

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 18, 2006

Call to order:

President Osborn called the January 18, 2006 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

Board Members: William Earl Osborn, President
Gordon Richards, Vice-President
John Lassiter, Member
Dorothy Gourley, Member
Jim Spoon, Member
Dr. Diana Hampton, Member

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

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Diana Hampton to approve the November 30, 2005 minutes. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter to approve claims #959-#1000, #H11405-#H11408 and December payroll. Motion passed on roll call vote.

There were no accrued expenses of the Executive Director.

Cancellation of Pharmacists and Technicians:

Motion was made by Jim Spoon and seconded by John Lassiter to approve the cancellation lists of Pharmacist and Technicians that did not renew for October and November of 2005. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Dorothy Gourley to approve the duplicate certificate requests from Ginger Raley Pino, D.Ph. #13652, Ronald Lee Sanders, D.Ph. #9583 and Michael Heath Denney, D.Ph. #13597. Motion passed on roll call vote.

Board discusses request from Karsten T. Smith:

A letter from Karsten T. Smith was presented to the Board. Mr. Smith was requesting pre-approval of an Intern license in the event he is accepted into a pharmacy school program. Mr. Smith had a felony conviction and had received a pardon from the State of Oklahoma.

Motion was made by John Lassiter and seconded by Jim Spoon to have Mr.

Potter write the Colleges of Pharmacy in Oklahoma stating that the Board would approve him for a license, because of his pardon. Motion passed on roll call vote.

Board meets with 21 NAPLEX applicants:

The Board held a short question and answer session with 21 NAPLEX candidates prior to taking the Oklahoma Jurisprudence Exam. They congratulated them on completing their education and wished them well in their careers.

Board meets with 4 Reciprocities and 1 Score Transfer Applicant:

The Board interviewed 4 Reciprocity candidates and 1 Score Transfer candidate. All were accepted upon passing the Oklahoma Law Exam.

Reciprocity:

Jacqueline Renee McCray LA
Jana Marie Sears IN
John Lynn Trussell TX
Tresta Rene VanBerg..... TX

Score Transfer:

Kelly Reed TX

David VanHorn appears before the Board to discuss his technician application:

The Board was called to order to hear the request of David VanHorn. Mr. VanHorn was requesting that the Board allow him to become a pharmacy technician. He had applied but had been denied by the Director of the Board. The staff had found other arrests that Mr. VanHorn had not listed on his application. During the interim period, his lawyer was able to show that the charges had been withdrawn. Mr. Potter recommended that he be allowed a permit.

Motion was made by John Lassiter and seconded by Diana Hampton to approve the request of Mr. VanHorn. Motion passed on roll call vote.

OSBP vs. Susan Edwards, Technician #2578 - Case No. 773:

The Board was called to order to hear the case of Susan Edwards. Ms. Edwards was present and chose to appear without Counsel. Richard Ford who was present to be a "character witness" accompanied Ms. Edwards.

Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Betty Beil, testified for the Board. Board member Jim Spoon recused himself from the hearing.

Ms. Edwards had admitted to taking Phentermine tablets from the pharmacy for personal use. Ms. Edwards and Mr. Ford had both testified that she had been working 2 jobs and had used bad judgment in taking the pills.

Motion was made by John Lassiter and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Edwards be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton to suspend Ms. Edwards technician permit and to place a letter of reprimand in her file. She must attend an approved one-day law seminar during 2006. She shall submit to an evaluation by OPHP and if necessary enter into and abide by a contract with OPHP. After 90 days, she may request to appear before the Board to have the suspension lifted. Ms. Edwards must present a letter of recommendation from a pharmacist who is prepared to employ her and show full compliance with the Board's order. Motion passed on roll call vote.

OSBP vs. Tina Harbin, Technician #92 - Case No. 763:

President Osborn called the meeting to order to hear the case of Tina Harbin. Ms. Harbin was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Cindy Hamilton, testified for the Board.

After hearing testimony of Ms. Harbin admitted to stealing Carisprodol and Hydrocodone, a motion was made by John Lassiter and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Harbin be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Dorothy Gourley that Ms. Harbin's technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Zachary Scott Leadford, Technician #7720 - Case No. 764:

President Osborn had called the meeting to order to hear the case of Zachary Scott Leadford. Mr. Leadford was not present but it had been determined that he had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Cindy Hamilton, testified for the Board.

Mr. Leadford had admitted that he had taken oral liquid Oxycodone from the sharps containers while working the night shift at Norman Regional Hospital. He and another technician had injected the drug while consuming alcohol. The other technician expired.

Motion was made by Jim Spoon and seconded by Dorothy Gourley that based on the clear and convincing evidence presented, Mr. Leadford be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Diana Hampton that Mr. Leadford's technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Cindy MacKenzie, Technician #8230 - Case No. 765:

The Board was called to order by President Osborn to hear the case of Cindy MacKenzie. Ms. MacKenzie was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Cindy Hamilton, testified for the Board.

Ms. MacKenzie had admitted taking some Alprazolam and Diazepam tablets. Motion was made by Jim Spoon and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. MacKenzie be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards that Ms. MacKenzie's technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Terry Justin Martin, Technician #2249 - Case No. 766:

The Board was called to order by President Osborn to hear the case of Terry Justin Martin. Mr. Martin was not present but it had been determined that he had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Gary LaRue, testified for the Board.

Mr. Martin had stolen a check from the Edmond pharmacy where he was employed and had deposited it into his personal checking account. Motion was made by Diana Hampton and seconded by Gordon Richards that based on the clear and convincing evidence presented, Mr. Martin be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards that Mr. Martin's technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Lori Ann Sage, Technician #590 - Case No. 767:

President Osborn called the Board to order to hear the case of Lori Ann Sage. Ms. Sage was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Gary LaRue, testified for the Board.

Ms. Sage had admitted submitting fraudulent prescriptions to her insurance company with the co-pays obtained by her were for the sum of \$9000. Motion was made by Dorothy Gourley and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Sage be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Dorothy Gourley that the technician permit of Lori Sage be revoked. Motion passed on roll call vote.

OSBP vs. Mary Marsha Robinson, Technician #8985 - Case No. 768:

President Osborn called the Board to order to hear the case of Mary Marsha Robinson. Ms. Robinson was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Betty Beil, testified for the Board.

Ms. Robinson had admitted to shorting CDS tablets on prescriptions that were filled by her. She would then ingest those that she had taken. Motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Robinson be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton that the technician permit of Mary Marsha Robinson be revoked. Motion passed on roll call vote.

OSBP vs. Jennie D. Triggs, Technician #665 - Case No. 772:

The Board was called to order to hear the case of Jennie D. Triggs. Ms. Triggs was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board while Compliance Officer, Betty Beil, testified for the Board.

Ms. Triggs admitted taking 16 pints of Promethazine with Codein and 100 Phentermine 30 mg capsules from the pharmacy where she was employed. Motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Triggs be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards that the technician permit of Jennie Triggs be revoked. Motion passed on roll call vote.

OSBP vs. George Hollander, D.Ph. #11391 - Case No. 758:

President Osborn called the Board to order to hear the case of George Hollander. Mr. Hollander was present with Counsel John Coyle. Assistant Attorney Generals, Grant Moak and Brinda White prosecuted for the Board.

An Agreed Order was presented to the Board. Mr. Hollander had admitted guilt on 3 counts. If the Board accepts the Agreed Order, Mr. Hollander' license would be suspended until January 18, 2016, he would be required to attend a one-day law seminar in addition to the required 15 hours of CE for the year 2006. He would also agree to enter into and abide by an OPHP contract. Mr. Hollander may request to appear before the Board after July 1, 2006 to request probation, provided that he has shown compliance and sobriety with his OPHP contract.

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

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

The Board was called to order to hear the case of Darel Collins. Mr. Collins was not present but it had been determined that he had been properly notified. He had sent a letter stating that he would not be attending the meeting. Grant Moak, Assistant Attorney General, served as prosecutor for the Board.

After reviewing the evidence that was presented, a motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence presented, Mr. Collins be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards that Mr. Collins be fined \$1000 and that his pharmacist license be revoked. Motion passed on roll call vote.

Board has a working lunch:

The Board had a working lunch with sandwiches being brought in. During lunch, the Board discussed meetings that were coming up in the Spring and also set dates for Board meetings in March, April and May. There will not be a meeting in February. The meeting dates were set for March 8, April 26th and May 24th.

The NABP Annual Meeting will be April 8-12, 2006. Mr. Osborn, Mr. Richards, Mr. Spoon and Mr. Potter will all be attending.

The OPHA meeting will be June 23-25, 2006. Most of the Board members will be attending that meeting.

OSBP vs. Jerry Shadid, D.Ph. #8853 - Case No. 588 – Request for probation:

President Osborn called the meeting to order to hear the request of Jerry Shadid to remove the probation from Case No. 588. Oklahoma City Attorneys, Gary J. James and Ryan Leonard represented Mr. Shadid. Mr. Shadid had been trying to get a waiver to work as a pharmacist to handle and dispense CDS drugs. Mr. James and Mr. Leonard had been working on the process of obtaining a waiver from OBN and DEA. OBN had granted the waiver but DEA has denied the waiver as long as he is on probation with the Board of Pharmacy. Mr. Shadid's original order required his license to be on probation until July 26, 2008. Mr. James made a presentation of documents from federal courts that had dropped the probation of his federal conviction and letters from DEA explaining their denial.

After discussion and questions by the Board, a motion was made by Dorothy Gourley and seconded by Jim Spoon to deny the request. Motion passed on roll call vote with Mr. Lassiter abstaining.

OSBP vs. Charles Michael Gough, D.Ph. #11698 - Case No. 737:

President Osborn called the Board to order to hear the case of Charles Gough. Mr. Gough was present without Counsel. Assistant Attorney General, Brinda White was prosecutor for the Board. OPHP Director, Tandi Reheis, testified for the Board. Ms. Reheis gave a summary of Mr. Gough's compliance with his OPHP contract.

Mr. Gough's pharmacist license was suspended in 1999 until April 23, 2007. He could request reinstatement of his license and probation after October 24, 2004 providing he was compliant with OPHP. He had been reported to the Board as non-complaint in 2004 and 2005. Mr. Potter indicated that in 2004 he had started the process to have a hearing and because of the workload of the Attorney General's office, it was easy to put this case off. Mr. Gough was not a danger to public health due to the fact that he was not working as a pharmacist and thus the delay.

Mr. Gough quit abiding by his OPHP contract in December 2004. He entered

extended inpatient treatment in July 2005 and left on a pass on August 25, 2005 to make arrangements to pay for the remainder of his treatment. Mr. Gough indicated that he could not afford to return and was discharged from the facility without staff approval. Mr. Gough had failed to participate in his required rehabilitation program for the impaired. Mr. Gough testified that he was unable to afford treatment.

After deliberation, a motion was made by Diana Hampton and seconded by John Lassiter that based on clear and convincing evidence and testimony that was presented, Mr. Gough be found guilty of both counts. Motion passed on roll call vote.

Motion was made by Dorothy Gourley and seconded by Gordon Richards to revoke the pharmacist license of Charles Michael Gough. Motion passed on roll call vote.

OSBP vs. David Hornsby, D.Ph. #7030 - Case No. 769:

President Osborn called the Board to order to hear the case of David Hornsby. Mr. Hornsby chose to appear without Counsel. Assistant Attorney General, Brinda White prosecuted for the Board. Compliance Officer Terry Bratt testified for the Board.

Mr. Hornsby had been issued 2 warning notices within a 1-year period. Mr. Hornsby had indicated that he was guilty of the mistakes and explained what he had changed in his filling process in order to keep this from happening again.

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

Motion was made by Dorothy Gourley and seconded by Diana Hampton that Mr. Hornsby be fined \$50, he must attend a one day law seminar in addition to the required 15 hours of continuing education, he must view the Error Correction Video and he will have a letter of reprimand placed in his file for 1 year. Motion passed on roll call vote.

OSBP vs. Michael Jordan, D.Ph. #10013 - Case No. 770 - continued:

The case of Michael Jordan was continued until the March 8th meeting.

OSBP vs. Genevieve Earley, D.Ph. #11243 - Case No. 771 - continued:

The case of Genevieve Earley was continued until the March 8th meeting.

Board adjourned at 4:33 p.m.