

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

April 7, 2004

Call to order.

President Jerry Allen called the April 7, 2004 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

Board members: Jerry Allen, President
Jim Spoon, Vice-President
Janis McAllister, Member
Gordon Richards, Member
Bill Osborn, Member

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

Guests Kevin Rich, OPHP
Tandi Reheis, OPHP
Mark McCullough, OPHP

*****Dr. Diana Hampton was unable to attend this meeting*****

Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by Janis McAllister to approve the minutes of the March 11, 2004 Board meeting. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Bill Osborn to approve expense claims #205-#255 and the expense claims of the Executive Director. Motion passed on roll call vote.

Board discusses Pseudoephedrine legislation:

The Board discussed the Pseudoephedrine legislation making Sudafed like drugs a Schedule V. The Board felt that the staff should prepare information to be mailed to the pharmacies in order to update them on the new law.

Presentation to Betty Beil and Susan Dozal:

President Allen presented Commendations from Governor Henry to Betty Beil and Susan Dozal for their years of service. Susan received a Commendation and a 15-year pin while Betty received a Commendation and a 5-year pin. Congratulations to both!

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Janis McAllister to approve the duplicate DPh certificate requests for Billy G. Wells, D.Ph. #6000 and Alicia D. Kincy, D.Ph. #10796. Motion passed on roll call vote.

Board approves OPHP contract:

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the Oklahoma Pharmacist Helping Pharmacist (OPHP) contract for the year 2005. Motion passed on roll call vote.

OSBP vs. Michelle Shuffield, Technician #3241, Case No. 706:

President Allen called the meeting to order to hear the case of Michelle Shuffield. Assistant Attorney General, Grant Moak, prosecuted the case. Ms. Shuffield was not present but it was determined that she had been properly notified.

After hearing the evidence presented, a motion was made by Jim Spoon and seconded by Janis McAllister that based on the clear and convincing evidence that was presented, Ms. Shuffield be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Janis McAllister and seconded by Gordon Richards to permanently revoke the technician permit of Michelle Shuffield. Motion passed on roll call vote.

OSBP vs. Tracy Guthrie, Technician #6638, Case No. 698:

The Board was called to order to hear the case of Tracy Guthrie. Grant Moak, Assistant Attorney General, prosecuted the case. Ms. Guthrie was not present but it had been determined that she had been properly notified.

Motion was made by Jim Spoon and seconded by Janis McAllister that based on the clear and convincing evidence presented, Ms. Guthrie be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Janis McAllister that the technician permit of Tracy Guthrie be permanently revoked. Motion passed on roll call vote.

Score Transfer and NAPLEX candidates:

The Board interviewed 1 Score Transfer and 1 NAPLEX applicant. Both will be accepted upon passing the required exams.

Score Transfer:

Russell Lance Dixon MO

NAPLEX:

Susan S. John

OSBP vs. Eldon F. Hunt, D.Ph. #11819, Case No. 705:

The Board was called to order by President Allen to hear the case of Eldon Hunt. Grant Moak, Assistant Attorney General, prosecuted the case. Compliance Officer, Gary LaRue, testified for the Board. Mr. Hunt chose to appear without counsel.

Motion was made by Bill Osborn and seconded by Janis McAllister that based on the clear and convincing evidence presented, Mr. Hunt be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Janis McAllister to fine Mr. Hunt \$100 on each count for a total of \$400.00. He is to attend a one-day law seminar in 2004 in addition to the required 15 hours of CE. A letter of reprimand will be placed in Mr. Hunt's personal file for a period of 1 year. Motion passed on roll call vote.

OSBP vs. DiGi Lorraine Biddle, D.Ph. 11846, Case No. 683:

President Allen called the meeting to order to hear the case of DiGi Biddle. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. Ms. Biddle was present along with Counsel, Larry Derryberry. The Board was presented with the original Complaint and after a short review the Board was presented with a proposed Agreed Order.

Motion was made by Gordon Richards and seconded by Janis McAllister to accept the Agreed Order presented. Motion passed on roll call vote.

Ms. Biddle agrees to pay a fine of \$7000.00. Ms. Biddle agrees to attend a one-day law seminar during the years of 2004 & 2005 in addition to the required 15 hours of CE. Her license is suspended for 4 years with the suspension being placed on probation except for a 7-day period to

be determined at a later date.

Board recessed for lunch

OSBP vs. Arian Christopher Lakey, D.Ph. #12931, Case No. 703:

The Board was called to order to hear the case of Arian Lakey. Grant Moak, Assistant Attorney General, prosecuted the case. Mr. Lakey did not appear and it had been determined that he had received proper notice of his hearing. Terry Moorehead of Hillcrest Hospital in Tulsa along with Kevin Rich of OPHP and Compliance Officer, Betty Beil, all testified for the Board.

Mr. Lakey had taken drugs for his personal use from the pharmacy where he was employed. He had been terminated from his position and it was suggested that he contact OPHP. He had been evaluated and it was recommended that he go into an "inpatient treatment" for 28-30 days. Mr. Lakey refused.

Motion was made by Jim Spoon and seconded by Bill Osborn that based on the clear and convincing evidence that was presented, Mr. Lakey be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Janis McAllister that Mr. Lakey's license be suspended indefinitely. He is to surrender his license to the Board. Mr. Lakey will not be allowed to appear before the Board until he has entered into and abides by a contract with OPHP, which will include inpatient treatment. Motion passed on roll call vote.

Board adjourned at 3:30