

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**March 4, 2009**

#### **Call to order:**

Vice-President Spoon called the March 4, 2009 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

#### **Those present were:**

Board Members: Jim Spoon, Vice-President  
Diana Hampton, Member  
John Lassiter, Member  
Bill Osborn, Member  
Gordon Richards, Member

\*Dorothy Gourley was unable to attend this meeting

Board of Pharmacy: John A. Foust, Executive Director  
Gary LaRue, Compliance Officer  
Cindy Hamilton, Compliance Officer  
Betty Beil, Compliance Officer  
Terry Bratt, Inspector  
Rhonda Jenkins, Executive Secretary

Guests: Kay Vaughan, CVS  
Ashley Davis, CVS  
Amanda Wenzel, Target  
Derek Dennis, Walgreens  
Laura Petty, Walgreens  
Ryan Walker, Walgreens  
Terry Cothran, Prescription Solutions  
Shannon Griggs, Wal-Mart  
Georg Lunday, Integris Health  
Lee McGoodwin, Oklahoma Poison Control  
Phil Woodward, OPHA  
Rahi Bigdely, Intern  
Phong Hoang, Intern  
Trish Hilbern, Intern  
John Morrow, Intern

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

Motion was made by John Lassiter and seconded by Diana Hampton to approve the January 21, 2009 Board meeting minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Bill Osborn to approve claims #2225-2265, #H124302-#H124307, #H126660-#H126665, January 2009 and February 2009 payroll and any accrued expenses of the Executive Director. Motion passed on roll call vote.

**Cancellation of Pharmacists, Pharmacies, Facilities, Technicians, Preceptors and Training Areas:**

After a review of the cancellation lists presented, a motion was made by Diana Hampton 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 John Lassiter and seconded by Bill Osborn to approve the duplicate certificate request for Candace M. Gulisao, D.Ph. #14288. Motion passed on roll call vote.

**Presentations to Susan Dozal, Cindy Hamilton and Betty Beil:**

Vice-President Spoon presented Susan Dozal with a pin for 20 years of service with the State of Oklahoma. Vice-President Spoon also presented Compliance Officers Cindy Hamilton and Betty Beil with a pin for 10 years of service with the State of Oklahoma.

**Board discusses NABP's Official Delegate and the Travel Grant Program:**

The Board held a brief discussion and it was determined that President Dorothy Gourley will represent the Board as the Official Board Delegate at the National Association of Boards of Pharmacy (NABP) meeting in May. Several other members of the Board and the Executive Director plan to attend.

The Board was informed that NABP has approved a grant request to reimburse the Board Delegate for many of their travel expenses to attend the meeting through the NABP Travel Grant Program.

**Board discusses accepting Reciprocity from Florida:**

Executive Director, John Foust presented the Board with information pertaining to Reciprocity with Florida. The Florida Board had changed their requirements from the original 12-year licensure transfer law to allow reciprocity between states without conditions.

Motion was made by Bill Osborn and seconded by John Lassiter to accept Reciprocity with Florida. Motion passed on roll call vote.

**Board approves request from SWOSU for a special training site:**

Motion was made by Bill Osborn and seconded by John Lassiter to approve the request of Southwestern Oklahoma State University (SWOSU) for a special training site at Canadian Valley Family Care with Dr. Aaron Wilbanks. Motion passed on roll call vote.

**OSBP vs. Sandy Eldridge, Technician #8490 – Case No. 909:**

Vice-President Spoon called the Board to order to hear the case of Sandy Eldridge. Ms. Eldridge chose to appear without Counsel but brought her husband, Clif Eldridge.

Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Officer Cindy Hamilton and Walgreens District Manager Derek Dennis testified for the Board.

Ms. Eldridge had been using a list of unknown driver's license numbers in order to complete the prescription so that it would be ready for the patient to pick up. When the patient came to pick up, Ms. Eldridge would then get the correct driver's license number and complete the information. Ms. Eldridge testified that she did not realize that what she was doing was wrong. Mr. Eldridge also testified on his wife's behalf.

Motion was made by Bill Osborn and seconded by Gordon Richards to go into Executive Session. Motion passed on roll call vote. Motion was made by Bill Osborn and seconded by Gordon Richards to return from Executive Session. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards that Ms. Eldridge be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Bill Osborn that the technician license of Sandy Eldridge be placed on probation for 1 year. Ms. Eldridge is required to attend a one day law

seminar in 2009. Motion passed on roll call vote.

**OSBP vs. Pamela D. Adams, Technician #12410 – Case No. 913:**

The case of Pamela D. Adams was continued until the next meeting.

**Dan Luce of Walgreens appears before Board:**

Dan Luce of Walgreens appeared before the Board to review a central fill business model. No action was taken after his presentation.

**Board interviews Reciprocity, Score Transfer and NAPLEX applicants:**

The Board was called to order to interview 2 Reciprocities, 3 Score Transfer applicants and 3 NAPLEX candidates. All will be accepted upon passing the Oklahoma Law and the NAPLEX if necessary:

**Reciprocity:**

Matthew Ryan Maddox .....NC  
Patricia Charlene Van Cleave .....TX

**Score Transfer:**

Sara Matney .....TX  
Michael Scott .....KS  
Scott Ward.....OR

**NAPLEX:**

Kristen Bearden  
Blake Dills  
Tejas Patel

**OSBP vs. Walgreens 4723, #11-4294 and Benjamin Dale, D.Ph. #13067 – Case No. 905**

The Board was called to order to hear the case of Walgreens and Benjamin Dale. Mr. Dale was present with Counsel Larry Derryberry. Assistant Attorney General, Brinda White prosecuted for the Board. Compliance Officer Cindy Hamilton and Registration Secretary Rhonda Jenkins testified for the Board. Larry Derryberry called Benjamin Dale and Genevieve Holeman to testify.

Mr. Dale stated that he had notified the Board in writing of a technician’s termination. Ms. Jenkins testified that the Board never received the original notice of the termination. Motion was made by Bill Osborn and seconded by Diana Hampton to go into Executive Session. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by John Lassiter to call the meeting back to order. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards to find Walgreens and Benjamin Dale not guilty. Motion passed on roll call vote.

**Board holds hearing on denial of pharmacy license renewal for Special Design Health Care #99-1224:**

Vice-President Spoon called the Board to order to hear the request of Special Design Health Care. Attorneys Hilary Velandia and Elise Brennan appeared before the Board on behalf of the non-resident pharmacy. Assistant Attorney General, Brinda White presented the Board with an Agreed Order. If the Board accepts the Agreed Order, the pharmacy license would be placed on probation for 5 years based on the order of the Missouri Board of Pharmacy.

Motion was made by Bill Osborn and seconded by Diana Hampton to accept the Agreed Order. Special Design Health Care must reapply and must submit copies of the reports prepared by the consultant under the Missouri Settlement Agreement. Motion passed on roll call vote.

**OSBP vs. Drug Warehouse No. 22, #2-5288 and Gregg A. Masterson, D.Ph. #10992 – Case No. 915:**

The Board was called to order to hear the case of Drug Warehouse and Gregg Masterson. Mr. Masterson was present and chose to appear without Counsel. Drug Warehouse representatives were not present. Brinda White, Assistant Attorney General prosecuted for the Board. Compliance Officer, Betty Beil testified for the Board. Mr. Masterson had the opportunity to testify on his own behalf.

Both respondents had received two warning notices within a 12-month period. Motion was made by Bill Osborn and seconded by Gordon Richards to go into Executive Session. Motion passed

on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton to call the meeting back to order. Motion passed on roll call vote. Motion was made by John Lassiter and seconded by Gordon Richards that Drug Warehouse and Gregg Masterson be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Diana Hampton that Gregg Masterson be fined \$500.00. He must also attend a one day law seminar in 2009 in addition to the required 15 hours of continuing education. Drug Warehouse will be fined \$1000.00. Drug Warehouse must submit by certified mail, all of their Oklahoma pharmacies and Pharmacist in Charge (PIC) as of the close of business this day. Motion passed on roll call vote.

**OSBP vs. Janice Kay Wingfield, D.Ph. 10696 – Case No. 906:**

Vice-President Spoon called the Board to order to hear the case of Janice Wingfield. Ms. Wingfield chose to appear without Counsel. Assistant Attorney General, Brinda White prosecuted for the Board. Compliance Officers Cindy Hamilton and Betty Beil testified for the Board. Joe Forcum, Hillcrest Director of Pharmacy also testified for the Board.

Ms. Wingfield had obtained prescription drugs without a prescription. OPHP representative, Marc Whitt testified that Ms. Wingfield was not under contract with OPHP. She had contacted OPHP and was sent to Tulsa for an evaluation. He stated that OPHP recommends an evaluation with OU and Dr. Rojas. Ms. Wingfield testified on her own behalf.

Motion was made by Bill Osborn and seconded by John Lassiter to go into Executive Session. Motion passed on roll call vote. Motion was made by Gordon Richards and seconded by Bill Osborn to return from Executive Session. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter to find Ms. Wingfield guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Bill Osborn that Ms. Wingfield's license be placed on probation for 5 years. Ms. Wingfield must enter into a contract with OPHP within the next 30 days. Motion passed on roll call vote.

**Board recessed for lunch**

**OSBP vs. Mary Jane Thacker, D.Ph. #10221 – Case No. 659 – Request for probation to be lifted:**

The Board was called to order by Vice-President Spoon to hear the request of Mary Jane Thacker to lift the probation from her license. Ms. Thacker was present and testified. Marc Whitt of OPHP testified for Ms. Thacker. Mr. Whitt stated that Ms. Thacker had been compliant with her OPHP contract and that OPHP had granted the transition request and had received the transition reference from Valley Hope. OPHP recommends that the probation be lifted.

Motion was made by John Lassiter and seconded by Gordon Richards to remove the probation from the license of Mary Jane Thacker. Motion passed on roll call vote.

**OSBP vs. Raymond Maggia, D.Ph. #10776 – Case No. 565 – Request for probation to be lifted:**

Vice-President Spoon called the Board to order to hear the request of Raymond Maggia to lift the probation from his license. Mr. Maggia was present and testified. OPHP representative, Marc Whitt testified that Mr. Maggia had had a contract with OPHP since March 6, 2002 and had passed all test since then. OPHP Board had approved his transition process. Mr. Maggia had agreed to assist OPHP in monitoring.

Motion was made by John Lassiter and seconded by Bill Osborn to remove the probation from the license of Raymond Maggia. Motion passed on roll call vote.

**OSBP vs. Robert H. Washington, Technician #12647 – Case No. 910:**

The Board was called to order to hear the case of Robert Washington. Mr. Washington was not present but it was determined that he had been properly notified. Brinda White, Assistant

Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue testified for the Board.

Mr. Washington had admitted to stealing drugs for money and not for his personal use. Motion was made by Diana Hampton and seconded by John Lassiter to find Mr. Washington guilty on all counts. Motion passed on roll call vote. Motion was made by Diana Hampton and seconded by John Lassiter to revoke the technician permit of Robert Washington. Motion passed on roll call vote.

**OSBP vs. Randal Rose, Technician #12057 – Case No. 907:**

Vice-President Spoon called the Board to order to hear the case of Randal Rose. Assistant Attorney General, Brinda White presented the Board with an Agreed Order that Mr. Rose had signed admitting guilt and accepting revocation of his permit.

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

**OSBP vs. Heather Mitchell, Technician #11399 – Case No. 911:**

The Board was called to order to hear the case of Heather Mitchell. Brinda White, Assistant Attorney General, presented the Board with an Agreed Order that Ms. Mitchell had signed admitting guilt and accepting revocation of her permit.

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

**OSBP vs. Janice Davie, Technician #8638 – Case No. 912:**

Vice-President Spoon called the Board to order to hear the case of Janice Davie. Assistant Attorney General, Brinda White presented the Board with an Agreed Order that Ms. Davie had signed admitting guilt and accepting revocation of her permit.

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

**Miscellaneous Discussion Items:**

**Future Board Dates:**

The Board set Wednesday June 17 and possibly the afternoon of the 16<sup>th</sup> which would be determined at a later date, Wednesday July 15<sup>th</sup> and Wednesday August 19<sup>th</sup> as the next Board meeting dates.

**Board approves date for Jurisprudence exam for May and June graduates:**

The Board approved the date for the graduating students to take the Jurisprudence Exam on April 23, 2009 at 9:30 a.m. for University of Oklahoma College of Pharmacy students and at 1:30 p.m. for the Southwestern Oklahoma State University College of Pharmacy students. The exam will be held at the Ronald J. Norick library. Board members who would like to attend would have an opportunity to speak with the students.

**Executive Director John Foust gives Agency Report:**

**Scanning**

Executive Director John Foust shared information about the scanning process. He stated that the Board had reviewed 3 different plans for scanning documents. The plans include digital imaging to be completed by Oklahoma Correctional Industries (OCI), the OSBP staff, or by an independent company. He stated that the Nursing Board used an independent vendor, and that the Long Term Care Board and Banking Board had utilized OCI services. Bill Osborn reviewed the information submitted by the Executive Director regarding the 3 options. The Executive Director recommended that OSBP contract with OCI to scan archival documents. The Executive Director recommended that new documents be scanned by OSBP staff internally with equipment to be purchased for that purpose. Bill Osborn concurred with

this recommendation. The funds for both archival digital imaging and the equipment needed for scanning new documents will be included in the 2010 Budget.

### **Building**

Executive Director, John Foust informed the Board that next years budget would include funds for office building costs. He stated that he had spoken with the Department of Central Services, and they will work with the Board on a building project.

### **Board discusses rules on remote order entry and possible committee:**

Executive Director John Foust discussed the idea of forming a committee for remote order entry rules. Gail Schmidt, D.Ph. was appointed to chair the committee. Dorothy Gourley will be the Board representative on the committee. The plan is to have rules formulated by September in order for the Board to review them at the October Board meeting and have ready for the next legislative session. Membership in the committee is open, and persons who wish to serve on the committee should notify the Board in writing by mail, email, or fax.

### **Rules on repackaging within a health system and possibly name a committee chair:**

The Board chose to table this discussion until the next Board meeting.

### **Physician Assistants and Nurse Practitioner clarification:**

Dr. Diana Hampton had presented the Board with a question about Physician Assistants (P.A.) and Nurse Practitioners (N.P.). The question concerned clarification on whose name goes on the label. It was determined that the Board should meet occasionally with the other Boards to review policies and regulatory issues.

### **Vice-President Spoon adjourned the Board at 3:30 p.m.**