

**BOARD MEETING MINUTES**  
**Oregon State Board of Pharmacy**  
**Salbasgeon Suites Hotel & Oregon State College of Pharmacy**  
**1730 NW 9<sup>th</sup> Street & 1601 SW Jefferson Ave.**  
**Corvallis, OR 97330**

**Tuesday, February 7, 2006**

**8:30 a.m. OPEN SESSION, Linda Howrey, RPh. Presiding**

**Roll Call**

The following members were present:

Linda Howrey, President  
Ann Zweber, Vice President  
Cathy Lew, Vice President  
Marcus Watt  
Blake Rice  
Lee Howard  
Bernie Foster

The following staff were present for this session:

Gary Schnabel, Executive Director  
Karen MacLean, Administrative Director  
Thomas Cowan, Assistant Attorney General  
Gary Miner, Compliance Director  
Joe Ball, Chief Inspector  
Mike Beck, Inspector  
Michele Cale, Inspector  
Judy Van Uden, Inspector  
Annette Gearhart, Compliance Secretary

**MOTION**

**Motion to enter into executive session at 8:32 a.m. for review and deliberation of Compliance cases was made and unanimously carried. (Motion by Watt, second by Rice)**

**2:00 p.m. Open Session, called to order by Board President, Linda Howrey**

**MOTION**

**Motion to enter into executive session at 2:03 p.m. for the Executive Directors Performance Evaluation was made and unanimously carried. (Motion by Watt, second by Rice)**

**2:55 p.m. Open Session, called to order by Board President, Linda Howrey**

**MOTION**

**Motion to enter into executive session at 2:56 p.m. for the purpose of compliance deliberation was made and unanimously carried. (Motion by Rice, second by Lew)**

**3:00 p.m. Open Session, called to order by Board President, Linda Howrey**

## **Motions for Disciplinary Action**

See Board Compliance Minutes for case numbers and detailed information.

## **MOTION**

**Motion to accept revised agenda was made and unanimously carried. (Motion by Watt, second by Foster)**

## **Reports:**

Board President/Members:

President Howrey reported she attended an Immunization Practice Advisory Team (IPAT) meeting. The Board advised her that they fully support her representation on the IPAT Committee. President Howrey reported she received a letter from a seventh grader in South Dakota asking her about the Board and her decision to become a pharmacist. President Howrey responded to the letter.

Compliance Director:

Compliance Director Miner is pleased to announce that all pharmacies were inspected in 2005. The focus now is on drug rooms, correctional facilities and county health facilities.

Compliance Director Miner and staff are looking at making rule change recommendations to the Board for the various smaller licensee groups. Current rules are outdated. Executive Director Schnabel gave some history on how the rules were developed and agreed the rules should be updated. Staff will meet with stakeholders to begin the process. Assistant Attorney General, Tom Cowan added that the Board of Medical Examiners and Board of Nursing may have some input as they may be impacted.

The supply of Warning notices has been exhausted and new stock has been ordered and renamed "Deficiency Notice" instead of Warning Notice.

Administrative Director:

Administrative Director MacLean reported the position of Project Manager was filled by Tony Burt. The Pharmacist Consultant recruitment has closed and interviews will be set up for the week of March 6<sup>th</sup> when Executive Director Schnabel will be available. The Inspector recruitment remains open but we'll be interviewing a candidate next week.

The state is requiring all agencies to develop a business continuity plan, which is basically an office disaster plan. Tony Burt will be assisting with the development of the plan.

The Governor's office and DAS Budget and Management have approved the Board's request to move out of the 833 agency group. It's possible a legislative concept will have to be filed to establish the Board as an agency in statute.

We're still settling into our new offices. The April compliance meeting will be held in the office conference room; if it works out, this will become standard practice.

Online renewals are being researched. There was a demonstration by the vendor, but there are still questions about pricing, support issues with Board of Nursing and DAS approval.

Research from the Strategic Planning session in September has begun. Staff is looking at Residence Inn or Kennedy School. If the Board has ideas for a facilitator, please email Tessra with the information.

**MOTION**

**Motion to adjourn the meeting at 3:45 p.m. was made and unanimously carried. (Motion by Foster, second by Rice)**

**Wednesday, February 8, 2006**

**8:30 a.m. OPEN SESSION, Linda Howrey, RPh. Presiding**

**Roll Call**

The following members were present:

- Linda Howrey, President
- Ann Zweber, Vice President
- Cathy Lew, Vice President
- Marcus Watt
- Blake Rice
- Lee Howard
- Bernie Foster

The following staff was present for this session:

- Gary Schnabel, Executive Director
- Karen MacLean, Administrative Director
- Gary Miner, Compliance Director
- Joe Ball, Chief Inspector
- Michele Cale, Inspector
- Judy Van Uden, Inspector
- Tessra Bradshaw, Management Secretary
- Tom Burt, Project Manager\*

\* Tony Burt, our new Project Manager was introduced. Tony comes to us from the Department of Fish and Wildlife where he ran the education programs.

**ISSUES/ACTIVITIES**

**Reports continued:**

Board Counsel:

Christine Chute reported her office has been busy writing rules and fiscal statements for the upcoming filing. She has also been busy with wholesale issues and developing new model rules.

**2006 Board Dates:**

The Board asked staff to research several sites for the strategic planning meeting. The Board discussed moving the strategic planning meeting from September to October in an effort to provide a presence at the OSPA Annual Conference taking place in Salem on September 15-17. The September meeting will be a regular Board meeting with strategic planning taking place in October.

**2007 Proposed Dates:**

Tentatively approved.

- February 6 – 7, 2007                      Corvallis
- April 3 – 4, 2007                            Portland
- June 5 -6, 2007                              Portland
- August 7 – 8, 2007                         Portland

- October 16-17, 2007           Portland
- December 4 – 5, 2007       Portland
- Strategic Planning            TBA\*

**Committees/Meetings:**

Joint Interim Judiciary Committee:

Executive Director Schnabel updated the Committee on the Pseudoephedrine draft rule language. They were advised that, due to language written into the legislatively adopted bill, the effective date on the rules cannot be prior to July 1, 2006. This was surprising and disappointing to the Judiciary Committee.

Pacific University School of Pharmacy:

Executive Director Schnabel met with Dean Rob Rosenow. Rob explained Pacific University was at the “program review” stage in acquiring ACPE approval. Student applications have been approved and on-site reviews will take place in spring for pre-candidate status. Rob reported there have been questions from potential students about achieving candidate status in the ACPE process prior to becoming interns. This question will be researched by Compliance. The school is in the process of accepting 66 students for the fall term. Board members requested staff review rules and make necessary revisions. Where the rule specifically names OSU, change to include all Oregon schools of pharmacy.

Prescription Drug Reporting Program Coalition Meeting:

Executive Director Schnabel briefed the Board on the grant fund status, and advised the Board who was present and that law enforcement representative had been added. Janet Preller, Risk Manager for Corvallis Clinic was an excellent addition and provided much input and background for the coalition. The Coalition wants to present this issue at various medical and dental association meetings. Executive Director Schnabel reported he has received dates and the presentation is being developed. The grant extension expiration is July 31, 2006. If progress is not evident, the grant funds will be withdrawn. Vice President Zweber voiced concern about possible opposition from the Pain Commission. Executive Director Schnabel stated he didn’t believe they would oppose, but they wouldn’t endorse the program either.

MPJE Review:

Compliance Director Miner reported that he and Chief Inspector Joe Ball attended the annual review. They spent three days reviewing 1,600 Oregon law questions and 1,100 new general questions. He recommended the experience, if the opportunity arose for any of the Board members.

Medicare Part D Meeting w/Governor and Michael Levitt:

Executive Director Schnabel was asked by the Governor to be present at the press conference. Michael Levitt reviewed the basics of Part D and explained what the government can and cannot reimburse. Board Member Rice stated he met with his representative, Darlene Hooley, on this topic and the mess it has generated on the local level as well as federally.

The Governor asked Secretary Leavitt to confirm that the federal government would reimburse the state for the money being spent by the state because the federal system is too slow getting started. State money is being spent to reimburse some pharmacists for dispensing Medicare Part D drugs for which federal reimbursement has been delayed because of slow implementation of the program. The Secretary explained that the federal government, under existing Medicare laws, can not reimburse the state for drug's dispensed. However, the feds can reimburse states for expenses related to implementation of the program. If the state is out money for activities related to

implementation, the federal government can reimburse. The Secretary's point seemed to be that state payments to pharmacists for delayed federal reimbursement could conceivably be considered reimbursable "start up" expenses, even though that was not stated outright.

NABP Annual Meeting, April 8 – 11:

Executive Director Schnabel, President Howrey and Board member Rice will be attending this meeting.

Research Councils:

Wholesale Model Rules:

Inspector Cale reported she is in the process of reviewing the model rules with Board Counsel, Christine Chute. Concerns about VAWD Certification and implementation are being discussed. Making sure the Board has adequate statutory authority and that the Board is not delegating regulating responsibilities to other entities are issues being researched. Inspector Cale reported CVS and US Oncology have recently become VAWD Certified.

Remote Dispensing:

No report.

USP 797:

Vice President Lew reported there had been no meetings yet. ASHP will be holding a conference in December in Las Vegas. Rules are being left up to states to determine, with USP offering minimal guidance. The latest USP revisions were made in September but have not yet been released.

Electronic Transmission/Signatures:

Board Member Watt reported that Medicare Part D requires some technology to be in place by June 2007. Contacts have been made to assemble the research council and a meeting will be set up soon. Board Member Watt wants to make sure the Council will have representatives from as many various practice settings as is possible.

Central Fill:

Council Chair Allan Dulwick explained Kaiser's central fill pharmacy, which is currently the only model in use in Oregon. This included tracking mechanisms and safety features explaining that controlled substances are not run through the central fill pharmacy. Dick Prout and Vicky Starr asked the Board about out-of-state central fill pharmacies. The Board had some discussion about the topic, advised them to contact Compliance for information, and asked them to make a formal request to the Board after research was completed.

Medication Therapy Management Service:

No report.

Future Topics:

Practice Models:

No report.

Foreign Importation:

Executive Director Schnabel reported the Governor had received a letter from the U.S. Department of Health and Human Services declining his request to allow the state to import drugs from Canada. There is speculation the Governor will ask the Board to

agree to implement the Pioneer Prescription Drug Program despite the denial of the FDA waiver request.

Position Papers:

The Board complimented Executive Director Schnabel's position paper regarding conscientious objectors. President Howrey stated a topic that may soon require a position paper is access to clean needles/syringes. She has been contacted by DHS regarding youth having access to clean needles. Eugene has a new exchange program that is staffed by a nurse practitioner. The Board discussed the issue and some of the concerns, such as addicts using on the premises and store personnel having to clean up contaminated areas. The Board agreed the topic will need to be addressed soon.

## GENERAL ADMINISTRATION

### Appearance:

**10:15 a.m. - Bill Boyce, Pharmacist Representative, Optometric Non-Topical Formulary Council:**

Bill gave a history of the formulary council and reviewed their objective. The Council met in October 2005 to review the formulary that was last reviewed in 2002. The school trained 340 optometrists in oral and injectable techniques, which includes 23 hours of study including a lab portion. A certificate of completion is given to those who successfully completing training. Currently 58% of optometrists are certified. There has been much debate among the Council whether healthy eye injections are a risk to the recipient (lab portion of training has students doing injections on volunteers with healthy eyes). It is the belief of the Council that injections are not widely used in common practice and concluded this could be an optional area of certification. The Council approved a 2-level certificate due to the concerns and the limited use of injections. Topical Certification includes the injection training; the Advanced Therapeutic Certificate does not. The Board thanked Bill for his presentation and agreed that they would like him to continue to represent the Board for this appointment.

**10:40 a.m. - Mike Mockler, Pharmacist Representative, Board of Naturopathic Formulary**

### Council:

Mike explained the cross over of naturopathy and pharmacy, and the creativity of those individuals involved in naturopathy. He explained naturopathic doctors submit requests with supporting data to the Council for review. The Council meets twice a year, typically in March and September. The Council consists of seven members, two pharmacists, one physician, two naturopathic physicians and two pharmacists with advanced degrees in pharmacology. He reported there were 270 medications on the formulary in 1999; currently there are between 450 and 500. Mike reviewed the handout with the current formulary and explained how some of the medications were approved. The Council is reviewing the Arizona model, which has two formularies. One formulary is available for all naturopaths; it includes the most commonly used medications. A second formulary is available to naturopaths who have completed 60 hours of pharmacology training. This formulary is more extensive. The Board thanked Mike for his presentation and agreed that they would like him to continue to represent the Board for this appointment.

### Discussion Items:

#### Staff Policy Questions:

Compliance Director Miner described the new Walgreens shared services system he had the opportunity to view. In the model, a busy store can electronically image prescriptions to a store that is not busy for data entry. The second store will then send the information back to the originating store for filling and verification. The model is basically "central processing". The Board discussed the model. It was confirmed all pharmacists involved in the model are Oregon licensed and this model is only used in Oregon; there would be no state lines crossed. Compliance has reviewed the

model and it is practicing within current rules. The Board agreed this was acceptable and to send a letter of approval to Walgreens.

**CE Rules:**

John Block asked the Board to clarify the continuing education therapeutic hour requirement. Executive Director Schnabel explained there was a mix-up with the filing of the rule when it was changed in 2004. The Board web site posted incorrect information. The rules on file at the Secretary of States office are correct. As soon as the error was noticed, it was removed. Viewers are now directed to the Secretary of States site for official rule information. Eleven hours of therapeutics is required and will be identified on CE approval forms and will be addressed in-house for CE audits this year.

**Pharmacy Interns:**

Vice President Zweber presented a possible oversight in the rules which allows an intern to renew their license indefinitely. The Board agreed that is not how the rule should be interpreted. The Board discussed different scenarios. It was discussed to possibly create a five year intern license, but any renewal requests would need Board approval. The Board feels an intern should progress in their profession to become a pharmacist not stagnate at the intern level. There was discussion about the amount of communication that should take place between the school of pharmacy and the board office, what information should be shared, but no decision was made.

**Immunization Training:**

Diane Nauman of the College of Pharmacy asked the Board to consider approving a Clinical Applications course. This course is equivalent to the APHA program and follows the CDC's requirements for immunization training. According to OAR 855-041-0500 the course needs approval from the Board, as it was not listed in the syllabus previously approved. The College has 14 students who will be giving immunizations on an outreach mission to Honduras this summer. This will be the only opportunity the students have to obtain certification before the trip. The Board reviewed the syllabus, asked questions, and approved the request.

**MOTION**

**Motion to approve OSU's College of Pharmacy Immunization Program was made and unanimously carried. (Motion by Watt, second by Howard)**

**MOTION**

**Motion to accept the items on the revised consent agenda was made and unanimously carried. (Motion by Rice, second by Watt)**

**Rule Review Update:**

**Pseudoephedrine Rule:**

The Board reviewed the draft rule. Assistant Attorney Christine Chute advised the Board to remember the main concept is what is presented at the hearing for public review and to not to get hung up on exact wording.

**MOTION**

**Motion to send OAR 855-050-0070, 855-080-0022, 855-080-0023, 855-080-0028, 855-080-0065, 855-080-0070, 855-080-0075, 855-080-0095, 855-080-0105 to rulemaking hearing was made and unanimously carried. (Motion by Rice, second by Foster)**

**11:45 a.m. – 1:00 p.m. Faculty Luncheon**

**Rule Review Update continued:**

Tech Rules:

The Board reviewed draft rules of definitions. The definitions were put in alphabetical order, inserting the new definitions. Good cause definition was discussed at some length.

**MOTION**

**Motion to send OAR 855-006-0010 to rulemaking hearing was made and unanimously carried. (Motion by Howard, second by Rice)**

The Board reviewed draft language of OAR 855-025-0010. There was a lengthy discussion about the implementation date and whether it provided enough time for technicians to become certified. The majority of the Board agreed to change the implementation date to October 1, 2008.

**MOTION**

**Motion to send OAR 855-025-0010 to rulemaking hearing after change of implementation date to October 1, 2008 was made, Howard and Rice opposed, all others in favor. (Motion by Zweber, second by Lew)**

All other technician rules were reviewed and discussed.

**MOTION**

**Motion to send OAR 855-025-0001, 855-025-0005, 855-025-0015, 855-025-0020, 855-025-0025, 855-025-0030, 855-025-0035, 855-025-0040, 855-025-0050, 855-025-0060, 855-110-0005 to rulemaking hearing was made and unanimously carried. (Motion by Rice, second by Lew)**

Returned Drugs:

Draft rule was reviewed and discussed.

**MOTION**

**Motion to send OAR 855-041-0080 to rulemaking hearing was made and unanimously carried. (Motion by Watt, second by Howard)**

Immunizations:

Draft rule was reviewed and discussed. The Board requests staff review the rules and make consistent the wording of immunizations replacing vaccination where appropriate. The Board would also like to make sure the Health Division is made aware of changes in statute.

**MOTION**

**Motion to send OAR 855-041-0500, 855-041-0510 and 855-041-0520 to rulemaking hearing was made and unanimously carried. (Motion by Watt, second by Howard)**

CE, Pain Management & Pain Commission Pharmacist member:

Executive Director Schnabel reported that Pharmacist Dan Kennedy had been confirmed as the appointee for the Pain Commission. His appointment was endorsed by the OSPA.

Remote Dispensing:

No report.

Nurse Practitioner Repackaging:

No report.

**Discussion Items continued:****Kaiser "Take Home Pack" Waiver Request:**

Compliance Director Miner explained the waiver request. The Board would like staff to review current rules on the topic and bring research to a follow up meeting.

**Wholesale Model Rules:**

Previously discussed please see Committee/Meeting notes above.

**Tech Education & CE Presentation on Tech Rule Changes:**

Vice President Lew and Zweber explained the PowerPoint presentation they created to educate constituents on the upcoming rule changes. This will be presented at meetings around the state. There is still some editing to be done, but it will be completed for the OSPA meeting on March 3<sup>rd</sup> and repeated at the annual OSPA and OSHP annual meetings.

**Pioneer Prescription Drug Plan:**

Previously discussed; please see Committee Meetings/Foreign Importation above.

**Research Councils:**

Executive Director Schnabel determined a need to create a policy for research councils so they all operate under the same guidelines. He and Administrative Director MacLean created a policy and presented it. The Board approved the policy.

**Pain Management:**

Vice President Lew approached the Board about creating a position paper or posting on the web regarding the new law requiring seven hours of pain management. The Board discussed the topic and would like to express its support of and the importance of pain management. The Board gave staff direction to create a statement for review.

**Public Information:**

Vice President Zweber reviewed the Bend Bulletin editorial in which it is pointed out how the Board of Pharmacy does not disclose the names of disciplined pharmacists. Board Member Howard stated the Board should take a pro-active stance. The Board asked staff to review what other Boards are doing in regards to disclosure, including the Board of Medical Examiners. Administrative Director MacLean pointed out there would be a cost and work load increase if the Board decides compliance decisions need to be posted on the website.

**Budget Report:****Accounting & Budget Update:**

No report.

**Legislation:****2007 Legislative Concepts:****PRN:**

Executive Director Schnabel reported there is some question in the statute whether chemically dependent individuals may seek assistance from PRN without first being evaluated clinically. The Board discussed the possible need for a change in the fee schedule to help offset the cost of the PRN program. Those involved in the program may be charged a fee for the services provided by PRN.

Practice of Pharmacy:

Currently the definition of practice of pharmacy does not include DUR's or counseling. The Board would like to make this a priority.

PDRP:

The Prescription Drug Reporting Program is a priority. This will be supported by the grant funds already secured. Getting legislative backing is necessary.

Housekeeping:

This is a general request to make minor rule changes for clean up purposes.

Chiropractors and Medical Oxygen:

Chiropractors will now have the authority to administer medical oxygen by statute.

Executive Director Schnabel reported he will be submitting a legislative concept "placeholder" for the wholesale model rules which will need legislative support. All legislative concepts are due by April 3<sup>rd</sup>.

Executive Director Schnabel asked the Board if they would consider increasing civil penalties. It was decided that our statutory limitation needed to be increased to enhance our disciplinary options and put us in line with other agencies.

**Open Forum:**

Dean Kradjan thanked the Board for coming to the College for the law class and Board meeting. He thanked Compliance Director Miner for his hard work in reviewing the national test questions and reported the college has been re-accredited.

Executive Director Schnabel thanked Dean Kradjan and his staff for all their hard work preparing for the Board meeting and the wonderful faculty lunch. Schnabel thanked the Dean for supporting and encouraging all the hard work and time Vice President Zweber has put in for the Board and supporting her participation on the Board. She is a valued member.

**MOTION**

**Motion to adjourn the meeting at 3:45 p.m. was made and unanimously carried. (Motion by Foster, second by Rice)**

Minutes accepted by:

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