

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 19, 2005

Call to order:

President Jim Spoon called the January 19, 2005 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

Board members: James O. Spoon, President
William Earl Osborn, Vice President
Gordon Richards, Jr., Member
Diana Hampton, Member
John Lassiter, Member

Jerry Allen was unable to attend this meeting due to family illness.

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

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Gordon Richards to approve the November 17, 2004 minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Bill Osorn to approve the expense claims #524-#597, #H862-#H863, #H1038-#H1039, November, December payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Board discusses NAPLEX application for Brenda Bennally:

The Board received a request and an application from Brenda Bennally requesting that she be approved to sit for the NAPLEX.

After reviewing and discussing her application, a motion was made by Bill Osborn and seconded by Diana Hampton to allow Ms. Bennally to sit for the exam. Motion passed on roll call vote.

Board discusses e-mail received by Bill Arrington of Stillwater Medical Center Pharmacy:

The Board discussed a request by Stillwater Medical Center Pharmacy to use an Instymeds for outpatient prescriptions. The Board denied the request due to the fact that it would be a violation of the statutes.

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Board discusses the statutory authority of the Board to set the Executive Directors salary:

Assistant Attorney General, Grant Moak, reviewed his findings regarding the Board's ability to set the salary of the Executive Director. His findings were that they may set the salary as long as it is not above the limit that the legislators set each year.

The Board's concern is that with the new guidelines set in the last session, this will not allow them to hire a pharmacist as a new Director when Mr. Potter retires. Mr. Spoon and Mr. Richards are planning to visit the leaders in the House and Senate.

OSBP vs. Kim Wesley, Technician #4070, Case No. 731:

The case of Kim Wesley was continued until the next Board meeting.

OSBP vs. Ryan Sellers, Technician #4339, Case No. 732:

President Spoon called the Board to order to hear the case of Ryan Sellers. Assistant Attorney General, Grant Moak, prosecuted for the Board. Mr. Sellers was not present but it had been determined that he had been properly notified. Compliance Officer, Gary LaRue, testified for the Board.

Mr. Sellers had tested positive for Marijuana and Methamphetamine on a drug test by his pharmacy employer.

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

Motion was made by John Lassiter and seconded by Diana Hampton to permanently revoke the technician permit of Ryan Sellers. Motion passed on roll call vote.

Board meets with Reciprocity, Score Transfer and NAPLEX candidates:

The Board interviewed 7 Reciprocity, 1 Score Transfer and 1 NAPLEX candidate. All will be accepted after passing the necessary exams.

Reciprocity:

Jennifer Michelle Barker ID
Cheryl Gaye McCulloch TX
Donald Loch McCulloch TX
Susan Lynn Mucci TX
Brandon Lee Taylor NC
Nancy Toedter Williams IL
Mark William Webb TX

Score Transfer:

Alessandra Anne Palank WI

NAPLEX:

Susan Hunter

OSBP vs. Mary Jane Watson, D.Ph. #7657, Case No. 721:

The case of Mary Jane Watson was continued until the next Board meeting.

OSBP vs. Richard L. Abel, D.Ph. #7465, Case No. 739:

The Board was called to order by President Spoon to hear the case of Richard L. Abel. Mr. Abel chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board and Compliance Officer, Cindy Hamilton testified.

Mr. Abel had admitted to taking drugs from the prison pharmacy in El Reno while he was the Pharmacist in Charge.

After a presentation of evidence and testimony, a motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence that was presented, Mr. Abel be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards to suspend Mr. Abel's license for a period of 5 years. He may request to appear before the Board to request probation after 1 year providing that he has been evaluated by OPHP and has entered into and abides by their agreement. He is required to appear before the Board to request that the suspension be lifted at the end of the 5 years, January 19, 2010. Motion passed on roll call vote.

OSBP vs. Bill Balfour-Grice, D.Ph. #10306, Case No. 591A-revoke probation:

President Spoon called the meeting to order to hear the case of Bill Balfour - Grice. The Respondent chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted for the Board and Compliance Officer, Cindy Hamilton, and OPHP Director, Tandi Reheis, also testified for the Board.

After hearing evidence and the testimony presented, a motion was made by Diana Hampton and seconded by Gordon Richards to find the Respondent guilty on all 3 counts. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Diana Hampton to revoke the probation of the Respondent for a period of 30 days and fine him \$500 per count for a total of \$1500. His license will be placed on probation February 20, 2005. Motion passed on roll call vote.

Board recessed for lunch

OSBP vs. G. Geoffrey Craig, D.Ph. #8755, Case No. 646B:

The case of G. Geoffrey Craig was continued until the next Board meeting.

OSBP vs. Darel Gene Collins, D.Ph. #9721, Case No. 738:

The case of Darel Gene Collins was continued until the next Board meeting.

OSBP vs. Wes Kifer, D.Ph. #9140, Case No. 733:

The Board was called to order at 2:00 p.m. to hear the case of Wes Kifer. Bill Osborn was excused to attend another meeting. All other Board members were present. Mr. Kifer chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board. Mr. Kifer had been issued 2 warning notices within a 1-year period.

Motion was made by John Lassiter and seconded by Gordon Richards to find Mr. Kifer guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter to place a letter of reprimand in Mr. Kifer's file for 1 year and he will be required to attend a 1 day Law Seminar in addition to the required 15 hours of CE during 2005. Motion passed on roll call vote.

OSBP vs. Alfred Jackson, D.Ph. #9967, Case No. 734:

The Board was called to order to hear the case of Alfred Jackson. Mr. Jackson chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board. Mr. Jackson had been issued 2 warning notices within a 1-year period.

Motion was made by Diana Hampton and seconded by Gordon Richards to find Mr. Jackson guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton to place a letter of reprimand in Mr. Jackson's file for 1 year and he will be required to attend a 1 day Law Seminar in addition to the required 15 hours of CE during 2005. Motion passed on roll call vote.

OSBP vs. Stephen Paul Nicholas, D.Ph. #11307, Case No. 643B-requesting probation:

The Board was called to order to hear the request for probation from Stephen Nicholas. After hearing testimony from OPHP representatives and testimony from Mr. Nicholas, a motion was made by John Lassiter and seconded by Gordon Richards to place the pharmacist license of Mr. Nicholas on probation providing that he work under the supervision of another pharmacist for the first 160 hours. He is to continue his contract with OPHP for the remainder of his probation. Motion passed on roll call vote.

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

The Board was called to order to hear the request for probation from Shadd Atchley. After hearing testimony from OPHP representatives and testimony from Mr. Atchley, a motion was made by Diana Hampton and seconded by John Lassiter to place the pharmacist license of Mr. Atchley on probation. Mr. Atchley must work under the supervision of another pharmacist for the first 160 hours. He is to continue his contract with OPHP for the remainder of his probation. Motion passed on roll call vote.

Board sets next Board meeting:

The Board set the next Board meeting for February 16, 2005 at 8:00 a.m.

Board adjourned at 3:45 p.m.