

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

February 20, 2008

Call to order:

President Hampton called the February 20, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:05 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 was going to be late for the morning portion of the meeting)

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
John Rodden, Wal-Mart
Laura Petty, Walgreens
Keith Daniel, Walgreen
KaCee Williams, Walgreens
Terry Cothran, Prescription Solutions
Becca Baugher, Cardinal Health
Dana Smith, Target
Jeff Yanchick, ATI
Idaledria Stephens, ATI student
Rachel Edney, ATI student
Michaela Lovell, Intern
Abbie Ackerman, Intern
Jalaina Johnson, Intern
Persis Mondal, Intern
Neal Cast, Intern
Jennifer Wilson, Intern

President Hampton asked the group that was present to introduce themselves. There were pharmacy students, pharmacy technician students and representatives from different companies.

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Jim Spoon to approve the January 16th, 2008 Board meeting minutes and the amended November 7th 2007 minutes as circulated. Motion

passed on roll call vote.

Motion was made by John Lassiter and seconded by Dorothy Gourley to approve claims #1806-#1848, #H79593-#H79597, February 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 by Bill Osborn to approve the duplicate certificate request for Julie Williamson, D.Ph. #12064. Motion passed on roll call vote.

Board discusses request from OHCA:

The Board received a request from the Oklahoma Health Care Authority offering the Board an opportunity to partner with them on a Long Term Care Awareness Campaign. After a discussion, the Board declined.

Board discusses request from Tammy Vo to sit for the NAPLEX:

A letter from Tammy Vo requesting to sit for the NAPLEX was presented to the Board. After a brief discussion, the Board will allow her to take the exam. The Board suggested that she take some review courses.

Board reviews request from OU College of Pharmacy for a special training site:

The Board reviewed a request from OU College of Pharmacy for approval of a special training area. Motion was made by Bill Osborn and seconded by Jim Spoon to approve the request. Motion passed on roll call vote.

Justin Carroll request to appear before Board for reconsideration of a denied technician permit:

Mr. Potter introduced Justin Carroll and Clarence Roberts, D.Ph. to the Board. Mr. Potter explained that he had denied Mr. Carroll's technician application after doing a background check. He had indicated that he had been arrested but when the Board did a criminal background check, there was much more indicated than Mr. Carroll had listed.

Mr. Carroll made a statement that he was not trying to misrepresent himself to the Board and he presented documents to help explain his misunderstanding of the application. Mr. Roberts spoke on Mr. Carroll's behalf and indicated that he felt that Mr. Carroll was a good prospect to be a good technician and that he was trying to better himself by going to technician school, working and to be a good parent.

After questions and a discussion, the Board directed Mr. Potter to execute an agreement with Mr. Carroll that he would accept a technician permit on probation for 6 months and that Bud Roberts, D.Ph. would be his preceptor and that he would report to the Board at the end of the probation period, his recommendation as to Mr. Carroll proceeding as a pharmacy technician. They thanked the Board for their reconsideration.

OSBP vs. Dominic Triana, Technician #9711 – Case No. 849:

The Board was called to order to hear the case of Dominic Triana. Mr. Triana was not present but it was determined that he was properly notified. Assistant Attorney General, Brinda White prosecuted the case. Compliance Officer, Cindy Hamilton testified for the Board along with 3 witnesses from Norman Regional Hospital including the Pharmacy Manager and the Pharmacy Director, Darin Smith.

Mr. Triana had been caught for stealing and was confronted about diverting CDS for his personal use. He later resigned. Pharmacy Director, Darin Smith indicated that this was his first

experience with employee theft and had learned from the experience that in the future, he would handle a situation more forcefully.

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

Motion was made by Bill Osborn and seconded by Jim Spoon that the technician permit of Dominic Triana be revoked. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

Reciprocity:

Nancy Jo Edwards . TX

Score Transfer:

Lori LivelyFL
Michael Marshall.....TX

NAPLEX:

Amy L. Burd
Tammy Vo

OSBP vs. John Howard Gaddis, D.Ph. #10613 – Case No. 851:

President Hampton called the Board to order to hear the case of John Howard Gaddis. Mr. Gaddis was present without Counsel. Assistant Attorney General, Brinda White prosecuted for the Board. Board staff member, Susan Dozal, testified for the Board.

Mr. Gaddis was part of a CE audit and had indicated that he could not produce his C.E. certificates for C.E. obtained in 2005 and 2006. He indicated that he had obtained C.E. in 2007 for his renewal in 2008.

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

Motion was made by Dorothy Gourley and seconded by Gordon Richards that based on the finding of guilt, Mr. Gaddis be fined a total of \$2500.00 and that his pharmacist license be placed on probation until February 20, 2010 and that the following requirements be imposed:

1. Attend a live one-day law seminar in 2008 and 2009 in addition to the required C.E.
2. Attain 120 hours of CE in addition to the required 15 hours during the year 2008.
3. Produce within 30 days, to the Board proof of the 15 hours of C.E. attained in 2007.
4. Pay fine of \$2500.00 by March 20, 2008.

If Mr. Gaddis does not complete any of the above requirements, it would be a violation of the Board Order.

OSBP vs. Gregory L. Myers, D.Ph. #9977 – Case No. 852:

The case of Gregory L. Myers was continued until the next Board meeting.

OSBP vs. Medical Park Center Pharmacy, Inc., #9-2507 and Gary Walter Bell, Jr., D.Ph. #11230 – Case No. 853:

The Board was called to order to hear the case of Medical Park Center Pharmacy and Gary Walter Bell. The respondent was present without an Attorney. Pharmacy owner Brent Moore was also present. Assistant Attorney General, Brinda White prosecuted the case. Compliance Officer, Betty Beil testified for the Board.

Two warning notices had been issued in a 12 month period. After testimony and a brief discussion, a motion was made by Bill Osborn and seconded by Gordon Richards that based on the clear and convincing evidence presented, the respondents be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Dorothy Gourley that a “Letter of Reprimand” be placed in their files for a period of one year and the Mr. Bell attend a one-day law seminar in addition to the required 15 hour of C.E. Motion passed on roll call vote.

OSBP vs. Brian Poe, D.Ph. #11408 – Case No. 854:

President Hampton called the Board to order to hear the case of Brian Poe. Mr. Poe was not present but it was determined that he had been properly notified. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Cindy Hamilton and OPHP Director, Kim McKown testified.

Mr. Poe was a participant in the OPHP program and had become non-compliant and non-responsive to communication with OPHP. After testimony and evidence presented, a motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence presented, Mr. Poe be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards to revoke the pharmacist license of Brian Poe. Motion passed on roll call vote.

OSBP vs. Ashley Chandler, Technician #11475 – Case No. 848:

The Board was called to order to hear the case of Ashley Chandler. Ms. Chandler was not present but it was determined that she had been properly notified. Assistant Attorney General, Brinda White prosecuted the case. Compliance Officer, Betty Beil testified for the Board.

Ms. Chandler was terminated from her position and charged with embezzlement and diverting CDS for personal use.

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

Motion was made by Gordon Richards and seconded by Dorothy Gourley that the technician permit of Ashley Chandler be revoked. Motion passed on roll call vote.

OSBP vs. Sharon Goodell, Technician #1478 – Case No. 847:

The case of Sharon Goodell was continued until the next meeting.

OSBP vs. Vanessa Vasquez, Technician #10881 – Case No. 850:

The case of Vanessa Vasquez was continued until the next meeting.

Board has a working lunch:

It was determined that there would need to be a working lunch in order to start the Rule Hearing at 1:00 p.m. Pizza was ordered in.

Miscellaneous Discussion Items:

While having lunch, President Hampton, Bill Osborn, and Gordon Richards gave a report on the meeting held on January 30th with the Medical Board and the Osteopathic Board. The consensus was that good information was shared between the Boards and different concerns were discussed. Both Boards had expressed that it was a good meeting and that they should do it more often.

President Hampton discussed the organizational meeting regarding the process that is planned to employ a new director. Information will be sent out in the next 30-60 days requesting applications and resumes.

A discussion was held regarding the next few Board meetings. The next meeting will be April 2, 2008, then May 7, 2008. The June meeting will be held in Tulsa in connection with the OPHA meeting.

Proposed Permanent Rule Hearing:

President Hampton opened the Rule Hearing at 1:00 p.m. and welcomed everyone. She asked that we have self introductions by the guests and then turned the rule review over to Mary Ann Terral. All of the rules were well received and most comments were regarding the "Pedigree" rules. All of the remarks and comments are documented in the rule hearing minutes. The rules were adopted as published.

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

The Board was called to order to hear the case of Jack Logsdon. Mr. Logsdon was not present but it was determined that he would agree to enter into an Agreed Order. Mr. Logsdon had been convicted of a Felony and stipulated to guilt as charged. The Agreed Order would place the pharmacist license of Jack Logsdon on Indefinite Suspension.

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

Board discusses the Gary Nichols litigation:

Motion was made by Jim Spoon and seconded by John Lassiter to go into Executive Session to discuss the Gary Nichols litigation. Motion passed on roll call vote.

Upon returning from Executive Session the Board was called to order by President Hampton. A motion was made by Dorothy Gourley and seconded by Gordon Richards to have President Hampton send a letter to the U.S. Attorney requesting a reply to the January letter. Motion passed on roll call vote.

President Hampton adjourned the Board at 4:00 p.m.