

**BOARD MEETING MINUTES**  
**Oregon State Board of Pharmacy**  
**The Riverhouse Hotel**  
**3075 N. Hwy 97**  
**Bend, OR 97701**  
**June 6-7, 2006**

<b>Tuesday, June 6, 2006 @ 8:30 a.m., Conference Room</b> <b>Wednesday, June 7, 2006 @ 8:30 a.m., Conference Room</b>
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**Tuesday, June 6, 2006**

**OPEN SESSION, Linda Howrey, R.Ph. Presiding**

Board President Linda Howrey called the meeting to order at 8:30am.

The following Board members were present:

- Linda Howrey, President
- Cathy Lew, Vice President
- Ann Zweber, 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
- Gary Miner, Compliance Director
- Joe Ball, Chief Inspector
- Mike Beck, Inspector
- Michele Cale, Inspector
- Judy Van Uden, Inspector
- Annette Gearhart, Compliance Secretary
- Paige Clark, Pharmacist Consultant
- Tony Burt, Project Manager

Tom Cowan, Board Counsel

**MOTION**

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

**MOTION**

**Motion to enter into Executive Session at 8:30am was made and unanimously carried for the Board to review and deliberation of Compliance cases. (Motion by Lew, second by Foster)**

**MOTION**

**Motion to move out of Executive Session enter into open session at 11:47am was made and unanimously carried. (Motion by Watt, second by Rice)**

After the lunch break, the Board resumed the meeting in Open Session briefly to discuss Marc Watt's request regarding PRN staff support needs. Administrative Director Karen MacLean provided an update on existing staff support and that she is working with PRN Director, Ed Schneider to develop criteria for a part time clerical support position to be included in the 2007-2009 Budget proposal. The Board supports getting some additional help for the PRN Program as the needs are continuing to grow and there is an expected change in the volunteer assistance the program has been receiving.

**MOTION**

**Motion to enter into Executive Session at 1:15pm for review and deliberation of Compliance cases was made and unanimously carried. (Motion by Rice, second by Zweber)**

**MOTION**

**Motion to move out of Executive Session and enter into open session at 3:45pm was made and unanimously carried. (Motion by Watt, second by Rice)**

**MOTION**

**Motion to enter into Executive Session at 3:50pm for the Board to deliberate under ORS 192.690(1) a contested case, was made and unanimously carried . (Motion by Lew, second by Rice)**

**MOTION**

**Motion to move out of Executive Session and move into open session at 4:05pm was made and unanimously. (Motion by Rice, second by Lew)**

**MOTION**

**Motion to resume Executive Session at 4:05pm for the Board to review and deliberate Compliance cases, was made and unanimously carried. (Motion by Lew, second by Rice)**

**MOTION**

**Motion to move out of Executive Session and enter into open session at 4:15pm was made and unanimously carried. (Motion by Rice, second by Lew)**

**OPEN SESSION – PUBLIC MAY ATTEND**

**Motions for Disciplinary Action**

See Board Compliance Minutes attached for detailed information.

**MOTION**

**Motion to adjourn the meeting at 4:20 was made and unanimously carried. (Motion by Lew, second by Rice)**

From 7:00-9:30pm, the Board resumed the meeting for an Open Forum with local Pharmacists' and Pharmacy Technicians. Approximately 25 people were in attendance. The Board shared about recent changes in the Pharmacy Technician and Pseudoephedrine rules. Participants asked questions and the Board responded. The Board was very pleased with the attendance and hopes to do this kind of outreach more around the state.

**Wednesday, June 7, 2006**

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

## **Roll Call**

The following Board members were present:

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

The following member was absent:

Bernie Foster

The following staff were 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  
Annette Gearhart, Compliance Secretary  
Paige Clark, Pharmacist Consultant  
Tony Burt, Project Manager

Tom Cowan, Board Counsel

## **MOTION**

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

8:30am Annual Business Meeting

### Election of New Officers

Nominations for President: Marc Watt and Ann Zweber were nominated for President.

## **MOTION**

**Motion to elect Marcus Watt for President was made and unanimously carried. (Motion by Zweber, second by Lew)**

Discussion ensued about length of Board structure. President, Vice President, etc. There is value in having someone who has been on the Board in these roles.

Nominations for Vice President: Ann Zweber was nominated for Vice President.

## **MOTION**

**Motion to elect Ann Zweber as Vice President was made and unanimously carried. (Motion by Howard, second by Watt)**

### Outgoing Board Member, Blake Rice

The Board gave its thanks to outgoing Board Member, Blake Rice for eight years of dedicated service to the Board. The Board requested that Blake will continue to stay involved.

### Approval of ACPE accredited schools and ACPE Continuing Education Process

The Board reviewed the list of ACPE accredited schools and the ACPE Continuing Education Process and approved both.

### Upcoming Board Appointment

The Governor's office has selected Pharmacist, Dianna Pimlott from Florence to replace Blake on the Board. Dianna will appear on 6/21/2006 before the Senate for a confirmation hearing. She is expected to be present at the August Board meeting in Portland.

### Adopt January 1, 2006 Administrative Law Manual

## **MOTION**

**Motion to adopt *Model Rules of Procedure* effective January 1, 2006 was made and unanimously carried. (Motion by Rice, second by Howard.)**

Board President, Linda Howrey thanked all the Board members, Board Counsel and staff for their support this past year.

The Annual Business Meeting is concluded.

## **ISSUES / ACTIVITIES**

### Reports

#### Board President/Members

President, Linda Howrey attended the Immunization Practices Advisory Team (IPAT) meeting last week. The team is considering proposing legislative concepts to incorporate a registry symbol for children and increase the age from 18 to 23 for voluntary inclusion.

Marc Watt attended the Governor's DUII Advisory Committee. This Committee is considering proposing a legislative concept to add ten non-prescription or other prescription drugs to the list of things for which you can be arrested. There are currently only two things included in statute: alcohol and controlled substances. They are approaching this well and are glad to have a Board Member present. Executive Director, Gary Schnabel added that a couple of years ago, OSPA opposed this kind of language based on criminalizing people if they are using prescribed or over the counter medications for a legitimate medical purpose.

Cathy Lew has had a lot of activities. The May Oregon Pain Commission meeting, there are currently 15 members. New member, Dan Kennedy, R.Ph was present. Gary Schnabel added that there was discussion about 2005 Senate Bill 1093 relating to a Prescription Drug Monitoring Program. Some members of the Commission are resistant to the concept. It may be significant that Commission Chair, Kathy Hahn is going to encourage support of the bill. One of the physicians, Harry Reinhardt, would really like to get the support of the Commission. The biggest lack of support seems to be from the public level.

Cathy also attended the May 23<sup>rd</sup> meeting of the Oregon Society of Pharmacist for Southern Oregon. There was good attendance; however the CE was very poorly done. She's accepted a position on the PTCB Stakeholder Policy Committee. There is meeting next week and she'll report in August. PTCB hopes to have computer testing by late 2006 or by early 2007.

Ann Zweber participated on an Ethics panel for OSU. She was able to clarify a lot of questions about Pharmacists conduct. She also attended a three day conference at the Institute of American Association of Colleges of Pharmacy. It was a good experience.

Blake Rice attended recent meetings of the Douglas County Pharmacists and the Southern Oregon Pharmacist Association (SOPA). The technician and pseudoephedrine rules were major topics. Not all pharmacists knew the 9 gram limit doesn't apply with the new rule. Both were well attended.

#### Compliance Director

Gary Miner reported that 299 inspections have been completed year to date. OSPA wants to go out and do law CE's down the Valley along with Inspector Beck. He wants to keep the meetings small and interactive. Gary is also starting to look at how to rearrange the rules in Division 019 and 041.

Board Counsel – No report.

#### Administrative Director

Karen MacLean reported on current recruitment activities and transitions that impact the Board from a staff perspective. Logistics for the September Board meeting were discussed and final plans were made. She is still waiting for information on the agencies options for online license renewals. The Board of Medical Examiners has requested the possible reappointment of pharmacist Darrel Purkerson to the Physician Assistant Advisory Committee. The Board approved this reappointment if Darrel is still interested in continuing. Marc Watt asked for a brief report from Darrel Punkerson who is the Board's representative with the Board of Medical Examiners. It was also suggested that we should compile a list of appointments to have it included in the newsletter and on the web to encourage professional participation. The Board has been assigned a new Assistant Attorney General, Kyle Martin. The pharmacist renewal cycle is 95.73% completed, there are only 182 second notices that need to be mailed.

PRN Director – No report.

#### Board Dates 2006 – 2007 Board Dates:

- August 8-9, 2006                      Portland
- September 14-15, 2006              Salem
- October 17-18, 2006                Portland                      *Strategic Planning*
- December 5 – 6 , 2006              Portland
- February 6 – 7, 2007                Corvallis
- April 3 – 4, 2007                      Portland
- May 19 – 22, 2007                    Portland                      *NABP Annual Meeting*
- June 5 – 6, 2007                      Portland
- August 7 – 8, 2007                    Portland
- October 3 - 6, 2007                  Ashland                      *NABP District VII/VIII Meeting*
- October 16 -17, 2007                Portland
- December 4 – 5, 2007                Portland
- Strategic Planning                    TBA\*

#### Committees / Meetings

#### NABP Annual Meeting, April 8 – 11, San Francisco

Board Executive Director Gary Schnabel reported that Board Members Howrey and Rice attended. Gary was reappointed to the NABP Executive Committee. He presented the OSU poster on pseudoephedrine and it was very well received. Board Members expressed how valuable it is to have Gary on the Executive Committee and gave their continued support. He's well-known and it gives Oregon a presence at the meetings.

The Board also discussed what level of responsibility, if any is required of the Oregon Board for the 2007 NABP Annual Meeting. Gary Schnabel reported that the Board doesn't have any specific responsibilities, however NABP does host a dinner for the local Board Members to meet with the NABP Executive Committee and senior staff each year. He also asked the Board if they would like to have a past Board Member activity during the NABP Annual meeting. There is some interest and Gary will follow up with a letter to past-members. The Board will be responsible for the 2007 NABP District VII/VIII meeting that will be held in Ashland.

#### Prescription Drug Monitoring Programs Conference, April 12 – 13, Washington DC

Board Member Blake Rice discussed his attendance at the PDMP Conference. Janet Preller of the Corvallis Clinic also attended is a great advocate.

Other PDMP related activities, Board Member Cathy Lew attended the Oregon Coalition meeting on May 16th at the office. Executive Director Gary Schnabel will be on the Board of Nursing's June 22nd agenda to give an update to their Board. Kathy Hahn and one of the Pain Commission public members will also attend. Project Manager, Tony Burt reported that we've been invited to have a booth at the Nurse Practitioner meeting at Sunriver. With some of the grant planning funds, Dr. Jim Marx traveled to Portland from Nevada to present information about PDMP's to the Multnomah County Society of Medical Practitioners. He's on the Board's Advisory Committee in Nevada. The group would like to meet with us again. There are definitely misperceptions about the program. Board Member Rice will continue be actively involved.

#### Oregon Pain Society Meeting, April 11, Eugene

Pharmacist Consultant Paige Clark and Board Member Cathy Lew attended. They also met with Kathy Hahn from the Pain Commission and a student met to work on a position statement.

#### DEA Drug Destruction Meeting, April 25-26, Portland

Executive Director Gary Schnabel talked about this meeting. The interest came about when several northwest states, DEA, DEQ, Medical Examiners, water agencies etc expressed interest in revising practices around drug destruction. Cathy Lew presented at one of the sessions. There is definitely a problem and it is not wholly on the Board to resolve. Current federal rules contribute to challenges on this topic. Marc commented on the reverse distributor's role. There is an interested party group that will continue to meet and work on related concepts. Reverse distribution association that may be able to help.

#### PRN Annual Meeting, April 15, Salem

Executive Director, Gary Schnabel attended the Annual PRN Meeting. He presented a law program. The meeting was well attended.

#### OSHP Meeting, April 28-29, Sunriver

Executive Director, Gary Schnabel and Board Member Cathy Lew spoke at the OSHP Annual meeting. They received lots of questions on technician education requirements. It appears that the Board needs to work with ICPT on some logistics. Board can get a secure connection to verify certified scores. Board Member, Ann Zweber spoke at two meetings for OSPA and

provided an update on proposed changes to the technician education requirements. There was positive feedback.

#### NACDS Pharmacy and Technology Conference, Aug 26-30, San Diego

The National Association of Chain Drug Stores (NACDS) Annual conference is scheduled for August. This is an excellent conference. This year, NACDS will provide a \$200 registration fee for members of Board's to attend. None of the Board members are available to attend, however they would like one of the Compliance staff to attend.

#### NABP District VII/VIII Meeting, Oct 4-7, Anaheim

Along with the Executive Director and Administrative Director, Board Members Cathy Lew and Ann Zweber would like to attend the District meeting in preparation to host the 2007 meeting. The Board approved these travel expenses.

#### NABP Fall Education Conf., Nov 3-4, Savannah, GA

The Board discussed that this is an excellent conference. Board Members Watt and Foster would like to attend. Travel expenses were approved. Executive Director, Gary Schnabel will attend on behalf of the NABP Executive Committee.

#### Research Councils

USP 797. Board Member Lew reported that they have finalized the research council. Included are ten members from a variety of organizations. The comment period is out for revisions until August 15, 2006. The Board does not want another update, rather encouraged them to continue their research.

Board Member Watt had a first meeting. Project Manager Burt did a great job. He didn't have all the representation he would have like. Under the state statute, we have some issues. We may need to get someone to carry a legislative concept into 2007 session.

Former Board Member Allan Dulwick would like to know what more the Board wants to know about central fill. Board Member Lew asked how Rx.com (prescriptions from Texas) works with unpicked up prescriptions in Oregon. What happens to the drugs? How should licensure work, especially relating to out of stock? Central fill as it relates to compounding? Not patient specific IV's? Allan will talk to Joe Ball for other information on the 50 states.

Board Member Howrey reported nothing new. There is not a lot happening. She talked to the Oregon State Pharmacy Association (OSPA) about Collaborative Therapy. They may carry a legislative concept.

Board Member Rice reported that wholesalers had a meeting. See below for Project Manager Tony Burt's report on Wholesale Model Rules.

#### Wholesale Model Rules

Project Manager, Burt, gave an overview of the progress of the Wholesaler Rules Research Council and presented the policy questions on which the Council needed Board direction. The primary issues concerned the requirements and definition for drug pedigrees, the definition of the normal chain of distribution, the new registration requirements and the way to regulate Specialty Wholesalers. The Board discussed the options presented and while there was a common sentiment to write stringent rules employing electronic pedigrees, the board recognized that technology was not at that point yet. They directed staff to proceed with drafting rules based on the Research Council's recommendations as follows.

- Pedigrees would be required for any drugs distributed outside the normal chain of distribution (as defined).
- Pedigrees would show every transaction from the “Authorized Distributor of Record” to the final dispensing pharmacy or other entity.
- Normal chain of distribution was defined to exclude wholesaler-to-wholesaler transactions. An exception will be written for Specialty Wholesalers.
- New registration requirements will require wholesalers to go through a process, acceptable to the Board (such as VAWD).
- A simplified process will be established to accommodate Oregon based Small Businesses.

## GENERAL ADMINISTRATION

### Staff Policy Questions

Compliance Director Gary Miner asked the Board about types of activities such as IV compounding or prepackaging that would be considered manufacturing that would require a manufacturing license.

- Distributing to a sister hospital
- Distributing to other hospitals (patient specific and non-patient specific)
- Distributing to another pharmacy at the same located “campus”

Board had a preliminary discussion on the topic. This could be included in some type of shared service agreement between pharmacies.

The Board had many questions during the discussion such as: when IVs are mixed what would you consider verification by the pharmacist; could this be a visual observation by the pharmacist of what was prepared by the technician, such as an IV bag, the additive bottle used, and a syringe drawn back to the amount injected; and could the pharmacist set-up the necessary drugs and supplies prior to mixing. The Board determined that policies and procedures will define final verification for this activity.

Gary Miner also discussed record keeping, and if the records could be stored offsite. If yes, what would be the time limit that the records must be made available to the Board?

The Board discussed and concluded that the records should be stored onsite for first year and offsite for the remainder of the time and be retrievable within three business days. Tom Cowen will research the wording of the current rule to see if this can be a Board interpretation or a rule change would be in order.

Currently suppliers of drugs for first-aid kits are registered as Non-Prescription Drug Outlets A or B. They appear to be a wholesaler distributing and are not possessing drugs for sale as Non-Prescription drug outlets would. How should we license these distributors? The Board determined that they should continue to be registered as NPA or NPB outlets.

If a licensee does not renew a license and continues to do business or work without renewing, at what time do you want us to start a case? The Board requested that the Compliance staff start cases when the license expires.

Can a clerk open a prescription vial and show the patient the medication to verify contents? Clerk would contact pharmacist if the patient has a question. The Board determined that a limited number of Safeway pharmacies can pilot a program to determine the value of this activity.

The Board discussed general concepts of the Central Fill Model but no decisions were made.

#### Board of Pharmacy Organizational Chart and Staff Roles

Board Executive Director reported on the organizational chart and staff responsibilities.

#### Preceptor/Intern Rotation Ratio & OSU Exception Requests

Board Member Linda Howrey reported on preceptor / intern ratios and Oregon State Universities (OSU) requirements. Board Member Howrey discussed the possible need to look at the ratios for the interns and preceptors. It was determined that the Board needs to be proactive in regards to this issue.

Board Member Zweber offered that perhaps the Board forms a Research Council to work with schools to document preceptor training schedules with rotations. The Research Council should include individuals from Washington state and other stakeholders. The Washington preceptor training manual doesn't meet the Oregon Boards needs. The board needs to assure that the outcomes are met for specific sites. If the preceptor can't meet the outcomes with multiple students, then they should reexamine the number of students they precept each year.

Staff will be meeting with representatives from OSU, and Pacific University on these issues later this month. Board Members Howrey and Zweber will also attend.

### **MOTION**

**Motion to approve OSU request for five preceptors with an intern/preceptor ratio of 2:1 was approved unanimously. (Motion by Zweber, second by Rice)**

#### Sarah Ainsworth – Position on Pharmacists Dispensing

Executive Director Gary Schnabel gave an overview on the latest draft of the position statement regarding pharmacists refusal to dispense certain medications such as birth control. Sarah Ainsworth from Northwest Women's Law Center on behalf of NARAL and Planned Parenthood of Oregon, has made a specific request. Pharmacist Consultant Paige Clark and Gary have worked very closely with NARAL to make the existing position statement more clear. Board Members Lew and Howrey appreciate the revisions that have been made. Board Member Rice also agreed that the revisions are very good

Pharmacist Consultant Clark gave another view. She looked at the national policy which accommodates the professional obligation as well as the individual rights. This supplements what we have.

Sarah Ainsworth from NW Women's Law Center and Christina from Planned Parenthood appreciated our responsiveness. They also stated that our position statement is one of the best in the country regarding this issue.

Board Member Watt spoke on implementation of the position statement. The PIC would be required to establish policy and procedures. Board Member Watt discussed that he doesn't want it to be grounds for discipline if someone goes outside an employer's procedures and policies. The Board agreed. The PIC's procedures are too narrow. If there is a case, regarding a pharmacists refusal to dispense, the Board can review the case at that time and determine if there is unprofessional conduct. Assistant Attorney General Cowen spoke briefly on the topic. This clarification of the Board's expectations is a great service to our licensees.

## **MOTION**

**Motion to adopt the position statement with clarification was approved unanimously. (Motion by Rice, second by Zweber)**

### New Board Member Orientation

Board Member Marc Watt discussed having a new Board Member orientation. Idea was discussed to pair new Board Member Dianna Pimlott with existing Board Member Linda Howrey for a couple of meetings. Dianna should also sit with Ed for an explanation of PRN program. Linda can provide background on major issues as well as an overview on the committees and research councils. Staff will make arrangements for a through orientation.

### Student Based Health Centers

Compliance Director Miner discussed the meetings which have been held with Anne Johnston from DHS School Based Health Centers program, Tracy Klein and Marilyn Hudson from the Board of Nursing. The group was able to agree on the proper procedure for dispensing medications which meets the Board of Pharmacy rules. The Board rules allow dispensing by an RN from a limited formulary. When other practitioners are in the clinic they may dispense medications if they have dispensing privileges granted them by their respective Boards. The misunderstanding was that the Pharmacy Board rule limits the practices within clinics. We were able to establish that the Pharmacy Board rule only gives the authority to dispense to the RN when the RN is the only practitioner in the clinic.

The Compliance staff has been invited to accompany the School Based Health Center staff as they do their certification rounds this fall.

### HIV Alliance Request

Board Member Cathy Lew reported on the mailing and situation. The Alliance would like the Board to support a needle exchange program. The Alliance plans to start doing this in Cottage Grove and Eugene. Board Member Linda Howrey discussed that in a meeting with Ann Shindo, the Department of Health Services has asked to make the program state wide. The Board decided to wait to make a decision on whether to support or not, until more information is available.

### Pain Management Position Statement

Pharmacist Consultant Paige Clark and Board Member Cathy Lew met with Kathy Hahn and students in April to work on drafting a position statement regarding Pain Management. More information to follow.

## **MOTION**

**Motion to approve Pain Management Position Statement with revisions was made and unanimously carried. (Motion by Rice, second by Watt).**

### Hospital Take Home Pack – Dispensing of Emergency Packs

A discussion was lead by Compliance Director Miner on the Abbott Laboratories, et al v. Portland Retail Druggist Association. Under the covered activities the emergency facility patients upon discharge may receive medications from the hospital “own use” inventory for personal use away from the premises providing the “take-home prescription” is interned for a limited and reasonable time, as continuation of or supplemental to, the treatment administered at the hospital.” The Board requested the staff to develop a rule change which would accomplish this activity.

#### Continuing Education, Pain Management

The Board discussed the new legislative requirement for Pain Management continuing education. Board Member Marc Watt challenged the 7 credit requirement as the number is not defined in the statute or rules. Board Member Cathy Lew offered to research what would be a reasonable number of credit hours for pharmacists to complete. The Board also questioned how broad they are going on this topic. Board will discuss topic in depth at the August meeting.

#### Accounting & Budget Update

Administrative Director Karen MacLean gave an update on budget developments for 2007 – 2009. It appears that the Board is right on track for spending with 2005 – 2007 budget limitations.

#### Prescription Drug monitoring Program (PDMP)/Grant & Legislation

Executive Director Gary Schnabel reported that he and Pharmacist Consultant Paige Clark are working with the Pain Commission regarding the PDMP.

#### Legislative Concept Update

Executive Director Gary Schnabel reported that he and Paige Clark will appear before the Senate Interim Public Health Committee later this month at Senator Morrisette's request.

#### Strategic Planning

Administrative Director Karen MacLean reported that the date, location and facilitator are in place for the October Strategic Planning Meeting.

### **OPEN FORUM**

Board Member Marc Watt thanked staff for all their hard work. And acknowledged that there is progress being made on a number of fronts.

### **MOTION**

**Motion to adjourn the meeting at 4:15 was made and unanimously carried. (Motion by Rice, second by Lew)**

Minutes Accepted By:

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