

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**March 19, 2003**

### **Call to order:**

President McAllister called the March 19, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:30 a.m.

### **Those present were:**

Board Members:                   Janis McAllister, President  
  Jerry Allen, Vice-President  
  Bob Summers, Member  
  Jim Spoon, Member  
  Dr. Tom Dudley, Member  
  William Earl Osborn, Member

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 Tom Dudley and seconded by Bob Summers to approve the January 29th & 30th minutes. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to approve the claims #313-#372 and #3012, #3013 & 3014. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Bill Osborn to approve the accrued expenses of the Executive Director. Motion passed on roll call vote.

### **Duplicate certificate request approved:**

Motion was made by Bob Summers and seconded by Jim Spoon to approve the duplicate D.Ph. certificate request for Julie Dawn Willis, D.Ph. #13073. Motion passed on roll call vote.

### **Technician Cancellations:**

A list of "Failed To Renew" Technicians was presented to the Board. Motion was made by Tom Dudley and seconded by Bob Summers to cancel the technicians that had not renewed. Motion passed on roll call vote.

### **Board discusses Charitable Pharmacy Guidelines:**

Guidelines for charitable pharmacies were reviewed and discussed. Motion was made by Jerry Allen and seconded by Jim Spoon to approve the guidelines with the modifications that were noted. Motion passed on roll call vote.

### **Compliance Officer Gary LaRue discusses concern about Technicians:**

Compliance Officer, Gary LaRue discusses a concern about Technicians receiving new prescriptions from a voice mail system and transcribing it for the pharmacist to review. After a discussion, it was determined that this was a violation of Oklahoma Pharmacy Law. The staff was directed to notify the pharmacies that this practice was illegal.

**NABP Annual Meeting:**

The Board discussed the NABP convention that will be held in May. Those that will be attending are Jerry Allen, Tom Dudley, Janis McAllister, Bob Summers and Bryan Potter. It was decided that the office would pay the registration fees at one time in order to receive the savings.

**2003-2004 State Newsletter Agreement:**

Motion was made by Jerry Allen and seconded by Bill Osborn to approve the Newsletter Contract for the next year. Motion passed on roll call vote. President Janis McAllister signed the agreement.

**Board discusses Mental Health Pharmacies:**

A discussion was held regarding mental health patients prescriptions. It was determined that the staff should review the pro's and con's on this issue and a final decision was tabled.

**Board meets with Reciprocity, Score Transfer and NAPLEX candidates:**

The Board interviewed 11 Reciprocity candidates, 2 Score Transfer candidates and 1 NAPLEX candidate. All will be accepted upon passing the Oklahoma Law Exam.

**Reciprocity:**

Jyme Kay Davis	TX
Beckie C. Ellis	NV
Scott Andrew Fiely	WA
Julia A. Heath	MI
Miguel Angel Nunez	TX
Tracey Lee Nunez	TX
Duc Minh Nguyen	TX
Sharon Marie Oliphant	KS
Lara Diane Simmons	KS
Yvonne Yuen-Chee Tse	IN
Lawrence D. Yoder	MO

**Score Transfer:**

Jera-Marie Burkett	HI
Lesley Alma Enose	IA

**NAPLEX:**

Bryan L. Parker

**OSBP vs. Uyen Bui, Technician #5440, Case No. 661:**

The Board was called to order by President McAllister to hear the case of Uyen Bui. Ms. Bui was present with Counsel, Ms. Timmons and also accompanied by her mother. Compliance Officer, Gary LaRue and Eckerd pharmacy manager, Roger Vorheis testified for the Board. Assistant Attorney General, Grant Moak, prosecuted the case.

After discussion and testimony, a motion was made by Jim Spoon and seconded by Bob Summers to find Ms Bui guilty on all 4 counts. Motion passed on roll call vote. Motion was made by Tom Dudley and seconded by Bill Osborn to Revoke the technician permit of Uyen Bui. Motion passed on roll call vote.

**OSBP vs. Leigh Ann Hamby, Technician #3738, Case No. 662:**

The Board was called to order by President McAllister, to hear the case of Leigh Ann Hamby. Counsel, Doug Rice, represented Ms. Hamby. Grant Moak, Assistant Attorney General, prosecuted the case. Compliance Officer, Gary LaRue and Eckerd pharmacy manager, Roger Vorheis testified for the Board.

After hearing testimony, a motion was made by Tom Dudley and seconded by Bill Osborn to find Ms. Hamby guilty on all 5 counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to suspend the technician permit of Leigh Ann Hamby for a period of 2 years until March 19, 2005. The suspension is to be stayed and the permit will be placed on probation for the two years. Ms. Hamby is to pay a fine of \$100 per count for a total of \$500. Ms. Hamby is to attend an approved one-day law seminar during the calendar year of 2003. She must also notify her employer or any future employer that her license is on probation and the employer is to notify the Board that they have been informed. Motion passed on roll call vote.

**OSBP vs. Luis Felipe Faz, Technician #3420, Case No. 658:**

President McAllister called the Board to order to hear the case of Luis Felipe Faz. It was determined that the respondent had received proper notice. Assistant Attorney General, Grant Moak prosecuted the case.

Motion was made by Jerry Allen and seconded by Bob Summers to find the respondent 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 Luis Felipe Faz. Motion passed on roll call vote.

**OSBP vs. Glenda Green, Technician #5946, Case No. 656:**

The Board was called to order to hear the case of Glenda Green. It was determined that the respondent had received proper notice. Assistant Attorney General, Grant Moak prosecuted the case. Terry Crissman, Director of Pharmacy at Duncan Regional Hospital and also the respondents supervisor, was present to testify for the Board.

Motion was made by Bob Summers and seconded by Jim Spoon to find the respondent guilty on all counts. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Jerry Allen to revoke the technician permit of Glenda Green. Motion passed on roll call vote.

**OSBP vs. Jennifer Riddle, Technician #1406, Case No. 654:**

President McAllister called the Board to order to hear the case of Jennifer Riddle. It was determined that the respondent had received proper notice. Assistant Attorney General, Grant Moak prosecuted the case and Compliance Officer, Cindy Hamilton testified for the Board.

Motion was made by Bob Summers and seconded by Jim Spoon to find the respondent guilty. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bob Summers to revoke the technician permit of Jennifer Riddle. Motion passed on roll call vote.

**The Board had a working lunch at 1:00 p.m.**

**Board holds rule hearing regarding Draft Rules of Chapter 1, 10, 15 (Hospital Drug Rooms) 20 and 25:**

President McAllister called the Board to order at 1:30 p.m. for the rule hearing regarding Hospital Drug Rooms Chapter 20 and 25. Hospital Drug Room Committee members, Mary Buckner and Ann Hull, were present for the hearing. Mary Ann Terral read the rules for review.

Motion was made by Tom Dudley and seconded by Jerry Allen to approve these Rules and proceed with the proper process. It was noted that these rules would become effective January 1, 2004, allowing time to adequately notify those involved. Motion passed on roll call vote. The adoption and review of the other draft rules were continued until 8 a.m. the following day.

**OSBP vs. Mark Allen McCullough, D.Ph. #10336, Case No. 494-A:**

President McAllister called the Board to order to hear the case of Mark McCullough. Mr. McCullough chose to appear without counsel. Assistant Attorney General, Grant Moak prosecuted the case. Compliance Officer, Cindy Hamilton and OPHP President, Kevin Rich testified for the Board.

Motion was made by Jim Spoon and seconded by Bob Summers to find Mr. McCullough guilty as charged. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Jim Spoon to revoke the probation and to suspend Mr. McCullough's D.Ph. license indefinitely. Mr. McCullough may appear after April 1, 2008 to petition the Board to place his license on probation provided that OPHP recommends it. Motion passed on roll call vote.

**Board adjourned at 3:30 p.m. until the morning of Thursday, March 20, 2003**

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**March 20, 2003**

### **Those present were:**

Board Members: Janis McAllister, President  
Jerry Allen, Vice-President  
Bob Summers, Member  
Jim Spoon, Member  
Dr. Tom Dudley, Member  
William Earl Osborn, Member

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

### **Call to order:**

President McAllister called the March 20, 2003 meeting, of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m. to continue the rule hearing regarding Draft Rules of Chapter 1, 20 & 15. The Draft Rules on Agreements in Chapter 10 were also reviewed.

Motion was made by Tom Dudley and seconded by Jerry Allen to adopt these rules. Motion passed on roll call vote.

### **OSBP vs. Roy Paul Conn, D.Ph. #9324, Case No. 660:**

The Board was called to order to hear the case of Roy Paul Conn. Counsel, Heather Poole, represented Mr. Conn. Assistant Attorney General, Grant Moak presented the Board with an Agreed Order for approval. It was stated in the Agreed Order that Mr. Conn would agree to guilt on 4 counts. He had been arrested and charged with domestic violence and possession of prescription drugs in the original containers, which were not labeled properly and he had no prescription for the medication. Mr. Conn agrees to pay a fine of \$2400; he also agrees to attend a one-day law seminar in 2003 and 2004 in addition to the required CE. His license is suspended and placed on probation for 3 years until March 20, 2006. He is required to enter into a contract with OPHP and be evaluated.

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

### **Thomas Menighan of Familymeds appears before the Board:**

Familymeds representative, Thomas Menighan was introduced to the Board. Mr. Menighan made a presentation to the Board regarding automated remote dispensing. Mr. Menighan asked the Board to review the information and to possibly consider allowing a pilot project for a period of time by Familymeds. The Board will discuss this more at the May meeting.

### **OSBP vs. Jeffrey Stephen Yanchick, D.Ph. #11290, Case No. 569-request for probation to be lifted:**

Jeffrey Yanchick appeared before the Board to request to have his pharmacist license returned to good standing. Mr. Yanchick's license had been placed on probation from Case No. 569.

Kevin Rich, President of OPHP, testified on Mr. Yanchick's behalf.

Motion was made by Bob Summers and seconded by Bill Osborn to return Mr. Yanchick's license to good standing. Motion passed on roll call vote.

**Bob Gagne of Orphan Medical appears before the Board:**

Bob Gagne of Orphan Medical and John Duncan of the Oklahoma Bureau of Narcotics appeared before the Board to request that they pass an emergency rule, making the drug Xyrem a Schedule III until such time as the Legislature can change the statutes.

Orphan Medical has a FDA approved drug, Xyrem, a medical formulation of GHB, used for cataplexy associated with narcolepsy. GHB is presently a Schedule I in Oklahoma. The DEA has made an exception for Xyrem and made it a Schedule III. Mr. Duncan stated that the Oklahoma Bureau of Narcotics was in support of the Rule and would initiate such legislation in the next session.

Motion was made by Jerry Allen and seconded by Bob Summers to direct the Staff to proceed with necessary process to pass such a rule. Motion passed on roll call vote.

**Board sets date for Board Meeting:**

The Board has set May 22, 2003 as the next Board Meeting. The Board may possibly have a Board meeting during the OPHA convention at Shangri-La in June.

**Board recessed for lunch:**

**OSBP vs. Jerry Morris Helm, D.Ph. #9370, Case No. 649:**

The Board was called to order by President McAllister to hear the case of Jerry Helm. Mr. Helm appeared without counsel but had been represented by Attorney Reavis during negotiations with the staff regarding an Agreed Order. Grant Moak, Assistant Attorney General, presented the Complaint and the Agreed Order to the Board.

Mr. Helm admitted guilt to the 6 counts in the complaint. He admitted under oath that he had diverted CDS for his personal use. He agreed to submit to an evaluation by OPHP and enter into and abide by a contract if so recommended. He agrees to attend a 1-day law seminar in the years 2003 & 2004 in addition to the 15 hours of required CE. He is to pay a \$3000 fine. His license is suspended for 10 years until March 20, 2013. After one year of documented sobriety, he may petition the Board and request a stay of the suspension and that his license be placed on probation.

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

**Board adjourned at 2:00 p.m.**