

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

April 26, 2006

Call to order:

President Osborn called the April 26, 2006 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m.

Those present were:

Board Members*:
William Osborn, President
Gordon Richards, Vice-President
Jim Spoon, Member
Dorothy Gourley, Member

*John Lassiter was unable to attend this meeting
*Diana Hampton had indicated that she would be delayed

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

Guests:
Shauna Peterson, Walgreens
Phil Woodward, OPHA
Erin Goddard, Intern

Approval of minutes and claims:

Motion was made by Gordon Richards and seconded by Jim Spoon to approve the March 2006 minutes. Motion passed on roll call vote.

Motion was made by Dorothy Gourley and seconded by Gordon Richards to approve claims #1051-#1105, #H14669-#H14672, March and April payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Technicians, Pharmacies and Facilities:

After a review of the cancellation list of pharmacists, technicians, pharmacies and facilities, a motion was made by Jim Spoon and seconded by Gordon Richards to cancel the license 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 Gordon Richards and seconded by Jim Spoon to approve the request for a duplicate certificate for the following pharmacist: Judith Carole Thompson Redelsperger, D.Ph. #7902, Jessica Sildeth McDaniel, D.Ph. #13289, Nelson Marion Sims, D.Ph. #8202 and Gina Danielle Turner Garrett, D.Ph. #12423. Motion passed on roll call vote.

Presentation to Rhonda Jenkins and Mary Ann Terral:

President Osborn presented commendations from Governor Henry to Rhonda Jenkins for 10 years of service and to Mary Ann Terral for 20 years of service. State service pins were also presented.

OSBP vs. Denise A. Sherman, Technician #7562 – Case No. 784:

The Board was called to order to hear the case of Denise Sherman. Ms. Sherman chose to appear without Counsel. Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Officer, Gary LaRue testified for the Board. Ms. Sherman had forged prescriptions for Butorphanol Nasal Spray for personal use and had billed to a 3rd party.

Motion was made by Gordon Richards and seconded by Jim Spoon to find Ms. Sherman guilty on all counts based on the clear and convincing evidence presented. Motion passed on roll call vote.

Motion was made by Dorothy Gourley and seconded by Jim Spoon that Ms. Sherman technician permit be revoked. Motion passed on roll call vote.

OSBP vs. Nerissa Dionne Wynn, Technician #6091 – Case No. 786

President Osborn called the Board to order to hear the case of Nerissa Wynn. Ms. Wynn chose to appear without Counsel. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue, testified for the Board. Ms. Wynn had been fired for taking merchandise from her employer without paying for it.

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

Motion was made by Jim Spoon and seconded by Dorothy Gourley that Ms. Wynn's technician permit be revoked. Motion passed on roll call vote.

Board interviews 7 Reciprocity applicants:

The Board met with 7 Reciprocity candidates. All were accepted upon passing the Oklahoma Law.

Reciprocity:

Wendalyn Joy CarneyVT
Anne Mitsue KimuraHI
Roland Andre LaPorte, Jr.MA
Trang Thu Lam.....WA
Ann Elizabeth Lloyd.....MO
John Paul Wilkerson.....CO
Jeri Lynn WilkersonTX

Jim DeVita of CVS appears before the Board:

CVS Representative, Jim DeVita, presented a program to the Board about CVS's Quality Assurance Program. Mr. DeVita is a member of the Massachusetts Board of Pharmacy and made an interesting and informative presentation.

OSBP vs. Kim Holder, Technician #2146 – Case No. 783:

The Board was called to order to hear the case of Kim Holder. Ms. Holder was not present but it had been determined that she had been properly notified. Assistant Attorney General, Brinda White, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board. Ms. Holder had diverted CDS drugs for her personal use.

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

Motion was made by Jim Spoon and seconded by Gordon Richards that the technician permit of Kim Holder be revoked. Motion passed on roll call vote.

OSBP vs. Victor Wanjiku, Technician #9214 – Case No. 785:

President Osborn called the Board to order to hear the case of Victor Wanjiku. Mr. Wanjiku was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board. Mr. Wanjiku had tried to increase the amount of drug dispensed for his wife's prescription.

Motion was made by Gordon Richards and seconded by Dorothy Gourley that based on the clear and convincing evidence presented, Ms. Holder be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Dorothy Gourley that the technician permit of Victor Wanjiku be revoked. Motion passed on roll call vote.

OSBP vs. Ronnie Biles, D.Ph. #7915, Sherrill's Pharmacy, #25-3481 and Sherrill's Resp. and Diabetic Medications, #24-4303 – Case No. 778:

The Board was called to order to hear the case of Ronnie Biles, Sherrill's Pharmacy and Sherrill's Resp. and Diabetic Medications. Mr. Potter presented the Complaint to the Board. Mr. Biles dispensed compounded drugs and labeled them as a generic. Other infractions included fraudulent billing of 3rd party company's.

Mr. Potter presented an Agreed Order that had been prepared by Assistant Attorney General, Brinda White. The Agreed Order would place Mr. Biles license on probation for three years and fined him \$4300.00. He was to sell the two pharmacies within 90 days. During a discussion, it was learned that he had already sold both pharmacies.

Motion was made by Jim Spoon and seconded by Gordon Richards to accept the Agreed Order. Motion

passed on roll call vote.

OSBP vs. Erik Vincent Bowen, D.Ph. #11233 – Case No. 592 – Requesting probation be removed:

President Osborn called the Board to order to hear the request of Erik Bowen. Mr. Bowen was present with his family, friends and representatives from OPHP. OPHP Director, Tandi Reheis testified on Mr. Bowen's behalf. Mr. Bowen is in his sixth year of a ten-year probation and has been 100% compliant with his OPHP contract as well as completing the other requirements of his probation. He requested to be placed in good standing with the Board.

Motion was made by Gordon Richards and seconded by Dorothy Gourley to lift the probation on Mr. Bowen's pharmacist license and for OPHP to enter Mr. Bowen in the phase down process. Motion passed on roll call vote.

President Osborn asked that Mr. Potter have Assistant Attorney General, Brinda White, prepare the proper Board Order under Mr. Potter's signature.

Dr. Hampton joined the meeting at this time.

Representatives from Rx.com appear before the Board:

Representatives from Rx.com appeared before the Board. Buck Stevens and ?????McFall introduced themselves to the Board. Mr. McFall then took the Board through the process of the Central Fill and Mail services of Rx.com. They will provide these services for Oklahoma pharmacies so that they may participate in contracts requiring mail services.

After much discussion, the Board directed the staff to prepare guidelines for a "Pilot Program" by Rx.com. The Board directed staff to prepare to promulgate rules during the next session regarding Central Fill. It was determined that a request for any type of Central Fill program would require Board approval.

Board has a working lunch:

The Board decided to have a working lunch. Sandwiches were ordered in and the Board continued with discussion items.

The subject of Collaborative Drug Therapy Management was discussed. Dorothy Gourley had a number of people that had contacted her about this. It is her understanding that unless the practice act specifically says that a pharmacist is allowed to do CDTM, the pharmacies liability insurance will not be valid if they participate in these programs.

After discussion, it was determined that OSHP and OPHA should get together and present a united front with the DO and MD Associations to implement legislation to allow CDTM. Dorothy Gourley said that she would talk to Phil Woodward to start the process.

The Board held a discussion on a letter from Steven Moore of Parkside Hospital. The pharmacy was asking that they be allowed to drop their retail pharmacy license. The Board did not feel that it was possible, under the circumstances, which were presented, to allow the license to be dropped.

The Board discussed setting the meeting dates for May, June, July and August. The May meeting will be a two-day meeting, which will start at 2:00 on May 23rd. It will also begin at 8:00 on Wednesday May 24th. The next three meetings were set for Wednesday June 14, Wednesday July 19 and Wednesday August 16th.

Dell McCarley, P.D. of Cantrell Drug request to appear before the Board:

Dell McCarley from Cantrell Drug along with his uncle, appeared before the Board to discuss the Intra-theal IV CDS drugs. It was explained that the Board had contacted DEA regarding a possible change in the office supply rule. Cantrell Drug has obtained a DEA manufacturing license and are being allowed to sell these I.V.'s to physicians in Little Rock. It was agreed that we would keep him and the Arkansas Board of Pharmacy informed of any information that was obtained.

Representatives from Quality Pharmacy Management, Inc. appear before the Board:

Kevin Jones and Norman Kwong of Quality Pharmacy Management, Inc. presented an overview of their program. They are located in Denver, CO and are contracting with small hospitals to do after hour reviews of new drug orders prior to the administering of these drugs. The difference between this program and the Cardinal program that had been approved was the consolidation of Cardinal staff in one location and Quality Pharmacy Management would be handled from the individual office or home locations. It was agreed that they would not have to license as a non-resident pharmacy in that they were not in a central location. They would have to be licensed pharmacist in Oklahoma in order to contract to take care of an Oklahoma Hospital.

Motion was made by Jim Spoon and seconded by Dorothy Gourley to approve Quality Pharmacy Management Inc. program for small hospitals in Oklahoma. Motion passed on roll call vote.

President Osborn adjourned the meeting at 3:50 p.m.