

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**March 13th, 2002**

### **Call to order.**

The March 13, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Don Coody at 9:00 a.m.

### **Those present were:**

Board members: Don Coody, President  
Jerry Allen, Member  
Thomas F. Dudley, Member  
Robert Summers, Member  
Jim Spoon, Member

\*\*Janis K. McAllister was not able to attend this months' meeting\*\*

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

Guest: Mark McCullough, OPHP  
Kevin Rich, OPHP  
Billy Wilson, OPHP

### **Approval of minutes and claims:**

Motion was made by Bob Summers and seconded by Jerry Allen to approve the minutes of the January 23 & 24, 2002 Board meeting. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Tom Dudley to approve expense claims #292-356 and #2013-2015. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Jim Spoon to approve the expense claims of the Executive Director. Motion passed on roll call vote.

### **Board meets with Reciprocity candidates and 2 NAPLEX candidates:**

The Board interviewed 6 Reciprocity candidates and 2 NAPLEX candidates. All will be accepted upon passing their exams.

#### **Reciprocity:**

Tara Noblin Colley	GA
Dana Leigh Barton-Ledford	KS
Robert Daniel Mullins	OH
Lester Lee Sherman	MO
Nancy Jo Slovensky	CT
Shauna Beth Stinnett	TX

#### **NAPLEX:**

Amanda K. Callahan
Kelly Dawn Skrdle

### **Michelle Pieratt appears before the Board:**

President Coody called the Board to order to discuss Reciprocity candidate, Michelle Pieratt. Ms Pieratt was present with counsel Larry Derryberry. Alicia Connolly-Lohr, Assistant Attorney General, presented information about Ms. Pieratt, which she felt would give the Board reason to deny

Ms. Pieratt's Reciprocity. After hearing the information presented by both sides, the Board entered into the following motion:

Motion was made by Jim Spoon and seconded by Tom Dudley to approve the Reciprocity of Michelle Pieratt. Ms. Pieratt would have to notify the Board upon starting to work in a pharmacy and would work 250 hours under the supervision of another pharmacist. Motion passed on roll call vote.

**OSBP vs. Angela Klohn, Technician #5576, Case No. 618:**

The Board was called to order to hear Case No. 618. It was determined that the Respondent had been properly notified but did not appear. Alicia Connolly Lohr, Assistant Attorney General, prosecuted the case for the Board. The respondent had filled CDS prescriptions for a friend and had indicated that the prescriber had authorized the prescription. This had happened on several occasions. These prescriptions were also billed to third party payors.

Motion was made by Bob Summers and seconded by Jim Spoon that based on clear and convincing evidence that had been presented, the respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jerry Allen to revoke the technician permit of Angela Klohn. Motion passed on roll call vote.

**OSBP vs. Danna Kaye Cooper Hutchinson, D.Ph. #9756, Case No. 617:**

President Coody called the Board to order to hear the case of Danna Kaye Cooper Hutchinson. Ms. Hutchinson was present with counsel, R.L. Rivas. Assistant Attorney General, Alicia Connolly-Lohr prosecuted the case for the Board. An Agreed Order was presented to the Board. In the Agreed Order, the Respondent would agree to the following:

1. Respondent would plea guilty on all 6 counts.
2. Her license would be suspended for four years, until March 13, 2006. As of April 1, 2002, the suspension would be placed on probation for the remainder of the period, providing that she adheres to the terms of the order.
3. Respondent would pay a fine of \$1500.00
4. Respondent will be evaluated for addiction through OPHP. She will follow whatever is suggested by OPHP following her evaluation. If the evaluation results in the recommendation that the Respondent enter into a contract with OPHP, the Respondent will do so.
5. Respondent will attend a one-day Board approved law seminar in 2002 & 2003 in addition to the required 15 hours of CE.

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

**Lonnie Cothran, D.C request reinstatement of Pharmacist license:**

Lonnie Cothran appeared before the Board to request reinstatement of his pharmacist license. After a brief discussion with Mr. Cothran, the Board went into Executive Session. Upon returning from Executive Session, President Coody called the Board to order.

Motion was made by Jerry Allen and seconded by Jim Spoon to allow Mr. Cothran to license as an Intern. Mr. Cothran must work a total of 480 hours under the supervision of a pharmacist. These hours must be completed on or before 1/1/03. Mr. Cothran must also attend a one-day law seminar. Upon completion of the required intern hours and law seminar, Mr. Cothran may request to appear before the Board for reinstatement. Motion passed on roll call vote.

**Board recessed for lunch:**

Former Board member, Carl Lyons, joined the meeting for a visit with the Board.

**NABP Annual Meeting:**

President Coody called the Board to order at 1:30 p.m. Mr. Potter discussed the NABP annual meeting. All members will attend except Jerry Allen and Jim Spoon.

**Board discusses Health Department Drug Room Rules:**

The Board discussed the option of forming a Task Force to work on rules licensing Hospital Drug Rooms and also to set rules for Drug Rooms. After a discussion, Mr. Potter was directed to start such a taskforce, which is to include working with the Health Department.

**Request from Med-X Corporation:**

Motion was made by Jim Spoon and seconded by Bob Summers to approve the Drug Interaction Facts as an acceptable reference book for pharmacy libraries. Motion passed on roll call vote.

**Technician Cancellations:**

A list of "Failed To Renew" Technicians was presented to the Board. Motion was made by Jim Spoon and seconded by Jerry Allen to cancel these permits as of March 20, 2002. Motion passed on roll call vote.

**Hoby Hawkins request Preceptor license:**

A request from Hoby Hawkins requesting a Preceptors license was presented to the Board. Motion was made by Bob Summers and seconded by Jim Spoon to allow Mr. Hawkins to apply for a preceptor license. Motion passed on roll call vote.

**Pharmacist reinstatement approved:**

Motion was made by Bob Summers and seconded by Jim Spoon to approve the reinstatement request of George Hendix Ray III, D.Ph. #9922 and Vincent A. Tapia, D.Ph. #7341. Motion passed on roll call vote.

**Complaint Consideration:**

Compliance Officer, Gary LaRue presented 2 cases for the Board to consider hearing. Motion was made by Jerry Allen and seconded by Bob Summers to hear the two cases. Motion passed on roll call vote.

**Board discusses future Board dates:**

The Board approved the following Board dates:

April 25, 2002

May 30, 2002

June 20, 2002

July 24, 2002

**OSBP vs. Clark Phillips, D.Ph. #10018, Case No. 619:**

President Coody called the Board to order to hear the case of Clark Phillips. Mr. Phillips chose to appear without counsel. Assistant Attorney General, Alicia Connolly-Loehr, was prosecutor for the case.

Mr. Phillips had received two warning notices from Compliance Officer, Betty Beil, on removing out of date medications from active stock.

Motion was made by Jerry Allen and seconded by Bob Summers that based on clear and convincing evidence that was presented, that the Respondent be found guilty on 2 counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jerry Allen that based on the finding of guilt the Respondent will be fined \$250.00 per count for a total of \$500.00. The Respondent shall also have a letter of reprimand placed in his personal file for a period of 1 year. Motion passed on roll call vote. The Respondent verbally indicated that he would enter into a contract with a "Return Company" to work his stock at least twice a year.

**OSBP vs. David Alan Kendrick, D.Ph. #11708, Case No. 621:**

The Board was called to order to hear the case of David Kendrick. It was determined that the respondent had been properly notified but did not appear for the hearing. Evidence was presented to the Board that the Respondent's Nevada license had been revoked and that he had admitted to the theft of CDS from his employer.

Motion was made by Jerry Allen and seconded by Bob Summers that based on clear and convincing evidence presented that the Respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Tom Dudley to revoke the probation of the respondent in Case No. 536. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jim Spoon that the Respondents

pharmacist license #11708 be revoked. Motion passed on roll call vote.

**Board recessed until Thursday, March 14, 2002 at 8:00 am.**

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112

Oklahoma City, OK 73105-3488

### March 14th, 2002

#### Call to order.

President Don Coody called the March 14, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

#### Those present were:

Board members: Don Coody, President  
Jerry Allen, Member  
Thomas F. Dudley, Member  
Robert Summers, Member  
Jim Spoon, Member

\*\*Janis K. McAllister was not able to attend this months' meeting\*\*

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

Guest: Kevin Rich, OPHP  
Billy Wilson, OPHP

#### Board approves Proposed Rule Revision:

The Board reviewed and adopted the Rule Revisions that had been presented in the February 27, 2002 Rule Hearing.

Motion was made by Tom Dudley and seconded by Jim Spoon to adopt the rules. Motion passed on a roll call vote.

#### OSBP vs. Mark Stephen Meek, D.Ph. #9879, Case No. 453-request for probation:

The Board was called to order to hear the request of Mark Meek. Mr. Meek had requested that the Board lift the probation on his license in Case No. 453. Mr. Meek testified and Kevin Rich of OPHP testified on his behalf.

Motion was made by Tom Dudley and seconded by Bob Summers to lift the probation in Case No. 453 providing that Mr. Meek agrees to continue a modified contract with OPHP for a minimum of 2 years. Mr. Meek agreed. Motion passed on roll call vote.

#### OSBP vs. Marcus Craig Oswald, D.Ph. #10121, Case No. 610:

President Coody called the Board to order to hear the case of Marcus Craig Oswald. Mr. Oswald appeared with counsel, Stan Ward. Assistant Attorney General, Alicia Connolly-Lohr was prosecutor for the Board.

Mr. Oswald had admitted to stealing CDS for personal use. Alicia Connolly-Lohr presented the Board with an Agreed Order. Mr. Oswald agreed to guilt on all counts and his license was placed on suspension for an indefinite period. After four years, (March 2006) Mr. Oswald may request to be placed on probation providing he can show sobriety and has been free from drugs for a period of one year prior to making the request.

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

**“New Business”**

The Board looked at Rule & Statute language presented by Alicia Connolly-Lohr, Assistant Attorney General, regarding Internet pharmacies. After review, the Board asked the staff to prepare language for possible emergency rules. The staff is also to check with the Medical Boards about their intent on rules regarding face to face evaluations prior to writing a prescription.

**OSBP vs. Terrell Lee Winkler, D.Ph. #8467, Case No. 622:**

The Board was called to order at 11:00 am to hear Case No. 622. The Respondent had been properly notified but was not present because he is in jail. Alicia Connolly-Lohr, Assistant Attorney General, was the prosecutor for the case. The Respondent had been convicted on 4 counts:

1. Cultivation
2. Possession of Precursor
3. Attempted manufacturing of CDS
4. Possession of Drug Paraphanelia

Motion was made by Jim Spoon and seconded by Tom Dudley that based on clear and convincing evidence the Respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Tom Dudley that based on the finding of guilt, the Respondents pharmacist license #8467 be revoked. Motion passed on roll call vote.

**President Coody declared the meeting closed at 11:50 a.m.**