

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

March 08, 2006

Call to order:

President Osborn called the March 8, 2006 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:25 a.m.

Those present were:

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

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

Guests: Shauna Peterson, Walgreens
Josh Werth, Intern with OPHA

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Gordon Richards to approve the January 18, 2006 minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by John Lassiter to approve claims #1001-#1050, #H12436-#H13723, January and February payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacist, Pharmacies and Technicians, Training Areas and Preceptors:

After a review of the cancellation list of Pharmacists, Pharmacies, Technicians, Training Areas and Preceptors, a motion was made by John Lassiter and seconded by Dorothy Gourley to cancel those licenses that had not renewed. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Gordon Richards to issue the duplicate certificate for David Eugene McGehee, D.Ph. #13712. Motion passed on roll call vote.

Board discusses request from Mary Thacker requesting a Preceptor license:

After a brief discussion was held about the preceptor request of Mary Thacker, the Board denied her request.

Board approves request from SWOSU for a special training site:

Motion was made by Diana Hampton and seconded by Jim Spoon to approve the request of SWOSU for a special training site at the Oklahoma City Area Indian Health Service Office. Motion passed on roll call vote.

Board discusses compounding in Doctors offices and hospitals:

A discussion was held regarding pharmacy compounding of CDS medications for patient specific

prescriptions and delivering the prescriptions to physician's office for administration. The physician is paying for the prescriptions and billing 3rd parties for the drug and administration. DEA has held that this is not legal in that the physician would be obtaining a CDS for "office use" on a prescription. The Board determined that there is a need for the compounding of these pain medications and that there is not a commercially available product in the strengths needed.

The Board directed Mr. Potter to contact NABP and ask them to work with DEA to consider a possible change in their interpretation of the legality of these prescriptions. It was indicated that the drop off law would not be enforced on this type of transaction with hospitals and physician offices purchasing these prescriptions.

Board discusses letter from Buck Stevens of RX.com:

The request of RX.Com to contract for central fill and mail order pharmacy was tabled until the next meeting. Mr. Potter was instructed to obtain more information.

Board meets with Reciprocity and NAPLEX applicants:

The Board met with 4 Reciprocities and 2 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocities:

Debra Mae Allen IN
Cindy M. Fager KS
Ray Ellis Manning TX
Robert Eugene Viles KS

NAPLEX:

Brian F. Goodwin
Sunkyoung So
Jaime B. White

OSBP vs. Shawna Ridenour, Technician #5685 - Case No. 777:

The Board was called to order to hear the case of Shawna Ridenour. Ms. Ridenour was present but chose to appear without Counsel. Assistant Attorney General, Brinda White, prosecuted for the Board. Ms. Ridenour had stolen CDS from her employer for personal use.

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

Motion was made by Jim Spoon and seconded by Dorothy Gourley to revoke the technician permit of Shawna Ridenour. Motion passed on roll call vote.

OSBP vs. Genevieve Earley, D.Ph. #11243 - Case No. 771:

The Board was called to order to hear the case of Genevieve Earley. Ms. Earley was present with Counsel, Tom Reisen. Assistant Attorney General, Brinda White prosecuted for the Board. OPHP Director, Tandi Reheis testified for the Board. Ms. Earley had been non-compliant with her OPHP contract.

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

Motion was made by Dorothy Gourley and seconded by John Lassiter to revoke the probation and suspend Ms. Earley's pharmacist license for the remaining period of her order. She may request probation after showing compliance with her OPHP contract and sobriety for one year and she must have a positive recommendation from OPHP. Motion passed on roll call vote.

OSBP vs. Deril J. Lees, D.Ph. #9635 and The Apothecary Shoppe-Tulsa #2-4226 - Case No. 779:

President Osborn called the Board to order to hear the case of Deril Lees and The Apothecary Shoppe. Mr. Lees was present but chose to appear without Counsel. Brinda White, Assistant Attorney General prosecuted the case. Compliance Officer Betty Beil testified for the Board. Mr. Lees pharmacies had increased quantities on prescriptions without notifying the prescriber and was lowering the co-pay on some insurance prescriptions.

Motion was made by Diana Hampton and seconded by Dorothy Gourley that based on the clear and convincing evidence presented Mr. Lees be found guilty on the three counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton that Mr. Lees be fined \$1000.00 per count for a total of \$3000.00. He is to attend a one-day law seminar in addition to his required CE during the year 2006. A Letter of Reprimand is to be placed in his personal file for a period on one year. Motion passed on roll call vote.

OSBP vs. Michael Jordan, D.Ph. #10013 - Case No. 770:

President Osborn called the Board to order to hear the case of Michael Jordan. Mr. Jordan was present with Counsel John Albert and Carol Rolke. Assistant Attorney General, Brinda White prosecuted for

the Board. OPHP Director, Tandi Reheis testified for the Board. Mr. Jordan had not been compliant with his OPHP contract. A presentation was made showing a number of discrepancies by Mr. Jordan in complying with his OPHP contract.

Motion was made by Diana Hampton and seconded by Dorothy Gourley that based on clear and convincing evidence presented regarding Count I, Items 4 and 7 and Count II that Mr. Jordan be found guilty. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Gordon Richards that Mr. Jordan must show 60 days of full compliance at the May Board meeting. If Mr. Jordan has not been in complete compliance, a complaint will be filed and a hearing held for possible suspension of his license. Motion passed on roll call vote.

Board had a working lunch

OSBP vs. J. Denny Strickland, D.Ph. #9741 - Case No. 780:

The Board was called to order to hear the case of Denny Strickland. Mr. Strickland was present but chose to appear without Counsel. Brinda White, Assistant Attorney General was prosecutor for the Board. Mr. Strickland had admitted to taking CDS from his employer for his own use.

An Agreed Order was presented to the Board. Mr. Strickland will agree to his license being suspended for 10 years with the suspension stayed and his license placed on probation until March 8, 2016. He would have to attend a one-day law seminar in addition to the required CE for the year 2006. He will also be fined \$700 and must enter into and abide by a contract with OPHP.

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

OSBP vs. Diane Elizabeth Feightner, D.Ph. #12673 - Case No. 781:

President Osborn called the Board to order to hear the case of Diane Feightner. Ms. Feightner was present but chose to appear without Counsel. Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Officer, Gary LaRue, testified for the Board. Ms. Feightner had received two warning notices within a 12-month period. Ms. Feightner had made an error in filling prescriptions, which had been reported by the patient by a written complaint.

Motion was made by Diana Hampton and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Feightner be found guilty as charged.

Motion was made by Jim Spoon and seconded by Dorothy Gourley that Ms. Feightner be required to attend a law seminar in addition to the required CE for the year 2006. She must also view the Error Video. Motion passed on roll call vote.

OSBP vs. George Eddie McCollum, D.Ph. #11402 - Case No. 782:

The Board was called to order to hear the case of George Eddie McCollum. Mr. McCollum was present but chose to appear without Counsel. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue, testified for the Board. Mr. McCollum had received two warning notices within a 12-month period.

Motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence presented, Mr. McCollum be found guilty as charged.

Motion was made by Jim Spoon and seconded by Diana Hampton that Mr. McCollum be required to attend a law seminar in addition to the required CE for the year 2006. He must also view the Error Video. Motion passed on roll call vote.

OSBP vs. Rodney J. Doty, D.Ph. #9952 - Case No. 740 – Request for suspension to be lifted:

The Board was called to order to hear the request of Rodney Doty. Mr. Doty was present but chose to appear without Counsel. Mr. Doty's request was that the suspension of his license be stayed and placed on probation for the remaining period of his order. Kevin Rich of OPHP testified that Mr. Doty had been compliant with his OPHP contract and recommended that he be placed on probation.

Motion was made by Gordon Richards and seconded by Dorothy Gourley that the request be granted. Motion passed on roll call vote.

OSBP vs. Mary Jane Watson, D.Ph. #7657 - Case No. 721 – Request for modification of Final Order:

President Osborn called the Board to order to hear the request of Mary Jane Watson. Ms. Watson was present along with Counsel, Joe Crosthwait. Ms. Watson's request was that her license be placed on non-restricted probation. Representatives from OPHP testified that she was compliant with her OPHP contract.

Motion was made by Jim Spoon and seconded by Gordon Richards that her request be granted. Motion passed on roll call vote.

OSBP vs. Michael Ernissee, D.Ph. #11067 - Case No. 372 – Request for D.Ph. license:

The Board was called to order to hear the request of Michael Ernissee. Mr. Ernissee was requesting that he be allowed to sit for the NAPLEX Exam and become a licensed pharmacist. His license had been revoked in 1992.

The Board requested that the staff prepare an agreement setting the requirements of the Board, which Mr. Ernissee would be required to enter into providing that he became licensed.

OSBP vs. Bonnie Garrett, Technician #4089 - Case No. 775:

The Board was called to order to hear the case of Bonnie Garrett. Ms. Garrett was not present. Assistant Attorney General, Brinda White prosecuted for the Board. Ms. Garrett admitted to stealing CDS drugs from her employer for her own personal use.

The Board was presented with an Agreed Order. If the Board accepts the Agreed Order, Ms. Garrett would agree to revocation of her technician permit.

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

OSBP vs. Julie Ann Glaze, Technician #2077 - Case No. 776:

President Osborn called the Board to order to hear the case of Julie Ann Glaze. Ms. Glaze was not present but it had been determined that she had been properly notified. Brinda White, Assistant Attorney General, prosecuted the case. Ms. Glaze had been in a car wreck and had a quantity of CDS in her possession.

Motion was made by John Lassiter and seconded by Dorothy Gourley that base on the clear and convincing evidence presented Ms. Glaze 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 technician permit of Julie Ann Glaze. Motion passed on roll call vote.

President Osborn adjourned the meeting at 6:03 p.m.