

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**April 25, 2002**

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

The April 25, 2002 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Don Coody at 8:00 a.m.

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

Board members: Don Coody, President  
Janis McAllister, Vice-President  
Jerry Allen, Member  
Thomas F. Dudley, Member  
Jim Spoon, Member  
Bob Summers, Member

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

#### **Approval of Minutes and claims:**

Motion was made by Tom Dudley and seconded by Bob Summers to approve the minutes of the March meeting. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Bob Summers to approve expense claims #357-#416 and #2016-#2017. Motion passed on roll call vote.

Motion was made by Janis McAllister and seconded by Jim Spoon to approve the expenses of the Executive Director. Motion passed on roll call vote.

#### **Discussion of NABP's 98th Annual Meeting:**

A discussion was held regarding the upcoming NABP convention and changes to be voted on regarding the constitution of the bylaws.

#### **2002-2003 State Newsletter Letter of Agreement:**

Motion was made by Bob Summers and seconded by Tom Dudley to enter into a letter of agreement with NABP for the State Newsletter. Motion passed on roll call vote.

#### **Discussion of letter from "Pharmacist's Letter":**

Motion was made by Jerry Allen and seconded by Bob Summers to approve the Natural Medicines Comprehensive Database website and to add the book during a future Rulemaking process. Motion passed on roll call vote.

#### **Board meets with 3 Reciprocity applicants:**

The Board interviewed 3 Reciprocity applicants. All were accepted for Reciprocity upon passing the Law exam.

Daniel E. Garcia TX  
James Poullard TX  
Stacey Rae Sandell KS

**Consideration of Complaint:**

Compliance Officer, Gary LaRue, reviewed a list of complaints. Motion was made by Bob Summers and seconded by Tom Dudley to hear those complaints. Motion passed on roll call vote.

**OSBP vs. Ray Maggia, D.Ph. #10776, Case No. 624:**

The Board was called to order to hear the case of Ray Maggia. Mr. Maggia chose to appear before the Board without counsel. Alicia Connolly-Lohr, Assistant Attorney General, was prosecutor for the State. Mr. Maggia, Compliance Officer, Cindy Hamilton and OPHP representative, Kevin Rich were all sworn in as witnesses. Ms. Connolly-Lohr presented exhibits and asked the witnesses questions.

Mr. Maggia presented an exhibit and Kevin Rich testified to the respondents treatment plan and contract with OPHP.

Motion was made by Bob Summers and seconded by Tom Dudley that based on clear and convincing evidence that Mr. Maggia be found guilty as charged on the 2 counts presented. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Tom Dudley that based on the finding of guilt the following penalty be imposed:

1. Respondent will pay \$500.00 per each count for a total of \$1000.00.
2. Respondent's license will be suspended for a period of 10 years until April 25, 2012.
3. The suspension would be placed on probation providing that:
  1. He enter into and abide by a contract with OPHP.
  2. For a minimum of one year, he will not handle or have access to CDS in his practice of pharmacy.
  3. He will make his employer aware of this order. (Executive Director will write a letter to the Director of Pharmacy where Mr. Maggia is employed.

If the respondent has a positive UA test that is reported to the Board by OPHP, the Executive Director is instructed to implement Rule 535:1-7-3(b). He would notify the respondent of the immediate suspension of his pharmacist license and state the date of a scheduled hearing before the Board. Motion passed on roll call vote.

**OSBP vs. Don A. Bernhardt, D.Ph. #12437, Case No. 623:**

President Don Coody called the Board to order to hear the case of Don Bernhardt. Mr. Bernhardt chose to appear before the Board without counsel. Assistant Attorney General, Alicia Connolly-Lohr prosecuted the case. Mr. Bernhardt, Compliance Officer, Gary LaRue and Kevin Rich were all sworn in to testify. Ms. Connolly-Lohr presented an opening statement and exhibits. Ms. Connolly-Lohr interviewed Compliance Officer, Gary LaRue to present evidence to the Board.

Mr. Bernhardt presented an exhibit and had Kevin Rich with OPHP testify about his treatment and the OPHP contract.

Motion was made by Tom Dudley and seconded by Jerry Allen that based on clear and convincing evidence presented that Mr. Bernhardt be found guilty on all four counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Janis McAllister that Mr. Bernhardt's license be suspended for a period of 10 years until April 25, 2012 and that he be fined \$250.00 on each count for a total of \$1000.00. He may request that his license be placed on probation upon completion of 2 years of sobriety. Motion passed on roll call vote.

**OSBP vs. Angela Meggyes, Technician. #4481, Case No. 625:**

The Board was called to order at 11:30 a.m. to hear Case No. 625. It was determined that the respondent had been properly notified but was not present for the hearing. Alicia Connolly-Lohr presented exhibits and Compliance Officer, Betty Beil, testified as to the facts of the case.

Motion was made by Tom Dudley and seconded by Bob Summers that based on the evidence presented, the respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Janis McAllister that based on the

finding of guilt, the respondents permit be revoked. Motion passed on roll call vote.

### **Board recessed for lunch**

### **OSBP vs. Robert Lance Lanier, D.Ph. #12376, Case No. 529-request for suspension to be lifted:**

President Coody called the Board to order at 1:00 p.m. to hear the request of Lance Lanier. Mr. Lanier requested that his suspension from Case No. 529 be placed on probation. Executive Director, Bryan Potter, gave a short review of the previous case and the Mr. Lanier explained his situation. OPHP Representative, Kevin Rich, testified as to Mr. Lanier's involvement with OPHP.

Motion was made by Jim Spoon and seconded by Tom Dudley to allow probation of Mr. Lanier's license providing he complete 150 hours of internship and extending the suspension and probation of his license for a period of 5 years. He would also have to continue his contract with OPHP. Motion passed on roll call vote.

### **OSBP vs. Troy Rothoff, Technician #2649, Case No. 620:**

The Board was called to order to hear the case of Technician, Troy Rothoff. It was determined that the respondent had been properly notified but did not appear at the hearing. Assistant Attorney, Alicia Connolly-Loehr, prosecuted the case. Compliance Officer, Gary LaRue, presented exhibits to the Board and gave his testimony of the case.

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

Motion was made by Tom Dudley and seconded by Jim Spoon that the Respondent's Technician permit be revoked. Motion passed on roll call vote.

### **Request from P.E.T.Net Pharmaceuticals, Inc.**

Steve Torres of P.E.T.Net Pharmaceuticals appeared before the Board for a short presentation. After hearing the presentation and an explanation of their operation of a pharmacy supplying radiopharmaceuticals for positive emission tomography, a motion was made by Jim Spoon and seconded by Bob Summers to allow a 2-year study and exemption to P.E.T.Net Pharmaceuticals. This would allow them to obtain a manufacturers license and a pharmacy permit at the same location. Motion passed on roll call vote.

### **Resolution adopted by the Board:**

A discussion was held about the death of former Board member, Ralph Enix, who passed away earlier in the month. The Board adopted the following resolution:

**WHEREAS THE MEMBERS OF THE OKLAHOMA BOARD OF PHARMACY ARE SADDENED BY THE DEATH OF FORMER BOARD MEMBER, RALPH ENIX;**

**WHEREAS RALPH ENIX MADE SIGNIFICANT CONTRIBUTIONS TO THE BOARD, THE STATE OF OKLAHOMA AND THE PROFESSION OF PHARMACY;**

**NOW THEREFORE BE IT RESOLVED, THAT THE BOARD FORMALLY ACKNOWLEDGE THE LEADERSHIP AND CONTRIBUTIONS MADE BY RALPH ENIX.**

**BE IT FURTHER RESOLVED, THAT THE BOARD EXTENDS THEIR SINCERE SYMPATHIES TO THE FAMILY.**

**ADOPTED AND RECORDED THIS DAY, THURSDAY, APRIL 25, 2002.**

### **Board adjourned at 2:45 p.m.**