

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112
Oklahoma City, OK 73105-3488

January 23rd, 2002

Call to order:

President Don Coody called the January 23rd, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:00 a.m.

Those present were:

Board members: Don Coody, President
Janis McAllister, Vice-President
Jerry Allen, Member
Robert Summers, Member
Jim Spoon, Member

Tom Dudley was unable to attend this meeting

Board of Pharmacy: Bryan Potter, Executive Director

Guest: Bobby Stem, NACDS
Dedra Classen, Walgreens
Betty Beil, Compliance Officer
Cindy Hamilton, Compliance Officer
Gary LaRue, Compliance Officer

Approval of minutes and claims:

Motion was made by Bob Summers and seconded by Jim Spoon to approve the November 23 & 24th 2001 minutes. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Jim Spoon to approve expense claims #202-291, #2011 & # and the accrued expense claims of the Executive Director. Motion passed on roll call vote.

Board visits with NAPLEX, Reciprocity and Score Transfer applicants:

The Board met with the NAPLEX candidates and held a question and answer session. They congratulated them on their completing their education in pharmacy and wished them well in their careers. The Board then interviewed one Score Transfer and 8 Reciprocities. All were accepted upon passing the Oklahoma Law exam.

Reciprocities:

Jeremy Lee Garrett	TX
Brian Eric Maves	OH
Gordon Leonard Meisgeier	IA
Susan Reed Moore	KY
Amy Jean Parker	MN
John Howard Rose	TX
Theoplous Aron Sims, Jr.	NM
Tamara Lea Springer	TX

Score Transfer:

Barbara Mueller-Newman	NM
------------------------	----

Board sets deadline for special rate for certificates:

The Board set August 1st as the deadline for D.Ph. certificates. At that time, the fee will go to \$50.00.

Board discusses Statutes & Rule changes:

The Board discussed the proposed rule changes. Bobby Stem, with NACDS, was present and made some suggested changes to the technicians being issued a second or a duplicate technician permit. These suggestions were reviewed; some were accepted and some were not. There will be a rule hearing held on February 27th for final review.

Pharmacist reinstatement approved:

Motion was made by Jim Spoon and seconded by Bob Summers to approve the reinstatement request of Chris L. Steenerson, D.Ph. #10521 and Charlotte Gayle Stewart, D.Ph. #10841. Motion passed on roll call vote.

Request from Foreign Pharmacy Graduate, Yogina Patel:

The Board had a request from Foreign Pharmacy Graduate, Yogina Patel. Her intern license had expired and she was still waiting to take the NAPLEX. She was requesting that the Board extend the expiration date on her intern license. Motion was made by Bob Summers and seconded by Jim Spoon to grant Ms. Patels' request. Motion passed on roll call vote.

Barbara Miller-Jordan, dba: Mike's Heritage Park Pharmacy, request for approval for new

pharmacy license:

President Coody called the Board to order at 10:30 am to hear the request of Barbara Miller-Jordan, new owner of Mike's Heritage Park Pharmacy. Ms. Jordan appeared before the Board to ask that they allow her to make application for ownership change of Mike's Heritage Park Pharmacy. Mr. Potter explained to the Board that Ms. Jordan had received ownership of the pharmacy in a divorce settlement. The Board Compliance Officers had interviewed Ms. Jordan on a case against a pharmacist. She had indicated that she had had a drug problem and had attended Valley Hope recovery program. When the application was received, there was a concern of granting a license to a non-professional person that had an impairment problem. Mr. Potter held the approval of the application for the Board to determine.

After some review and interaction with Ms. Jordan, motion was made by Jim Spoon and seconded by Janis McAllister to approve the application on the basis that Ms. Jordan would enter into an agreement with the Board to not enter the pharmacy unless the pharmacist was present and to allow the pharmacy manager to have the only key and alarm code to the pharmacy. Ms. Jordan said she would sign the agreement. Motion passed on roll call vote.

OSBP vs. Bobby G. Watson, Jr., D.Ph. #8954, Case No 614:

The Board was called to order at 11:15 am to hear Case No. 614. Alicia Connally-Lohr, Assistant Attorney General, prosecuted the case. The respondent chose to appear without counsel. The respondent was charged with the following:

1. Filling & refilling prescriptions without authorization.
2. Selling unused quantities of drugs from prescriptions that had been returned to the pharmacy.
3. Bartering prescription samples.
4. Failing to establish and maintain effective controls against diversion of prescription drugs.

Alicia Connally-Lohr presented a possible Agreed Order to the Board. If the Board accepts it, the Respondent would agree to the following terms:

1. Agreed to guilt on all counts.
2. License suspended for 4 years, beginning February 3, 2002.
3. Suspension shall be stayed and placed on probation on February 17, 2002.
4. Agrees to pay fine of \$500 per count for a total of \$2000.
5. Agrees to attend a pharmacy law seminar in 2002 and 2003 in addition to his annual 15 hours of required CE.

Motion was made by Jerry Allen and seconded by Bob Summers to accept the Agreed Order. Motion passed on roll call vote.

Board holds discussion on possible Oklahoma Pharmacist Helping Pharmacist (OPHP) changes:

The Board discussed the funding and the possibility of hiring a director for OPHP. Mr. Potter was instructed to pursue information for legislation to allow OPHP to be funded.

Board recessed for lunch

OSBP vs. Phil Rushing, D.Ph. #9645, Case No 611 & Huskins Drug Store, #67-4209, Case No. 612:

The Board was called to order by President Coody at 1:15 pm to hear the case of Phil Rushing and Huskins Drug Store. Assistant Attorney General, Alicia Connally-Lohr, was the prosecutor for the Board. Mr. Rushing was present with Counsel, Gene Stipe Law Firm.

The Complaints against Mr. Rushing and Huskins Drug Store were presented to the Board for review. Both complaints charged Mr. Rushing as pharmacist and as owner of Huskins Drug with the following 6 counts:

1. Respondent forged 67 prescriptions.
2. Respondent submitted 33 fraudulent billings to a third party payer for a total of \$78,726.99 from a period of January 2000 through July 2001.
3. Respondent allowed a technician to work unsupervised.
4. Respondent substituted drugs on prescriptions without the authority of the prescriber or purchaser.
5. Respondent failed to conduct his business in conformity with all Federal and State laws.
6. Respondent failed to conduct himself in a manner which would entitle him to the respect and confidence of the community in which he practiced.

Alicia Connally-Lohr presented a possible Agreed Order to the Board. If the Board accepts it, the Respondent would agree to the following terms:

1. Respondent stipulates to the guilt on all charges.

As of February 28, 2002:

1. In Case 611, Respondent agrees to revocation of his pharmacist license.
2. In Case 612, Respondent agrees to the Store license being placed on probation for one year. The condition of probation will be a fine of \$200 per count for a total of \$1200.00.

Motion was made by Jerry Allen and seconded by Bob Summers to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Lloyd H. Williams, Jr., D.Ph. #6627, Case No 615:

President Coody called the Board to order to hear the case of Lloyd Williams. Alicia Connally-Lohr, Assistant Attorney General, was prosecutor for the Board. Mr. Williams was present with Counsel Theda Vaughan.

The Respondent had received two warning notices within a 12-month period. After hearing testimony from Compliance Officer, Betty Beil and the Respondent, the Board went into Executive Session. After returning from Executive Session, President Coody called the Board back to order. Motion was made by Bob Summers and seconded by Janis McAllister to find the Respondent guilty. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Janis McAllister to place a letter of Reprimand in the Respondents personal file for a period of 3 months. Motion passed on roll call vote.

Discussion on Reciprocity with Florida:

The Board held a discussion on the possibility of Reciprocating with Florida. Florida wants to start a license transfer program with other states. Their requirements are more stringent. Florida will only accept those persons that have passed the National Exam (NABPLEX or NAPLEX) not more that 12 years prior to filing the Florida application.

The National Association of Boards of Pharmacy (NABP) agreement now allows Reciprocity of licensed pharmacist from a member state to a member state. There are no exceptions such as age or degree, just like requirements at the time the pharmacist was licensed.

Mr. Potter was directed to check into the legality of entering into such an agreement and report back to the Board at the March meeting.

Board recessed until Thursday, January 24, 2002 at 8:30 a.m.

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112
Oklahoma City, OK 73105-3488

January 24th, 2002

Call to order:

President Don Coody called the January 24th, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m. All members of the Board were present with the exception of Tom Dudley.

OSBP vs. Paula Moore, Tech #344, Case No 616:

The Board heard the case of Technician, Paula Moore. Assistant Attorney General, Alicia Connally-Lohr was prosecutor for the Board. The Respondent was not present. It was established that she had been properly notified of the complaint and hearing. The complaint was presented to the Board. The Respondent was charged with the following 3 counts:

1. Theft of Merchandise; Diazepam & Hydrocodone.
2. Possessing CDS without a valid prescription.
3. Failing to conduct business in conformity with all Federal & State laws.

Compliance Officer, Gary LaRue, presented testimony and exhibits were also presented showing respondent admitting guilt to the charges.

Motion was made by Bob Summers and seconded by Janis McAllister that by clear and convincing evidence, the Respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Janis McAllister that the Respondent's pharmacy technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Gavin C. Greer, Tech #5521, Case No 605:

President Coody called the Board to order at 9:00 am to hear the case of Technician, Gavin Greer. Alicia Connally-Lohr was present to prosecute the case. The Respondent was not present, however it was established that he had been properly notified of the complaint and the hearing. The complaint was presented to the Board along with testimony and exhibits from Compliance Officer, Betty Beil. The Respondent was charged with the following 2 counts:

1. Respondent forged a prescription for Lortab 10/500 #25.
2. Respondent intentionally possessed a CDS, which was not obtained directly or pursuant to a valid prescription.

A signed admission of guilt was presented as evidence.

Motion was made by Jim Spoon and seconded by Bob Summers that based on clear and convincing evidence presented, the Board find the Respondent guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to revoke the Respondent technician permit. Motion passed on roll call vote.

Board discusses the salary of the Executive Director:

The Board went into Executive Session to discuss the salary of the Executive Director. President Coody called the Board to order and a motion was made by Jerry Allen and seconded by Janis McAllister to raise the salary of the Executive Director approximately 10%. Motion passed on roll call vote.

President Coody will correspond with the Legislation to implement the raise.

OSBP vs. Craig Hoyt Howell, D.Ph. #12640, Case No 613:

The Board was called to order by President Coody to hear the case of Craig Howell, D.Ph. Alicia Connally-Lohr prosecuted the case. Mr. Howell was present with Counsel, Christy Chapman. The complaint was presented to the Board for review. The Respondent was charged with the following 3 counts:

1. Respondent forged and altered information on 21 prescriptions for himself and other persons.
2. Theft of merchandise while practicing pharmacy.
3. Respondent conducted himself in a manner likely to lower public esteem for the profession of pharmacy.

Alicia Connally-Lohr presented a possible Agreed Order to the Board. If the Board accepts it, the Respondent would agreed to the following terms:

1. Respondent agrees to stipulate to guilt on all counts.
2. Respondent's license would be suspended this date for 5 years until 1/24/2007.
3. The suspension would be stayed as of March 1, 2002 and placed on probation.
4. Respondent will submit to an impaired evaluation. If the evaluation shows an addiction problem, the Respondent would enter into a contract with OPHP. The contract may require inpatient treatment.
5. Respondent agrees to attend a one-day law seminar in 2002 and 2003 in addition to the required 15 hours of CE.
6. Respondent would pay a fine of \$500 per count for a total of \$1500.00.

Motion was made by Jerry Allen and seconded by Jim Spoon to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Mark A. McCullough, D.Ph. #10336, Case No 494-request for probation:

Mark McCullough appeared before the Board at 11:15 a.m. to request that his license be placed on probation. OPHP representative, Kevin Rich, reported that Mr. McCullough had been working very hard for OPHP and was following his contract. The Board asked questions and after a short review, a motion was made by Jim Spoon and seconded by Bob Summers to place the D.Ph. license of Mr. McCullough on probation. Motion passed on roll call vote.

Board adjourned at 12:00 p.m.