

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

April 15, 2009

Call to order:

President Gourley called the April 15, 2009 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:10 a.m.

Those present were:

Board Members:

Dorothy Gourley, President
Jim Spoon, Vice-President
Gordon Richards, Member
John Lassiter, Member

Bill Osborn and Diana Hampton were 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, Registration Secretary

Guests:

Laura Petty, Walgreens
Walter Setmeyer, Walgreens
Derek Dennis, Walgreens
Ryan Walker, Walgreens
Kristen Reese, Wal-Mart
James Kirk, CVS
Kay Vaughan, CVS
Amanda Wenzel, Target
Terry Cothran, Prescription Solutions
Jared Bennett, USA Drug
Phil Woodward, OPHA
Donald Frost, Intern
Matt Stewart, Intern
Kim Le, Intern
Ryan Gatz, Intern
Lindsay Parsons, Intern
Paul Folger, KOCO-5
John Norton, KOCO-5

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Gordon Richards to approve the March 4, 2009 minutes. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter to approve claims #2266-#2313, #H128863-#H128868, January Longevity, March payroll and any accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacies, Pharmacists, Technicians, and Facilities:

After a review of the cancellation lists presented, a motion was made by Gordon Richards and seconded by Jim Spoon to cancel the licenses of the pharmacists that did not renew within the renewal time period, with the exception of Sam Salek and Kristen Melton. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by John Lassiter to cancel the licenses of those on the remaining lists that did not renew within the renewal time period. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by John Lassiter to approve the duplicate certificate request for Sheryl Lyn Compton, D.Ph. #13173. Motion passed on roll call vote.

Board discusses letter from Drumright Hospital:

The Executive Director submitted a letter from the Drumright Regional Hospital (DRH) requesting the Board to allow the Hospital to utilize a remote physician order verification service by Preferred Pediatrics of Tulsa (PPT). After discussion, a motion was made by Gordon Richards and seconded by John Lassiter to allow DRH to utilize PPT to verify physician orders electronically under a pilot program until the Board has promulgated rules regarding remote order entry. Motion passed on roll call vote.

Board discusses request from Sam Salek, D.Ph.:

The Board discussed a letter submitted by Sam Salek, D.Ph. Mr. Salek was requesting that the late fee be waived due to him living in another country and that he had been ill and was unable to get the renewal in on time.

After a brief discussion the Board felt that they are not able to wave the late fee. Motion was made by Jim Spoon and seconded by John Lassiter to deny the request. Motion passed on roll call vote.

Executive Director gives Agency Report:

Scanning:

Executive Director, John Foust shared with the Board that the staff would begin internal scanning July 1, 2009. The Board would purchase 1 scanner for the staff to scan new documents as they are received. OCI services submitted a contract to the Board to scan archive files beginning July 1, 2009.

Compounding:

Extended discussion was held regarding the issue of flavoring a medication and whether the resulting prescription was considered a compounded prescription. The Board directed that the Executive Director request information from several groups and bring those findings to the next meeting for further discussion.

Upcoming conferences:

Upcoming Board conferences were discussed and who would be attending those meetings to represent the Board.

Law Exam:

Final information was reviewed for the upcoming Law exam that would be given on April 23, 2009 for the May and June graduates. Gordon Richards and John Lassiter would be attending to talk to the students prior to taking the test.

Committees:

The first meeting of the Remote Order Entry Committee (ROE) will be held on April 28, 2009. The Director also discussed the possibility of starting 2 new committees in June. A committee

to write rules for Collaborative Practice (CP) and a committee to write rules for Long Term Care facilities emergency boxes (LTCEB) if the current bill in the legislature is approved. Discussion was held regarding rules for Packagers, and the Board tabled discussion on that issue without setting a review date. The board also tabled consideration of the CP and LTCEB committees until the June meeting.

OSBP vs. Emily Lott, Technician #10856 – Case No. 908:

The Board was called to order to hear the case of Emily Lott. Ms. Lott was present with Counsel, Charles Foster Cox. Ms. Lott was also accompanied by her parents. Assistant Attorney General, Brinda White prosecuted the case.

Ms. Lott did not answer honestly on her reinstatement application. She was informed by her previous attorney that the charges had been expunged when they had not. Ms. Lott was presented an Agreed Order however her attorney, Mr. Cox stated that they were not there to contest the order but to request that the Board let her surrender her permit instead of agreeing to revocation.

After a brief discussion, a motion was made by Jim Spoon and seconded by John Lassiter to deny the reinstatement of technician Emily Lott. Motion passed on roll call vote.

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

President Gourley called the Board to order to hear the case of Pamela Adams. Ms. Adams was present and chose to appear without Counsel. Brinda White, Assistant Attorney General, prosecuted for the Board. Those testifying for the Board were Compliance Officer, Betty Beil and Kristen Reece, Loss Prevention Associate for Wal-Mart.

Ms. Adams had been terminated for stealing money from the register. Ms. Adams testified on her own behalf.

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

Motion was made by John Lassiter and seconded by Jim Spoon that the technician permit of Pamela Adams be revoked. Motion passed on roll call vote.

OSBP vs. Lacey Stephens, Technician #8924 – Case No. 919:

The Board was called to order by President Gourley to hear the case of Lacey Stephens. Ms. Stephens was not present. Assistant Attorney General, Brinda White presented the Board with an Agreed Order that Ms. Stephens had signed admitting guilt and accepting revocation of her permit. Ms. Stephens had failed a random drug screen.

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

OSBP vs. Trista Sandin, Technician #6217 – Case No. 917:

President Gourley called the Board to order to hear the case of Trista Sandin. Ms. Sandin was present and chose to appear without Counsel. Ms. Sandin was accompanied by Select Specialty Pharmacy Director, Jason Keller. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Betty Beil testified for the Board. Jason Keller testified for Ms. Sandin.

Ms. Sandin checked “had not” on her renewal but she had been arrested and charged with 5 misdemeanors prior to submitting her renewal. She was afraid that if she had answered honestly then her employer would terminate her.

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

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

Motion was made by John Lassiter and seconded by Gordon Richards that the technician permit of Trista Sandin be revoked. Motion passed on roll call vote.

OSBP vs. Crystal Jones, Technician #10654 – Case No. 918:

The Board was called to order by President Gourley to hear the case of Crystal Jones. Ms. Jones was not present. Assistant Attorney General, Brinda White presented the Board with an Agreed Order that Ms. Jones had signed admitting guilt and accepting revocation of her permit.

Ms. Jones had filled a prescription that had not been approved by the physician.

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

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

The Board met with 9 Reciprocity, 1 Score Transfer and 1 NAPLEX candidate. All will be accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Cheryl Lavon Ashby..... TX
Janet Louise Bender..... NV
Shannon Dixon MO
Carolyn Marie Fauser NC
Melynda Byrd Ludwick..... IN
Valerie Elizabeth SimmonsMN
Carla L. Simonis..... MI
George N. Tanifum MI
Allen Cheehao Tsao TX

Score Transfer:

Sara Elizabeth Sneddon....IA

NAPLEX:

Travis Baughman

OSBP vs. CVS/Pharmacy No. 5959, #1-4972 and Gary Crawford, D.Ph. #9127 – Case No. 920:

President Gourley called the Board to order to hear the case of CVS Pharmacy and Gary Crawford, D.Ph. Mr. Crawford was present with Counsel, Calvin Sharp.

Mr. Crawford was the Pharmacist in Charge at CVS Pharmacy. He failed to notify the Board of the termination of a technician for due cause.

Assistant Attorney General, Brinda White presented the Board with an Agreed Order for there approval. In the Agreed Order, CVS pleaded nolo contendere to Count I. Count II is dismissed. CVS would agree to pay a fine of \$750.00. They would also present the Board with a letter explaining the notification process of the employment termination of technicians.

Gary Crawford pleaded nolo contendere to Count I. Count II is dismissed. Mr. Crawford would agree to pay a fine of \$350.00 and attend a law seminar in 2009 in addition to the required 15 hours of Continuing Education.

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

Board recessed for lunch:

Motion was made by John Lassiter and seconded by Gordon Richards to recess for lunch. Motion passed on roll call vote.

OSBP vs. Carl Aven, D.Ph. #9706 – Case No. 922:

The Board was called to order to hear the request of Carl Aven. Mr. Aven was present with Counsel, Stan Ward. Mr. Ward stated that due to some unfinished business they would like to request a reasonable continuance. Mr. Aven’s physicians had not completed their evaluations.

Motion was made by Jim Spoon and seconded by John Lassiter to grant the continuance with the stipulation that Mr. Aven not work as a pharmacist. Motion passed on roll call vote.

OSBP vs. Hugh Edward Work, D.Ph. #13115 – Case No. 923:

President Gourley called the Board to order to hear the case of Hugh Work. Mr. Work was present but chose to appear without Counsel. Mr. Work was accompanied by his wife. Assistant Attorney General, Brinda White prosecuted for the Board. Those testifying for the Board were Rhonda Jenkins, Registration Secretary, Cindy Hamilton, Compliance Officer, Chris Anoatubby of Chickasaw Nation and Jim Ward of Oklahoma Bureau of Narcotics and Dangerous Drugs. (OBND)

Mr. Work testified on his own behalf.

Mr. Work had been charged with diverting drugs from Chickasaw Nation Family Pharmacy, theft of merchandise and wholesaling drugs without a permit. He had also been charged with 2 felony embezzlement charges.

Motion was made by Jim Spoon and seconded by Gordon Richards to go into Executive Session. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jim Spoon to return from Executive Session. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter that based on the clear and convincing evidence presented, Mr. Work be found guilty on all 13 counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by John Lassiter to revoke the pharmacist license of Hugh Edward Work. Motion passed on roll call vote.

OSBP vs. Hoby Hawkins, D.Ph. #10460 – Case No. 829 – Request to Amend Order:

The Board was called to order to hear the request of Hoby Hawkins. Mr. Hawkins was requesting that he be able to work the required 500 hours as a pharmacist under the direct supervision of another pharmacist instead of working them as an intern as directed in his previous order. Mr. Hawkins explained that he could not find a job as an intern in or around the rural area where he lives.

Motion was made by Gordon Richards and seconded by Jim Spoon to accept the request. The Board agreed to lift the suspension on Mr. Hawkins pharmacist license and place it on probation in order for him to work the required 500 hours. He would only be able to work in one pharmacy. He would work the 500 hours under the direct supervision of another pharmacist. He must send in an hour report form after the first 120 hours and then may report the remaining hours. Motion passed on roll call vote.

The Board adjourned at 3:20