

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 17, 2007

Call to order:

President Richards called the January 17, 2007 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:00 a.m.

Those present were:

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

Jim Spoon was unable to attend this meeting

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

Guests:	Shauna Peterson, Walgreens
Eman	Gobran, Walgreens
Laura	Petty, Walgreens
Von	Davis, Target
Sherily	n Davis, Compass Vision
Janice	Francis-Smith, The Journal Record
Brooke	Honey, Intern
Chad	Isaacs, Intern
Jennifer	Jones, Intern

Approval of minutes and claims:

Motion was made by Bill Osborn and seconded by John Lassiter to approve the November 15, 2006 minutes. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to approve claims #1349-#1411 and #1413, #H29673-#H32977 and November and December payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Board meets with 4 Reciprocity applicants:

The Board interviewed 4 Reciprocity candidates. All will be accepted upon passing the Oklahoma Law Exam.

Reciprocities:

Richard Ray Einhellig.....	IA
Charles L. Herrelson	KS
Helen Huynh	GA
David Allen Rozell.....	WA

OSBP vs. Jonathan Fouse, Technician #8286 – Case No. 799:

The Board was called to order to hear the case of Jonathan Fouse. Mr. Fouse was not present, but it was determined that he had been properly notified. Assistant Attorney General, Brinda White prosecuted for the Board. Pharmacy Inspector, Terry Bratt testified for the Board.

Mr. Fouse had been arrested and convicted for driving under the influence of alcohol and Assault and Battery of a police officer.

Motion was made by Bill Osborn and seconded by Diana Hampton to find Mr. Fouse guilty as charged based on the clear and convincing evidence presented. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Diana Hampton to revoke the technician permit of Jonathan Fouse. Motion passed on roll call vote.

OSBP vs. Tammy Mosier, Technician #2660 – Case No. 800:

President Richards called the Board to order to hear the case of Pharmacy Technician Tammy Mosier. Ms. Mosier was not present. Assistant Attorney General, Brinda White had determined that she had been properly notified. Compliance Officer, Betty Beil, testified for the Board.

Ms. Mosier had been arrested and had admitted to embezzling a large amount of money over a period of 3 years.

Motion was made by Diana Hampton and seconded by Dorothy Gourley to find Ms. Mosier guilty on all counts based on the clear and convincing evidence presented. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Dorothy Gourley that the technician permit of Tammy Mosier be revoked. Motion passed on roll call vote.

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OSBP vs. Christine Tabaka, Technician #9143 – Case No. 802:

President Richards called the Board to order to hear the case of Pharmacy Technician Christine Tabaka. Ms. Tabaka was not present, but it was determined that she had been properly notified. Compliance Officer, Gary LaRue testified for the Board. Brinda White, Assistant Attorney General, prosecuted for the Board.

Ms. Tabaka had tested positive for Amphetamine, Methamphetamine and Marijuana use and had been terminated by her employer.

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

Motion was made by Dorothy Gourley and seconded by Diana Hampton that the technician permit of Christine Tabaka be revoked. Motion passed on roll call vote.

OSBP vs. Jaree Lynn Spurlock, D.Ph. #12777 – Case No. 803:

The Board was called to order to hear the case of Jaree Lynn Spurlock. Neither Ms. Spurlock nor her attorney, were present. It had been determined that she had been properly notified. Pharmacy Inspector, Terry Bratt and OPHP President, Kevin Rich, both testified for the Board.

Brinda White, Assistant Attorney General, prosecuted for the Board.

Ms. Spurlock had admitted that she had diverted large quantities of CDS for her personal use and pled no contest to criminal charges. She was required to enter an inpatient treatment facility and has refused to do so.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to find Ms. Spurlock guilty on all charges based on the clear and convincing evidence that was presented. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to revoke the pharmacist license of Jaree Lynn Spurlock. Motion passed on roll call vote.

OSBP vs. Angela Dawn Stanley, D.Ph. #12842 – Case No. 804:

President Richards called the Board to order to hear the case of Angela Dawn Stanley. Ms. Stanley was not present but it was determined that she had been properly notified. Compliance Officer, Gary LaRue and OPHP President, Kevin Rich testified for the Board. Brinda White, Assistant Attorney General, prosecuted for the Board.

Ms. Stanley had failed to comply with her OPHP contract. She had been practicing pharmacy after having been told not to practice until she had received a “fit for duty” report from her physician and had 3 negative drug screens. She had tested positive for CDS and alcohol a number of times since entering a contract with OPHP.

Motion was made by Bill Osborn and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Stanley be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by John Lassiter that the pharmacist license of Angela Dawn Stanley be revoked. Motion passed on roll call vote.

Board discusses letter from Mark St. Cyr of OU Medical Center:

The Board was called to order to review a request from Pharmacy Director Mark St. Cyr of OU Medical Center. (OUMC) The OU Medical Center has implemented an electronic physician order management (ePom) and are processing about 50% of their medication and IV orders electronically with each order requiring a pharmacist review and validation.

OU Medical Center is requesting permission to use on-call staff to review and validate ePom orders from off-site locations.

Motion was made by Bill Osborn and seconded by Diana Hampton to approve the request of OU Medical Center to use OU Medical Center pharmacist to review and validate ePom orders remotely from off-site location. Motion passed on roll call vote.

Board recesses for lunch:

President Richards declared a recess for lunch until 1:00 p.m.

Cancellation of Pharmacists, Pharmacies, Facilities and Technicians:

Motion was made by Bill Osborn and seconded by John Lassiter to approve the cancellation list of those pharmacies, facilities, pharmacists and technicians that expired on October 31, 2006 and November 30, 2006 and did not renew by the November or December cancellation date as required. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bill Osborn and seconded by Dorothy Gourley to approve the duplicate certificate request for Rebecca Ann Frye, D.Ph. #10676 and Cheyenne Michelle Heath, D.Ph. #13838. Motion passed on roll call vote.

Board discusses E-mail from Walter Setmeyer on Reciprocity from Florida:

The Board reviewed a request from Walter Setmeyer regarding Reciprocity from Florida. The Board did not wish to change their position because Florida does not offer complete Reciprocity.

Board discusses E-mail from Dorothy Gourley on PIC license displayed in Drug Rooms and Hospitals:

The Board reviewed the e-mail from Dorothy Gourley regarding the requirements of posting Pharmacist license in Hospital Pharmacies. It was determined that the Statutes require this. In Drug Rooms, the consulting pharmacist may post a copy of their renewal receipt.

Board discusses the 2007 Proposed Rule Revisions on OAC Title 535, Chapters 1-25:

The Board reviewed the rules that will be published for a hearing in March. There were no substantive changes made.

OSBP vs. Jeff Yanchick, D.Ph. #11290 – Case No. 745 – requesting reconsideration of Board Order:

President Richards called the Board to order to hear the request of Jeff Yanchick. Mr. Yanchick was present to ask the Board for reconsideration of his Board Order on Case No. 745. A history of Mr. Yanchick's case was presented to the Board and a copy of the Final Order of the case. Mr. Yanchick has an opportunity to go to work in a nuclear pharmacy where there are no CDS drugs stocked.

After a discussion, a motion was made by Bill Osborn and seconded by Dorothy Gourley to place Mr. Yanchick's pharmacist license on probation only for the employment by the nuclear pharmacy. If the position discussed is not available to him, the probation will not be implemented and the original Final Order will be in effect. Motion passed on roll call vote.

OSBP vs. Charles K. Schmid, D.Ph. #11157 – Case No. 630 – requesting probation be lifted:

The Board was called to order by President Richards to hear the request of Charles K. Schmid. Mr. Schmid was present to ask the Board that his probation be lifted on Case No. 630.

After testimony by Mr. Schmid and OPHP President, Kevin Rich, a motion was made by John Lassiter and seconded by Dorothy Gourley to release Mr. Schmid from his probation, providing he goes through the 6 months transition phase with OPHP. Motion passed on roll call vote.

Kevin Rich introduces new Compass Vision representative:

Kevin Rich introduced Sherilyn Davis of Tulsa. She is the new Compass Vision representative that will be working with OPHP.

The request from Ronnie Sullivan of St. Francis Hospital was continued until the February meeting.

Board sets next Board meeting:

The Board confirmed the next Board date to be Wednesday February 21, 2007.

President Richards adjourned the meeting at 3:00 p.m.