

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**April 20, 2005**

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

President Spoon called the April 20, 2005 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:15 a.m.

The Board recessed in order to meet with 108 NAPLEX applicants from the OU College of Pharmacy and SWOSU College of Pharmacy that were present to take the law exam. The Board visited with the students prior to their sitting for the Law exam.

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

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

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

Guests: Holly Pate, Intern

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

The Board returned to the Board office and was called to order at 9:00. Motion was made by Diana Hampton and seconded by Gordon Richards to approve the March 2005 minutes. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Bill Osborn to approve claims #663-#702, March payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

#### **Cancellation of Pharmacist:**

After a review of the cancellation list of pharmacists, a motion was made by Gordon Richards and seconded by Diana Hampton to cancel the pharmacist license that did not renew in February. Motion passed on roll call vote.

#### **Board approves NABP Newsletter contract:**

The Board reviewed the NABP Newsletter contract for renewal.

Motion was made by John Lassiter and seconded by Jerry Allen to approve the newsletter contract with NABP. Motion passed on roll call vote.

#### **Board sets dates for Board meetings:**

The Board determined that they would not meet in May. The next Board meeting was set for Wednesday June 8, 2005 with the OPHA meeting being held June 24th-26th. The July meeting was set for July 20th.

**Board interviews Reciprocity and NAPLEX applicants:**

The Board met with 1 Reciprocity, 2 Score Transfer and 1 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

**Reciprocity:**

Shawna Lorayne Kittridge..... ID

**Score Transfer:**

Tiffanie Leigh Myers..... VI  
Veronica Riera-Gilley... TX

**NAPLEX:**

Brenda J. Benally

**Brenda Benally appears before the Board about completing licensure requirements:**

NAPLEX applicant, Brenda Benally, agreed to have her new license placed on probation for 1 year until April 20, 2006. She agreed to notify her employer in Arizona of her probation and have the PIC notify the Board of her employment and that they are aware of the situation. Ms. Benally also agreed to enter into a contract with the Arizona PRN.

Motion was made by Jerry Allen and seconded by Bill Osborn to approve the agreement. Motion passes on roll call vote.

**Winifred Theresa Hoover to appear before the Board about reinstatement:**

Winifred Theresa Hoover appeared before the Board requesting reinstatement of her pharmacist license. She had not worked in a pharmacy since 1995 and she did not intend on working in the near future. She agreed to accept an Inactive license. This will be noted on the record.

Motion was made by Jerry Allen and seconded by Gordon Richards to approve this agreement. Motion passed on roll call vote.

**OSBP vs. Kris Griffith, D.Ph. #8715, Case No. 686:**

The Board was called to order to hear the case of Kris Griffith. Mr. Griffith was present with Counsel, Amy Steele and Scott Law. Assistant Attorney General, Grant Moak, prosecuted the case for the Board.

An Agreed Order was presented to the Board. Mr. Griffith admitted guilt on the 2 counts of failing to identify drug allergies of a patient by not making a reasonable effort to obtain and record any known allergies and failing to take appropriate steps to avoid or resolve the problem. Mr. Griffith agreed to pay a fine of \$1000 and attend a one-day law seminar during 2005 in addition to the required 15 hours of CE. Mr. Griffith and his pharmacy were placed on a 2-year probation until April 20, 2007.

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

**Board recessed for lunch**

**OSBP vs. Darel Gene Collins, D.Ph. #9721, Case No. 738:**

The case of Darel Gene Collins was continued until the next Board meeting.

**Board meets with OBN officials:**

President Spoon called the Board to order to visit with OBN representative, Dr. John Duncan. Dr. Duncan handed out the Pseudoephedrine (PSE) rules and discussed the "Show Cause" case regarding the PSE sales by Walgreen Stores. The real-time online tracking of PSE sales was discussed and Dr. Duncan thought that they should have it up and running before the first of the year. It was agreed that the Board would continue to invite OBN for an ongoing dialogue.

**OSBP vs. Kenneth Mark McElroy, D.Ph. #11265, Case No. 743:**

President Spoon called the Board to order to hear the case of Kenneth Mark McElroy. Mr. McElroy chose to appear without Counsel. Grant Moak, Assistant Attorney General presented the Board with an Agreed order, which would revoke the probation of Mr. McElroy until September 18, 2005. Mr. McElroy would also agree to continue the requirements of Case No. 638 and 638A.

Mr. McElroy had attended a 90 day treatment in Louisiana and would be assigned to a half-way house for 90 days.

A motion was made by Diana Hampton and seconded by Jerry Allen to accept the Agreed

Order. Motion passed on roll call vote.

**OSBP vs. G. Geoffrey Craig, D.Ph. #8755, Case No. 646B:**

The Board was called to order at 3:00 to hear the case of G. Geoffrey Craig. Mr. Craig chose to appear without Counsel. Assistant Attorney General, Grant Moak prosecuted the case for the Board. Testifying were Compliance Officer, Cindy Hamilton, Tandi Reheis, OPHP Director and Kim McCowan and Dr. Martha Brown both of Compass Vision. Dr. Brown testified by phone and she explained the ETG test for alcohol consumption compared to the previous testing. ETG is a metabolite of beverage alcohol and OTC medication with 1% converted to ETG. 1 drink would test less than 1000 nano grams and will test positive for 3-5 days, which was a longer period of time than that of the other test.

Mr. Craig had tested positive in October, November and December 2004 and then again on April 14, 2005. OPHP had requested that he go for an evaluation. He agreed to not work and have the evaluation. He had indicated that he was very sick and had not gone for the evaluation and had asked for a continuance on hearing the case. Mr. Moak stated that he had violated his contract with OPHP and his probation should be revoked.

Respondent stated that he had not ingested alcohol and suggested that he had an obstruction in his stomach and that possibly alcohol was being produced in his system. He presented letters from his family and his minister and physician. He asked that the Board consider the possibility that the alcohol was being produced in his body because he had not drank alcohol. The Board went into Executive Session.

President Spoon called the meeting to order upon returning from Executive Session. Motion was made by Gordon Richards and seconded by Diana Hampton that based on the clear and convincing evidence presented, Mr. Craig be found guilty on both counts. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by John Lassiter that based on the finding of guilt, Mr. Craig's probation of his pharmacist license be revoked and suspended. Mr. Craig may request to appear before the Board to request probation after one year, providing that OPHP makes the recommendation. He will have to have maintained compliance of his contract with OPHP. Motion passed on a 3-2 roll call vote. **AMENDED TO READ:** Two members wanting revocation.

**President Spoon adjourned the meeting at 6:00 p.m.**