT COUNT” Letters of Concern :

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

Case: 2006-0114

DEFAULT ORDERS:

By authority delegated to Oregon Board of Pharmacy Staff by the Board Members on August 12, 2004 and confirmed on 10/11/2005, the following default orders have been issued:

Case: 2005-0285 and 2005-0452

NEXT BOARD MEETING:

June 6-7, 2006 – Redmond