

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 29, 2003

Call to order:

President Janis McAllister called the January 29, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:30 a.m.

Those present were:

Board members: Janis McAllister, President
Jerry Allen, Vice President
Thomas F. Dudley, Member
Robert Summers, Member
James O. Spoon, Member
William Earl Osborn, Member

Board of Pharmacy: Bryan Potter, Executive Director

Guest: Barbara Hoberock, of TheTulsa World
Nicole Rogan and Dedra Classen of Walgreens
Phil Woodward of OPHA
Billy Wilson, Sam Leu and Kevin Rich of OPHP
Jennifer Leu, Guest

Approval of minutes and claims:

Motion was made by Bill Osborn and seconded by Bob Summers to approve the November 20th & 21st, 2002 minutes. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Tom Dudley to approve the expense claims #215-#312, #3008-#3011 and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Board meets with Reciprocities, Score Transfer and NAPLEX candidates:

The Board interviewed 5 Reciprocities, 3 Score Transfer, and the NAPLEX candidates. All applicants were accepted upon passing the Oklahoma Law Exam and the NAPLEX.

Reciprocity:

Robert Alan Buganski	OH
John Delano Ford	IL
John James Lowry	NE
Peggy Mott	AR
Kara Marie Workman	IN

Score Transfer:

Beth Ann Lakey	TX
Tera Danielle McConnell	TX
Leslye S. Trachte	FL

Board discusses a "Request for Proposal" for the Peer Review Service with OPHP.

The Board discussed the request for a proposal and the plan to contract with OPHP. The cost would be approximately \$4000 per month. Motion was made by Tom Dudley and seconded by Bill Osborn to allow the staff to proceed with implementing the process. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bob Summers and seconded by Jim Spoon to approve the duplicate license request for Jeremy Duane Davis, D.Ph. #13001. Motion passed on roll call vote.

Board reviews Internal Audit Report:

The Board reviewed the Internal Control Report from Oklahoma State Auditor & Inspector Clifton Scott. Motion was made by Jim Spoon and seconded by Jerry Allen to accept the report. Motion passed on roll call vote.

Board discusses letter from Mary Ann Wagner of NACDS:

Mr. Potter discussed with the Board a letter from Mary Ann Wagner of NACDS regarding the acceptance of Canadian pharmacy school graduates. He stated that the information from ACPE & NABP indicated that a statement was made by ACPE, that the Canadian programs were probably equivalent to the BS programs in the United States but they did not accredit them.

Assistant Attorney General, Grant Moak, indicated that the rules required that the programs be accredited. Providing they are not accredited by ACPE, the Board could not accept them under the present rules. The Board could address this matter at the time that an applicant from Canada applies for licensure in Oklahoma.

Board discusses rule 535:10-9-5:

The Board discussed the Agreement Rule 535:10-9-5. The rule has been sent to the Medical Board and the Osteopathic Board for review.

Discussion on RX Depot in Tulsa:

A discussion was held on the continued operation of RX Depot in Tulsa. The Board had asked them to cease business. They continued to accept prescriptions to be filled in Canada, they held themselves out to be a pharmacy, they had prescriptions filled with non-approved drugs and are importing them into the United States from an unlicensed pharmacy and an unlicensed facility in Tulsa. They also have signage advertising and indicating they could fill prescriptions at a financial savings.

Motion was made by Tom Dudley and seconded by Bill Osborn to instruct the Board Attorney, Assistant Attorney General, Grant Moak, to petition the District Court for an injunction against RX Depot. Motion passed on roll call vote.

Reinstatement request of Joe Porter Keeter, D.Ph. 9464:

Joe Keeter appeared before the Board requesting reinstatement of his pharmacist license. Mr. Keeter's license had been cancelled for non-payment. He had not notified the Board of his new address, which caused him to not receive his renewal. He had already completed the extra 15 hours of Continuing Education and paid the double fee, which is required for reinstatement.

Motion was made by Jerry Allen and seconded by Jim Spoon to reinstate the pharmacist license of Joe Porter Keeter. Motion passed on roll call vote.

OSBP vs. Dale Behnke, D.Ph. #12809 - Case No. 650:

The Board was called to order to hear the case of Dale Behnke. Mr. Behnke was present and chose not to have an attorney. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Gary LaRue testified for the Board. Mr. Behnke had been convicted of a federal drug related felony. After hearing testimony from the State and Mr. Behnke, a motion was made by Bob Summers and seconded by Jim Spoon, that based on clear and convincing evidence presented and Mr. Behnke's admission of guilt, he be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Jim Spoon to suspend Mr. Behnke's pharmacist license. He may request probation after January 28, 2013. Motion passed on roll call vote.

OSBP vs. Harrold Lee Champlin, D.Ph. #10449 - Case No. 651:

President McAllister called the Board to order to hear the case of Harrold Lee Champlin. The respondent chose to appear without counsel. Assistant Attorney General, Grant Moak, was prosecutor for the Board. The Respondent had received two warning notices within a 12-month period.

Motion was made by Bob Summers and seconded by Tom Dudley that because of the Respondent's admission of guilt and that based on clear and convincing evidence that was presented, the Respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Bill Osborn that a letter of reprimand be placed in the Respondents file for 1 year and that the Respondent complete the Continuing

Education "Error Correction Video". Motion passed on roll call vote.

BOARD RECESSED FOR LUNCH

OSBP vs. Shadd W. Atchley, D.Ph. #11972 - Case No. 594:

The Board was called to order by President McAllister to hear the case of Shadd Atchley. Mr. Atchley chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case. An Agreed order was presented to the Board whereby Mr. Atchley admitted guilt and agreed to a fine of \$1000 and the suspension of his license for a period of February 1, 2003 through February 14, 2003. His license would be placed on probation beginning February 15, 2003 until May 30, 2011. He is to continue his contract with OPHP.

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

OSBP vs. Craig Hoyt Howell, D.Ph. #12640 - Case No. 613 - Application to Revoke Probation:

The Board was called to order to hear the case of Craig Hoyt Howell. Mr. Howell was present with Attorney Christy Chapman. Grant Moak, Assistant Attorney General, served as prosecutor. Compliance Officer, Cindy Hamilton and OPHP Representative, Billy Wilson, testified for the Board.

After hearing testimony, a motion was made by Jim Spoon and seconded by Tom Dudley that based on clear and convincing evidence, Mr. Howell's probation be revoked and his license be suspended through February 9, 2003. His license will be placed on probation as of February 10, 2003 until January 24, 2007, providing he abides by his OPHP contract to the letter and his previous order be completed. Motion passed on roll call vote.

OSBP vs. Rudy Rutter, D.Ph. #9090 - Case No. 471- Request for Probation to be Removed:

President McAllister called the Board to order to hear the request of Rudy Rutter on Case No. 471. Mr. Rutter chose to appear without counsel. His order, from his previous case, would allow him to request that his suspension and probation be lifted after July 27, 2000.

Motion was made by Tom Dudley and seconded by Bob Summers to lift the restrictions of Case No. 471 on the license of Rudy Rutter. Motion passed on roll call vote.

Jane Nowlin of Platt College and Danny Lane of Community Care College appear before Board:

The Board and the staff were informed of the pharmacy technician programs of Platt College in Oklahoma City and in Tulsa and the Community Care College of Tulsa. Danny Lane was present representing the Community Care College and Jane Nowlin of Oklahoma City and a few staff members from Tulsa were present for Platt College. They described the two programs and answered questions from the Board. President McAllister and the Board thanked them for the information on their programs.

OSBP vs. DiGi Field, D.Ph. #11846 - Case No. 645:

The Board heard a motion from Attorney Larry Derryberry to drop the case of DiGi Field, which was scheduled for the next day. Assistant Attorney General, Grant Moak suggested a continuance. Mr. Derryberry stated that to drop the case without prejudice would allow the State to file another case after further investigation. Mr. Moak stated he would not object to dropping the case without prejudice.

Motion was made by Tom Dudley and seconded by Bill Osborn to drop the case of DiGi Field without prejudice. Motion passed on roll call vote.

Board adjourned at 6:50 p.m. until the Thursday morning at 8:15 a.m.

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112
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January 30, 2003

Call to order:

President Janis McAllister called the January 30, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:15 a.m.

Those present were:

Board members: Janis McAllister, President
Jerry Allen, Vice President
Thomas F. Dudley, Member
Robert Summers, Member
James O. Spoon, Member
William Earl Osborn, Member

Board of Pharmacy: Bryan Potter, Executive Director

Guest: Billy Wilson, Mike Russell, Lance Lanier and Kevin Rich of OPHP

Consideration of Complaints:

Compliance Officer, Cindy Hamilton presented the Board with 4 Pharmacist and 2 Technicians for possible cases. Motion was made by Jerry Allen and seconded by Tom Dudley to hear the cases. Motion passed on roll call vote.

OSBP vs. William Newton Cornwell, D.Ph. #9322 - Case No. 652:

The Board was called to order by President McAllister to hear the case of William Newton Cornwell. Mr. Cornwell chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case. Compliance Officer, Gary LaRue, testified for the Board. Mr. Cornwell had filled two prescriptions wrong and had received warning notices on both within a 12-month period. Testimony indicated that both mistakes should have been caught and the physician should have been called.

Motion was made by Tom Dudley and seconded by Bill Osborn that Mr. Cornwell be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jim Spoon that Mr. Cornwell be fined \$500 and that he complete the Error Correction Video. A letter of reprimand is to be placed in his file for a period of one year. Motion passed on roll call vote.

OSBP vs. Miral H. Parker, D.Ph. #8619 - Case No. 653:

President McAllister called the Board to order to hear the case of Miral Parker. Mr. Parker chose to appear without counsel. Assistant Attorney General, Grant Moak, was prosecutor for the Board. Mr. Parker had filled 4 CII prescriptions that did not have the physician's signature. An Agreed Order was presented to the Board for their review. Mr. Parker admitted guilt on two counts. He agreed to pay a fine of \$1000.00 and attend a law seminar in the year of 2003 in addition to the required 15 hours of CE.

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

OSBP vs. Lawrence L. Lofstrom, D.Ph. #9588 - Case No. 655:

The Board was called to order by President McAllister to hear the case of Lawrence L. Lofstrom. Mr. Lofstrom chose to appear without counsel. Compliance Officer, Betty Beil and Med-X Director of Pharmacy, Jason Cuaderes testified for the Board. Grant Moak, Assistant Attorney

General prosecuted for the State. Mr. Lofstrom had forged, increased the quantity and filled the prescriptions for himself. In one month, before leaving the employment of Med-X, he had filled prescriptions for over 1400 generic Ultram and generic Fioricet and 360 generic Robaxin.

The Board heard testimony from Mr. Lofstrom and the witnesses for the Board. Motion was made by Tom Dudley and seconded by Bill Osborn that based on clear and convincing evidence presented that Mr. Lofstrom be found guilty on six of the seven counts. The Board did not find guilt on Count V. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Tom Dudley that Mr. Lofstrom's license be suspended for 10 years until January 30, 2013. He is to be fined \$1000.00 per count for a total of \$6000.00. His license will be placed on probation as of March 1, 2003 providing that he enter into a contract with OPHP and be evaluated. He will remain on probation providing that he does not violate any federal or state laws regarding pharmacy and that he abides with his OPHP contract. Motion passed on roll call vote.

OSBP vs. Charles K. Schmid, D.Ph. #11157 - Case No. 630- Request Regarding Restrictions on License:

Charles K. Schmid appeared before the Board requesting that certain restrictions that were placed on his license be removed. The restriction was that he could not handle CDS drugs while working as a pharmacist. After testimony was presented, a motion was made by Bob Summers and seconded by Bill Osborn that the restriction of not being allowed to work with CDS be lifted. Motion passed on roll call vote.

OSBP vs. Ronald D. Barrett, D.Ph. #8193 - Case No. 657:

President McAllister called the Board to order to hear the case of Ronald Barrett. Mr. Barrett chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case. Mr. Barrett had self-medicated with Hydrocodone while working as a pharmacist.

An Agreed Order was presented to the Board for their review. Mr. Barrett admitted guilt to all 6 counts. His license is suspended for a period of 10 years until January 30, 2013. The suspension is stayed and his license is placed on probation providing that he does the following: Mr. Barrett is to enter into a contract with OPHP and abide with that contract. He is to pay a fine of \$500.00 on Count 1 and \$100.00 per count on the remaining 5 counts for a total of \$1000.00. He is to attend a one-day law seminar in the year 2003 in addition to the required 15 hours of CE.

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

OSBP vs. Mary Thacker, D.Ph. #10221 - Case No. 659:

President McAllister called the Board to order to hear the case of Mary Thacker. Ms. Thacker chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case. An Agreed Order was presented to the Board for their review.

Ms. Thacker had taken generic Fioricet while working as a pharmacist. Ms. Thacker admitted guilt to all counts. Her license is suspended for a period of 10 years until January 30, 2013. The suspension is stayed and her license is placed on probation providing that she does the following: Ms. Thacker is to enter into a contract with OPHP and abide with that contract. She is to pay a fine of \$500.00. She is to attend a one-day law seminar in the year 2003 in addition to the required 15 hours of CE.

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

Charles Duhon, D.Ph. #11432 appears before the Board:

Charles Duhon had asked to appear before the Board to discuss a problem for working pharmacists. Mr. Duhon is from Tulsa and works in a pharmacy there. His observations were that the Pharmacy Boards had not addressed the need for sufficient staffing for pharmacies. Some of the points presented by Mr. Duhon were that the Board requires certain reference books, certain equipment such as balances, certain tools are expected such as computers, counting trays, etc., and the Board requires a pharmacist. What the Board does not require is Support Personnel such as clerks or cashiers, technicians or a technician pool for a backup if someone calls in sick. Mr. Duhon stated that a number of pharmacies hire technicians to help the pharmacist, but do not have a back up if that tech is sick. There are no Technician relief groups.

Mr. Duhon pointed out that Pharmacy is a profession and should be allowed to work as a

professional. He said that you wouldn't see a physician collecting the money from the front, answering the ringing phone or trying to explain to a patient that their insurance won't cover a particular service while at the same time doing a physical examination of another patient.

Mr. Duhon stated that he was not criticizing any group of pharmacies or the Board. He was there to offer a suggestion that the Board consider passing rules to help protect the public from pharmacist that are placed in a stressful situation by not having enough support personnel.

President McAllister thanked Mr. Duhon for a wonderful presentation. He had put a lot of thought and time into it. She indicated that she would probably be calling on him for committee work in the future to work on the possibility of promulgating rules.

Board adjourned at 1:30 p.m.