

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

January 21, 2009

#### Call to order:

President Gourley called the January 21, 2009 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:20 a.m. due to computer software issues with the SmartBoard presentation system.

#### Those present were:

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

Board of Pharmacy: John A. Foust, Executive Director  
Gary LaRue, Compliance Officer  
Cindy Hamilton, Compliance Officer  
Betty Beil, Compliance Officer  
Terry Bratt, Inspector  
Rhonda Jenkins, Executive Secretary

Guests: Kay Vaughan, CVS  
James Kirk, CVS  
Amanda Wenzel, Target  
Derek Dennis, Walgreens  
Laura Petty, Walgreens  
Terry Cothran, Prescription Solutions  
Becca Baugher, Cardinal Health  
Garrett Huxall, PharmCare OK  
Kryslyn Cassada, Intern  
Sonya Knowles, Intern  
Christine Le., Intern  
Zayne Walters, Intern  
Daytin Farrow, Intern  
Craig Cooper, Intern

#### Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by John Lassiter to approve the November 20th, 2008 Board meeting minutes. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Jim Spoon to approve claims #2158-2224, #H0116484-#H0116489, #H0119039-#H0119044, December 2008 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 Bill Osborn and seconded by John Lassiter to cancel the licenses of those that did not renew within the renewal

time period. Motion passed on roll call vote.

**Duplicate certificate request approved:**

Motion was made by Jim Spoon and seconded John Lassiter to approve the duplicate certificate requests for Susan Elaine Conway, D.Ph. #12343, Lester Lee Moline, Jr., D.Ph. #9415, Young Tran, D.Ph. #13304 and Mark David Hansen, D.Ph. #14330. Motion passed on roll call vote.

**Board discusses accepting Reciprocity from Florida:**

A brief discussion was held to determine if Oklahoma would agree to begin accepting Reciprocity applicants from Florida. The Florida Board had changed their requirements from the original 12-year licensure transfer law to allow reciprocity between states without conditions.

Motion was made by Gordon Richards and seconded by Jim Spoon to table the discussion until more information concerning open reciprocity between states was received. The Board asked Executive Director John Foust to write a letter to the Florida Board asking for more information. Motion passed on roll call vote.

**Board approves designation of Bryan Potter as Executive Director Emeritus:**

A motion was made by Jim Spoon and seconded by Bill Osborn to appoint Bryan Potter as Executive Director Emeritus. Motion passed on roll call vote.

**Board discusses PTCB revocation and the Denial Process:**

The Board discussed the possibility of reporting Oklahoma disciplined technicians to the Pharmacy Technician Certification Board. (PTCB) The Board recommended that the Executive Director make such reports as deemed appropriate.

**Board sets future Board meetings:**

The Board set Wednesday March 4, 2009 and Wednesday April 15, 2009 as the next Board meetings. Wednesday March 25, 2009 is set for Rule hearing.

**Miscellaneous discussion items:**

The Board held discussions on several different items:

**Scanning:**

Executive Director John Foust gave a report on future document scanning. The staff plans to have documents scanned to make record retrieval more efficient and to reduce the number of filing cabinets. Dorothy Gourley appointed Bill Osborn as the Board representative to review optical scanning options.

**New Building:**

A discussion was held by the Board concerning the possible construction of a new building. Mr. Foust explained that he had been in contact with the Department of Central Services to discuss building in order for the Board to relocate. It has been determined that the Board may share building space with the Accountancy Board to make better use of space. President Dorothy Gourley directed that she and Office Manager Mary Ann Terral work with the Executive Director to represent the Board of Pharmacy in meetings involving this project.

**Meeting with Drew Edmonson:**

Assistant Attorney General Brinda White and the Executive Director have a meeting scheduled with Attorney General Drew Edmondson to discuss the Ryan Haight Act which pertains to rogue internet pharmacies and how the state will enforce the Act.

**Board approves changes to Board rules, Title 535 OAC:**

Motion was made by John Lassiter and seconded by Gordon Richards to accept the

proposed rules changes for Title 535 OAC and review for comment on March 25, 2009, as presented. Motion passed on roll call vote.

**OSBP vs. Lindsay Harper, Technician #9152 – Case No. 903:**

President Gourley called the Board to order to hear the case of Lindsay Harper. Ms. Harper 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. Harper admitting guilt to the charges of stealing CDS for personal use and also agreeing to the revocation of her technician permit.

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

**OSBP vs. Carmen D. Mabrey, Technician #10967 – Case No. 900:**

President Gourley called the Board to order to hear the case of Carmen D. Mabrey. Ms. Mabrey 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. Mabrey admitting guilt to the charges and agreeing to the revocation of her technician permit. Ms. Mabrey had tested positive for Meth on a random drug screen by her employer. She admitted to stealing CDS under pressure of acquaintances’.

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

**OSBP vs. Anna Fowler, Technician #10653 – Case No. 902:**

President Gourley called the Board to order to hear the case of Anna Fowler. Ms. Fowler 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. Fowler. Ms. Fowler admitted to filing a record that she new to be false and to misfiling a prescription which resulted in hospitalization of the patient. Ms. Fowler also agreed to revocation of her technician permit.

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

**Board interviews Score Transfer and NAPLEX applicants:**

The Board was called to order to interview 1 Score Transfer applicant and 6 NAPLEX candidates. All will be accepted upon passing the Oklahoma Law and the NAPLEX if necessary:

**Score Transfer:**

Corey Rynn Cook... TX

**NAPLEX:**

Christen Anne Burson  
Tracy Rachelle Corbin  
Ross Anthony Foster  
Justin Lee Griffith  
David Clayton Howsley  
Melissa Carol Hunt

**OSBP vs. Timothy D. Lucas, Technician #9092 – Case No. 898:**

The Board was called to order to hear the case of Timothy D. Lucas. Mr. Lucas was not present but it was determined that he had been properly notified.

Assistant Attorney General, Brinda White prosecuted for the Board. Compliance Officer Gary LaRue testified for the Board. The Board was given the complaint for their review. Mr. Lucas admitted during an interview to forging scripts and stealing CDS for his personal use and to sell.

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

on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards to revoke the technician permit of Timothy D. Lucas. Motion passed on roll call vote.

**OSBP vs. Shelley Sunderland, Technician #12456 – Case No. 899:**

The Board was called to order to hear the case of Shelley Sunderland. Ms. Sunderland was not present but it was determined that she had been properly notified.

Assistant Attorney General, Brinda White prosecuted for the Board. Compliance Officer Gary LaRue testified for the Board. The Board was given the complaint for their review. During an interview with her employer, Ms. Sunderland admitted to stealing cash. Ms. Sunderland was terminated from Walgreens.

Motion was made by John Lassiter and seconded by Jim Spoon that based on the clear and convincing evidence presented, Ms. Sunderland be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton to revoke the technician permit of Shelley Sunderland. Motion passed on roll call vote.

**OSBP vs. Robin House, Technician #9273 – Case No. 901:**

President Gourley called the Board to order to hear the case of Robin House. Ms. House was not present but it was determined that she had been properly notified.

Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Betty Beil testified for the Board.

It had been determined through a meeting with DEA and Compliance Officer Cindy Hamilton that Ms. House had been terminated from Walgreens for forged scripts.

Motion was made by Jim Spoon and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. House 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 Robin House be revoked. Motion passed on roll call vote.

**OSBP vs. Walgreens 4723, #11-4294 and Benjamin Dale, D.Ph. #13067 – Case No. 905:**

The case of Walgreens and Benjamin Dale was continued until the next meeting.

**Mark Steltz of ePharmPro, LLC appears before the Board for a presentation:**

Mark Steltz of ePharmPro appeared before the Board to make a presentation on Remote Order Entry. The company has the capability of remote order entry and verification using a web-based system. The presentation included information regarding pharmacist intervention.

The Board restated their policy that a pharmacist who verifies a medication order for a patient in a hospital licensed by the Oklahoma Department of Health must have a current Oklahoma pharmacist license.

**Board recessed for lunch**

**OSBP vs. Shane B. Leu, D.Ph. #12317 – Case No. 539 – Request for probation to be lifted:**

The Board was called to order by President Gourley to hear the request of Shane Leu to lift the probation from his license. Mr. Leu was present with his parents, brother, girlfriend and employer. OPHP representatives, Kevin Rich and Marc Whitt along with Shane Leu were sworn in. The Board was given a summary of Mr. Leu's history for their review.

Marc Whitt of OPHP testified that Mr. Leu had been compliant and had passed all tests since July 2003. He also testified that he had received the transition approval. It was recommended by OPHP that the probation be lifted. Mr. Leu testified as well as OPHP representative Kevin Rich.

Motion was made by Jim Spoon and seconded by Bill Osborn to remove the probation from the pharmacist license of Shane Leu. Motion passed on roll call vote.

**OSBP vs. Kevin L. Culver, D.Ph. #12004 – Case No. 680 – Request for probation to be lifted:**

President Gourley called the Board to order to hear the request of Kevin Culver to lift the probation from his license. Mr. Culver was present with his wife. The Board was given a summary of Mr. Culver's history for their review.

Marc Whitt of OPHP testified that Mr. Culver had been compliant since September 7, 2003. He stated that he had passed all tests since 2003. He also testified that he had received an assessment in January 2008. It was recommended by OPHP that the probation be lifted.

After some questions to Mr. Culver from the Board, a motion was made by Bill Osborn and seconded by John Lassiter to remove the probation from the pharmacist license of Kevin Culver. Motion passed on roll call vote.

**OSBP vs. Clyde E. Miller, D.Ph. #8614 – Case No. 629 – Request for probation to be lifted:**

The Board was called to order by President Gourley to hear the request of Clyde Miller to lift the probation from his license. The Board was given a summary of Mr. Miller's history for their review.

Marc Whitt of OPHP testified that Mr. Miller had been compliant with his contract since July 9, 2002 and that he had passed all tests since then. It was recommended by OPHP that the probation be lifted. Mr. Miller also testified as to how he had been doing.

Motion was made by Diana Hampton and seconded by Jim Spoon to remove the probation from the pharmacist license of Clyde E. Miller. Motion passed on roll call vote.

**OSBP vs. Marla Carter, D.Ph. #12835 – Case No. 860 – Request for probation:**

President Gourley called the Board to order to hear the request of Marla Carter to place her pharmacist license on probation. The Board was given a summary of Ms. Carter's history for their review.

OPHP representative, Marc Whitt testified that Ms. Carter had a 10-year contract with OPHP as of May 21, 2008. He testified that she had been compliant since then and had passed all tests. He also testified that she had received an assessment. OPHP recommends that her request be granted. Ms. Carter testified on how she had been doing

Motion was made by Jim Spoon and seconded by Bill Osborn to grant the request of Marla Carter. Motion passed on roll call vote.

**OSBP vs. Milton R. Simpson, D.Ph. #13085 – Case No. 830 – Request to work at Simpson pharmacy:**

The Board was called to order by President Gourley to hear the request of Milton Simpson to work at Simpson Pharmacy. The Board was given a summary of Mr. Simpson's history for their review.

Marc Whitt of OPHP testified the Mr. Simpson has had a contract with OPHP since May 2, 2008, had been compliant and had passed all tests since then. He also testified that he had received a "Return to Work" evaluation in December 2008. It was recommended by OPHP that Mr. Simpson be able to work at Simpson Pharmacy in Broken Bow. Mr. Simpson testified on how well he was doing and that he would continue with his OPHP contract.

Motion was made by Jim Spoon and seconded by John Lassiter to allow Mr. Simpson to work at Simpson Pharmacy as long as he remains compliant with OPHP. Motion passed on roll call vote.

**OSBP vs. Reavis Drug #22-3755 and Jack Justice, D.Ph. #8244 – Case No. 904:**

President Gourley called the Board to order to hear the case of Reavis Drug and Jack Justice. Mr. Justice was present with his attorney, Clay Christianson and his daughter.

Assistant Attorney General Brinda White presented the Board with an Agreed Order for their review. If the Board accepts the Agreed Order, Reavis Drug and Jack Justice would agree to the following;

Mr. Justice would agree to guilt on charges I, II IV and VIII and nolo contendere to Counts III, V, VI, VII IX and X. Counts XI XII, XIII, XIV, XV XVI, XVII and XVIII are dismissed. Mr. Justice would agree to pay a fine of \$1,000.00 per count for a total of \$10,000. Reavis Drug would agree to pay a fine of \$1000.00 per count for a total of \$4,000.00. Both fines would be due immediately. Mr. Justice would agree to attend a compounding class in the year 2009 and the Law seminar in December 2009. This would be in addition to the required 15 hours of CE.

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

**David Azlin, Pharmacy Director of Edmond Medical Center appears before Board to discuss after hour coverage plans:**

Edmond Medical Center (EMC) Pharmacy Director, David Azlin appeared before the Board to present a plan for OU Medical Center to provide remote order entry and verification at night during the hours when the EMC pharmacy was closed. Motion was made by Diana Hampton and seconded by Bill Osborn to allow after hour coverage by OU Medical Center.

Mr. Azlin discussed future plans for his company which may include a consolidated remote order entry facility at the corporate offices in Denver. At the time this process is developed, Mr. Azlin will present their plans to the Board for review. The Board did not take action on this plan.

**Foreign Pharmacist, Michael Tadros appears before Board to request an exemption of the Test of English as a Foreign Language (TOEFL) requirement:**

Michael Tadros appeared before the Board to request an waiver of the TOEFL requirement for the required National Association of Boards of Pharmacy (NABP) Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification to obtain an intern certificate. Mr. Tadros has a possible job opportunity with the Choctaw Nation. He wanted to be able to obtain a job as an intern and while continuing to work on passing the TOEFL to fulfill the NABP requirements for FPGEEC certification.

The Board held a discussion with the Executive Director and Brinda White about the Oklahoma Board of Pharmacy rules. It was determined that the Board does not have the authority to grant a waiver of Board rules. Mr. Tadros would be able to apply for a technician permit in order to obtain a job until he could pass the necessary test.

**President Gourley adjourned the Board at 3:00 p.m.**