

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 21, 2004

Call to order:

President Jerry Allen called the January 21, 2004 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order.

Those present were:

Board members: Jerry Allen, President
Jim Spoon, Vice-President
Janis McAllister, Member
Gordon Richards, Member
Dr. Diana Hampton, Member

****Mr. Osborn was unable to attend this meeting due to a business conflict****

Board of Pharmacy: Bryan Potter, Executive Director
Betty Beil, Compliance Officer
Cindy Hamilton, Compliance Officer
Gary LaRue, Compliance Officer
Terry Bratt, Pharmacy Inspector

Guests Dedra A. Classen, Walgreens
Tien Mai, Intern with Walgreens
Mark Nguyen, Intern with OU
Bruce Stephens, Intern with OU
Sarah Coley, Intern with OU
John Rodden, Intern with OU

Approval of minutes and claims:

Motion was made by Janis McAllister and seconded by Gordon Richards to approve the minutes of the November 19, 2003 minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Janis McAllister to approve the expense claims #11-#116 and #4011-#4015. Motion passed on roll call vote.

Motion was made by Janis McAllister and seconded by Gordon Richards to approve the expense claims of the Executive Director. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Diana Hampton and seconded by Gordon Richards to approve the duplicate D.Ph. certificate request for Michelle Lee Taylor, D.Ph. #13056 and Jerry D. Balentine, D.Ph. #7010. Motion passed on roll call vote.

Approval of reinstatement request for 2 pharmacists:

Motion was made by Gordon Richards and seconded by Janis McAllister to approve the reinstatement request for William Blake Parsons, D.Ph. #9223. Motion passed on roll call vote. Please note that the reinstatement request of Stephen Paul Nicholas, D.Ph. #11307 was approved at the November 2003 meeting.

Board discusses letter from Bobby Bledsoe concerning Case No. 519:

A discussion was held concerning a request from Bobby Bledsoe about a previous case against him. It was decided that the original Final Order would have to be followed. President Allen directed the staff to advise Mr. Bledsoe of their decision.

Board discusses letter from Jane West, Pharmacy Manager for Stillwater Community Health Center:

A discussion was held concerning the request from Stillwater Community Health Center to allow Technicians to work without a pharmacist present. The Board determined that this would be a violation of Statutes and the Board could not pass a rule that would override a Statute. The staff was directed to inform Ms. West of their decision.

Board discusses NABP convention:

The Board discussed the upcoming NABP convention and members were asked to notify Mr. Potter of their intentions on attending as soon as possible. Mr. Allen, Ms. McAllister and Mr. Richards are all planning to attend.

Board visits with 3 Reciprocity applicants:

The Board interviewed 3 Reciprocities applicants. All were accepted upon passing the Oklahoma Law exam.

Reciprocities:

Whitney Carol Baroni	MA
Almara Derian	NV
Farzaned Khorramdel	TX

OSBP vs. Kathleen T. Wedge, Technician #5584, Case No 692:

The Board was called to order by President Allen to hear the case of Kathleen Wedge. Ms. Wedge chose to appear without counsel. Her ex-husband and daughter-in-law were present with her. Grant Moak, Assistant Attorney General prosecuted the case. Compliance Officer, Gary LaRue and Kerry Russi, D.Ph. testified for the Board.

Ms. Wedge had assisted Mr. Russi in filling unauthorized prescriptions in the pharmacy where they worked and then sharing the medication.

Motion was made by Jim Spoon and seconded by Diana Hampton that based on the clear and convincing evidence presented the respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jim Spoon that the technician permit of Kathleen Wedge be revoked. Motion passed on roll call vote.

OSBP vs. Barry Edward Craig, D.Ph. #11238, Case No 590-A, revoke probation:

The Board was called to order to hear the case of Barry Craig. Mr. Craig chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Cindy Hamilton and OPHP President, Kevin Rich testified for the Board.

Motion was made by Gordon Richards and seconded by Jim Spoon that based on the clear and convincing evidence that was presented, Mr. Craig be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Janis McAllister that the probation on Mr. Craig's license be revoked and that his license be placed on suspension until March 28, 2011. He may ask for probation after 2 years of sobriety and strict compliance with his OPHP contract. Motion passed on roll call vote.

OSBP vs. Shadd Warren Atchley, D.Ph. #11972, Case No 594-A, revoke probation:

President Allen called the Board to order to hear the case of Shadd Atchley. Mr. Atchley was present with Counsel, Stanley Ward. Assistant Attorney General, Grant Moak prosecuted the case. The case was a motion to revoke probation. The Board was presented with an Agreed Order, which would place Mr. Atchley's license on suspension until May 21, 2011. He may petition the Board after one year of sobriety and compliance with his OPHP contract.

Motion was made by Janis McAllister and seconded by Gordon Richards to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Merle E. Short, D.Ph. #7530, Case No 694:

President Allen called the meeting to order to hear the case of Merle Short. Mr. Short chose to appear without counsel. His brother, Ricky Short was present. Grant Moak, Assistant Attorney General, prosecuted the case. President Allen recused himself from the hearing. Vice-President, Jim Spoon, chaired the hearing. Compliance Officer, Betty Beil testified as well as Mr. Short.

Motion was made by Janis McAllister and seconded by Diana Hampton that based on clear and

convincing evidence presented, the respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Janis McAllister to suspend Mr. Short's license for a period of 5 years. Upon completing his deferred sentence of 3 years and showing one year of continuous sobriety by maintaining a contract with OPHP, Mr. Short may apply for probation. Motion passed on roll call vote.

The Board had lunch brought in and recessed for 25 minutes.

OSBP vs. Phillip M. Perot, D.Ph. #9982, Case No 695:

The Board was called to order to hear the case of Phillip Perot. Mr. Perot chose to appear without counsel. Grant Moak, Assistant Attorney General, presented the case to the Board.

Jay Spahr, Loss Prevention with Walgreens, testified as to his investigation of Mr. Perot. After hearing testimony and questions, a motion was made by Diana Hampton and seconded by Janis McAllister that based on the clear and convincing evidence presented, Mr. Perot be found guilty on all 9 counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jim Spoon that Mr. Perot's license be suspended for a period of 10 years, until January 20, 2014. He is to pay a fine of \$500 per count for a total of \$4500.00. He is to attend a one-day law seminar in 2004 & 2005 in addition to the required CE. Mr. Perot is to enter into and abide by an OPHP contract and after January 20, 2006, Mr. Perot may appear before the Board to request that his license be placed on probation. Motion passed on roll call vote.

OSBP vs. Robert C. Lacy, D.Ph. #13193, Case No 696:

President Allen called the Board to order to hear the case of Robert Lacy. Mr. Lacy chose to appear without counsel. Pharmacy Inspector, Terry Bratt testified as well as Mr. Lacy. An audit had been made in the pharmacy where Mr. Lacy was the pharmacy manager. There was an indication of improper record keeping (short and long).

Motion was made by Gordon Richards and seconded by Janis McAllister that based on clear and convincing evidence presented, Mr. Lacy be found guilty on Counts I, III & IV. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Diana Hampton that Mr. Lacy be fined \$250.00 per count for a total of \$750.00 and that he attend a one-day law seminar in 2004 & 2005 in addition to the required CE. The staff is to do an audit of the pharmacy in which Mr. Lacy is currently employed. Motion passed on roll call vote.

OSBP vs. Don A. Bernhardt, D.Ph. #12437, Case No 697:

The Board was called to order to hear the case of Don Bernhardt. Mr. Bernhardt chose to appear without counsel. Mr. Bernhardt's mother was present. Assistant Attorney General, Grant Moak, presented the case.

Motion was made by Diana Hampton and seconded by Jim Spoon that based on clear and convincing evidence presented, Mr. Bernhardt be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Janis McAllister to revoke Mr. Bernhardt's license. Motion passed on roll call vote.

OSBP vs. Kara A. Green, Technician #3914, Case No 687:

The case of Kara A. Green was continued until the next Board meeting.

OSBP vs. Tracy Guthrie, Technician #6638, Case No 698:

The case of Tracy Guthrie was continued until the next Board meeting.

OSBP vs. DiGi Biddle, D.Ph. #11846, Case No 683:

The case of DiGi Biddle was continued until the next Board meeting.

Board adjourned at 4:30 p.m.