

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 16, 2008

Call to order:

President Hampton called the January 16, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:15 a.m.

Those present were:

Board Members: Diana Hampton, President
Dorothy Gourley, Vice-President
Jim Spoon, Member
John Lassiter, Member
Bill Osborn, Member
Gordon Richards, Member

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

Guests: Kay Vaughan, CVS
J.A. Kirk, CVS
John Rodden, Wal-Mart
Von Davis, Target
Ryan Walker, Walgreens
Walter Setmeyer, Walgreens
Derek Dennis, Walgreens
Laura Petty, Walgreens
Terry Cothran, Prescription Solutions
Becca Baugher, Cardinal Health
Phil Woodward, OPHA
Erica Adams, Intern
Rebecca Dill, Intern
Carlos M. Carmona, Jr., Intern
Lindsay Larson, Intern

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Gordon Richards to approve the November 16th, 2007 Board meeting minutes as circulated. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Jim Spoon to approve claims #1735-1805, #H0072288-#H0075851, November 07, December 07 and January 08 payroll and any accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, Facilities and Technicians:

After a review of the cancellation lists presented, a motion was made by Jim Spoon and seconded by John Lassiter to cancel the license of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board reviews letter from Intern, Nancy Fosha:

Mr. Potter reviewed a letter from an intern that had been arrested. Her attorney had told her not to indicate it on her Intern application because he thought that the charge would be dropped. The charge was not dropped so she was reporting it to the Board. The charge and trial have not been resolved. The Board instructed the staff to notify the intern that her intern license would remain in place but that she or her attorney would need to inform the Board when the trial was completed or resolved. The Board would review it at that time.

Duplicate certificate request approved:

Motion was made by Bill Osborn and seconded Dorothy Gourley to approve the duplicate certificate request for Lindsay Dallas Gatrell, D.Ph. #14136 and Kenneth D. Good, D.Ph. #13988. Motion passed on roll call vote.

Board discusses compounding for hospital use:

A discussion was held regarding an Arkansas pharmacy that wanted to sell compounded products which are no longer available by the manufacturer to hospitals in Oklahoma.

After discussion by the Board, it was determined that the pharmacy, according to the Oklahoma and Federal law, was compounding. The staff was directed by the Board to send a "Cease and Desist" letter to the pharmacy.

OSBP vs. Ray Dickson, Technician #1418 – Case No. 842:

The Board was called to order to hear the case of Ray Dickson. Mr. Dickson was present and chose to appear without Counsel. Assistant Attorney General, Brinda White prosecuted the case. Compliance Officer, Gary LaRue presented evidence and testified for the Board.

Mr. Dickson was working as a technician in an Oklahoma City hospital and had admitted to stealing drugs from the pharmacy. Mr. Dickson testified that he had made a mistake and it was bad judgement on his part. He apologized to the Board and asked for another chance.

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

Motion was made by Dorothy Gourley and seconded by Bill Osborn that the technician permit of Ray Dickson be revoked. Motion passed on roll call vote.

Board interviews Reciprocity and NAPLEX applicants:

The Board was called to order to interview the Reciprocity and NAPLEX candidates. Nineteen December graduates from SWOSU were interviewed together. Each one introduced themselves, gave their hometown and indicated where they planned to practice: 17 are staying in Oklahoma, 1 is going to Colorado and 1 is still undecided. The Board then interviewed the 9 reciprocity candidates separately. All were accepted after passing the Oklahoma Law exam. Lonnie Lee White agreed to work the first 250 hours with another pharmacist since he had not worked in a pharmacy for a number of years.

Reciprocity:

Tiffany Bubnash-Hughes .. MT
Stephen Shane Hastings .. CO
Kari Dawn Kingery CO
Peter June Lee TX
Mathew David Olson..... NE
Joy S. Stegner LA
Dianne Taylor Storey IN
John Huddie Voorhies, Jr.. LA
Lonnie Lee White AZ

NAPLEX:

Chad Bayer
Jerusah Coward
Rebecca Geiger
Russell Goodman
Tonja Hawley
Jennifer Hightower
Jennifer Le
Jeffrey K. Macha
Sarah Mahdy
Anne Massey
Thomas Massey
Tommie Moss
Dat Pham
Kathleen Roach
Amada Shipley
Mia Stites
Robin Stocking
Raelyn Walker
Robert A. Zenner

OSBP vs. Barry Craig, D.Ph. #11238 – Case No. 590A – Request for probation:

President Hampton called the Board to order to hear the request for probation by Barry Craig. Kim McKown of Compass Vision testified on Mr. Craig's behalf. Mr. Craig also testified. Mr. Potter entered a letter from the Tennessee PRN director. Kim McKown testified that Mr. Craig had completed all assignments and had worked as an Intern for 1000 hours. It was also stated that OPHP's physician had declared him fit for duty. He plans to reciprocate to Tennessee and has a job lined up. The Tennessee impaired group is willing to work with him and keep OPHP informed of his progress.

Motion was made by Jim Spoon and seconded by Bill Osborn to place his license on probation. Motion passed on roll call vote.

OSBP vs. Amjad Nawaz, D.Ph. #12886 – Case No. 846:

The Board was called to order to hear the case of Amjad Nawaz. Mr. Nawaz was present and chose to appear without Counsel. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Cindy Hamilton testified for the Board.

Mr. Nawaz had received 2 warning notices in one year. A complaint had been filed regarding mistakes on the labeling of dose on the prescription. After reviewing a number of prescriptions, a number of errors in labeling, the dose of medication and filling of proper medication were discovered. Mr. Nawaz was the PIC and apologized for the mistakes. He indicated that he had presented a new process in his pharmacy. He had also retrained his technicians as to the new process.

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

Motion was made by Gordon Richards and seconded by John Lassiter that Mr. Nawaz be required to attend a one-day law seminar in addition to his required 15 hours of CE. He must review 2 videos on error prevention and how to handle complaints. He will also have a Letter of Reprimand" placed in his file for one year. Motion passed on roll call vote.

OSBP vs. Tasha D. Moore, Technician #9400 – Case No. 843:

President Hampton called the Board to order to hear the case of Tasha D. Moore. Ms. Moore was not present but it was determined that she had been properly notified.

Assistant Attorney General, Brinda White, presented the Board with an Agreed Order that had been signed by Ms. Moore admitting guilt to the charges of diverting CDS for personal use and agreeing to the revocation of her technician permit.

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

OSBP vs. Terry Rubottom, Technician #8862 – Case No. 844:

The Board was called to order to hear the case of Terry Rubottom. Ms. Rubottom was not present but it was determined that she had received proper notice. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Cindy Hamilton, testified for the Board.

Motion was Bill Osborn and seconded by Jim Spoon that based on the clear and convincing evidence presented, Ms. Rubottom be found guilty as charged for falsifying her technician application. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by John Lassiter to revoke the technician permit of Terry Rubottom. Motion passed on roll call vote.

Board recessed for lunch

OSBP vs. Jack Logsdon, D.Ph. #7798 – Case No. 845:

The case of Jack Logsdon was continued until the next meeting.

Miscellaneous Discussion Items:

A discussion was held regarding the new OBN rule regarding physician faxing Schedule II for hospice patients. Jim Spoon and John Lassiter indicated that the requirement for the doctor to fax from their office was going to create problems. They indicated that emergency faxed prescriptions may come from the physician's home or from the hospice office. It was suggested that the wording require the physician to fax and not require that it be from their office. The staff was asked to contact OBN to suggest the change.

A discussion was held regarding the furnishing of drugs from hospital pharmacies to their clinics. Dorothy Gourley is going to attend a Hospital Buying Group Association meeting in February and should be able to get some answers from their attorneys.

A discussion was held regarding a conflict on the April 30, 2008 meeting date. That date was changed and set for May 7, 2008. The June meeting plans are to meet in Tulsa connecting with the OPHA convention.

A discussion was held regarding the sending of prescriptions to physician's offices for administration. There had been several companies indicating that the FDA is requiring their product to be administered in the doctor's office because of the severity of reaction to the drug by some patients. Some have "Black Box Warning" on the product requiring the administration by a physician. The Board came up with a workable solution and set a Policy for prescriptions that are required to be administered by a physician.

Interpretation of 353.24.4 - Policy for "Drop Off" Statute

The Board determined that in the interest of safety of the patients regarding prescription products, that the FDA and Manufacturers required administration by a physician, be allowed exemption to the 353.24.4 "Drop Off: Statute.

Motion was made by Bill Osborn and seconded by Gordon Richards that the Policy for the pharmacy products requiring administration by a physician, be exempt from the 353.24.4 Statute and allow pharmacies to send filled "patient specific" prescriptions to physician's office for administration. These prescriptions are to be billed to the patient or their insurance and may not be billed to the physician. Motion passed on roll call vote.

Board discusses employment of new Executive Director and the Gary Nichols litigation:

The Board went into Executive Session to discuss the Nichols litigation with their attorney and to discuss the employment of a new Executive Director. After discussion, President Hampton called the Board back into session at 3:25 p.m.

President Hampton adjourned the Board at 3:25 p.m.