

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

February 16, 2005

Call to order:

President Spoon called the February 16, 2005 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order.

Those present were:

Board Members: Jim Spoon, President
William Earl Osborn, Vice-President
John Lassiter, Member
Jerry Allen, Member
Gordon Richards, Member

Dr. Diana Hampton had an illness in the family and was unable to attend.

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 Bill Osborn to approve the January 19th 2004 minutes. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards to approve claims #593-#630, #H1321-#H1324 and January payroll. Motion passed on roll call vote.

There were no accrued expenses of the Executive Director.

Board discusses appointing NABP Delegate:

President Spoon indicated that he would attend the NABP convention and would serve as the delegate for Oklahoma.

Board discusses letter from Foreign Graduate, Sunkyoung So:

A request from Foreign Graduate, Sunkyoung So was presented to the Board requesting that her intern license be extended.

A motion was made by Bill Osborn and seconded by Jerry Allen to extend the license for 6 months from this date. Motion passed on roll call vote.

Board discusses having a retreat:

The Board held a discussion of a retreat. It was decided to delay the retreat until later in the year but to have a planning session on March 31st. Items for the Agenda will be sent to the office so that Mr. Potter can prepare an Agenda.

Board discusses recommending to OBN the scheduling of Ultram:

The discussion for scheduling Ultram was set for 1:30 p.m. with OBN officials.

OSBP vs. Lonnie Morrow, Technician #7558, Case No. 736:

The Board was called to order to hear the case of Lonnie Morrow. The Respondent was not present but it was determined that he had been properly notified. Assistant Attorney General, Grant

Moak, prosecuted for the Board. Compliance Officer, Cindy Hamilton, testified for the Board.

After hearing testimony and having a presentation of evidence, a motion was made by John Lassiter and seconded by Bill Osborn that based on the clear and convincing evidence presented, the Respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jerry Allen to revoke the technician permit of Lonnie Morrow. Motion passed on roll call vote.

OSBP vs. Jason L. Dugan, Technician #5411, Case No. 735:

President Spoon called the meeting to order to hear the case of Jason Dugan. The Respondent was not present but it had been determined that he had been properly notified. Grant Moak, Assistant Attorney General, prosecuted for the Board while Inspector, Terry Bratt, testified for the Board.

After a presentation of evidence and testimony, a motion was made by Gordon Richards and seconded by John Lassiter that based on the clear and convincing evidence presented, the Respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on the finding of guilt, the technician permit of Jason L. Dugan be revoked. Motion passed on roll call vote.

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

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

Board meets with 1 Reciprocity and 1 NAPLEX candidate:

The Board interviewed 1 Reciprocity candidate and 1 NAPLEX candidate. All will be accepted upon passing the Oklahoma Law Exam and the NAPLEX if necessary.

Reciprocity:

Nathan LeRoy JordanKS

NAPLEX:

Haleh Haghparvar

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

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

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

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

OSBP vs. Gary Compton, D.Ph. #10584, Case No. 483:

The Board was called to order to hear the request of Gary Compton. Mr. Compton had requested to appear before the Board to ask that the remainder of his probation be removed. Director of OPHP, Tandi Reheis, testified on behalf of Mr. Compton and told of his compliance with his OPHP contract.

Motion was made by Gordon Richards and seconded by Bill Osborn that based on Mr. Compton's agreement to continue his contract with OPHP until February 16, 2008, his suspended license would be returned to good standing. Motion passed on roll call vote.

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

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

OSBP vs. Rodney James Doty, D.Ph. #9952, Case No. 740:

President Spoon called the Board to order to hear the case of Rodney James Doty. Grant Moak, Assistant Attorney General, prosecuted for the Board. Respondent was present and chose to appear without Counsel. Those testifying were Compliance Officer, Betty Beil, Terry Moorhead, Pharmacy Manager at Hillcrest Medical Center in Tulsa and the Respondent.

The testimony and evidence, which was presented, indicated that the Respondent had ingested drugs while working in the pharmacy and had changed the records to cover the shortage.

Motion was made by Gordon Richards and seconded by John Lassiter that based on the clear and convincing evidence that was presented, the Respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on the finding of guilt, the Respondent's pharmacist license be suspended for 10 years until February 15, 2015. He is to enter into and abide by a contract with OPHP. He is to attend a one-day law seminar in addition to the

required 15 hours of CE during the year 2005. After satisfactorily completing 1 year of the OPHP contract, the Respondent may ask to appear before the Board in February 2006 to request that his license be placed on probation. Motion passed on roll call vote.

OSBP vs. Rudy Ray Rutter, D.Ph. #9090, Case No. 741:

The case of Rudy Ray Rutter was continued until the next meeting.

Board recessed for lunch

OBN officials meet with the Board to discuss Ultram:

President Spoon called the Board to order at 1:30 to review and discuss the possibility of requesting the scheduling of Tramadol by Oklahoma Bureau of Narcotics and Dangerous Drugs. Present for the meeting for OBN were Lonnie Wright, Director, John Duncan, Chief of Compliance and Scott Rowland, Counsel. Compliance Officer, Cindy Hamilton presented information that had been reviewed at an earlier meeting. Dr. Theodore J. Cicero of St. Louis, who was a representative of a foundation that had been charged with reviewing the abuse of Ultram, also made a presentation regarding their findings. Other representatives from Ortho McNeil made comments.

After a discussion, a motion was made by Gordon Richards and seconded by John Lassiter to table the discussion. Motion passed on roll call vote.

The staff will endeavor to find a way to track the use and abuse of Tramadol so the Board would have more data to make a good decision.

OSBP vs. Sherry Lynn Ross, D.Ph. #9815 and Sherry's Discount Drug, Inc. #1-2558, Case No. 742:

President Spoon called the Board to order to hear the case of Sherry Ross and Sherry's Discount Drug. Respondent was present and chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board.

An Agreed Order was presented to the Board for their review. The Order indicated guilt on 11 counts including improper substitution on a compounded prescription, a late inventory of CDS, failing to report OSTAR information, record keeping violations, filling Schedule II prescriptions after more than 5 days of being issued, filling Schedule II prescriptions prior to having a written prescription and sold Schedule II drugs to a physician without using a DEA Form 222.

The Agreed Order required that the Respondent's pharmacist license and the store license be put on suspension until August 10, 2009. The suspension would be stayed and placed on probation. The Respondent shall attend live CE Programs to fulfill CE requirements for the years 2006, 2007, 2008 and 2009. The Respondent is to pay a total fine of \$4900.00.

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

Board adjourned at 4:00 p.m.