

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

May 30, 2002

Prior to Board Meeting:

The Board met at 8:00 am and proceeded to the testing room to visit with the NAPLEX candidates. There were approximately 70 applicants present to take the Law exam. The Board members and the Director spoke to the candidates and answered a few questions that were asked by the students.

Call to order:

President Don Coody called the May 30, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m.

Those present were:

Board members: Don Coody, President
Janis McAllister, Vice President
Thomas F. Dudley, Member
Robert Summers, Member
James O. Spoon, Member

Board of Pharmacy: Bryan Potter, Executive Director

** Jerry Allen was unable to attend the May meeting**

Approval of minutes and claims:

Motion was made by Bob Summers and seconded by Tom Dudley to approve the April 25, 2002 minutes. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Jim Spoon to approve the expense claims #417-#470, #2018-#2020 and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Board adopts resolution for former Board member, Carl Lyons:

The Board adopted the following resolution:

WHEREAS THE MEMBERS OF THE OKLAHOMA BOARD OF PHARMACY ARE SADDENED BY THE DEATH OF FORMER BOARD MEMBER CARL LYONS;

WHEREAS CARL LYONS MADE SIGNIFICANT CONTRIBUTIONS TO THE BOARD OF PHARMACY, THE STATE OF OKLAHOMA AND TO PHARMACY ASSOCIATIONS, BOTH STATE AND NATIONAL AND TO THE PROFESSION OF PHARMACY;

NOW THEREFORE BE IT RESOLVED, THAT THE BOARD FORMALLY ACKNOWLEDGE THESE CONTRIBUTIONS AND THE WISE LEADERSHIP OF CARL D. LYONS.

BE IT FURTHER RESOLVED, THAT THE BOARD EXTENDS THEIR SINCERE SYMPATHIES TO JOYCE, LINDA AND CINDY AND THEIR FAMILIES.

ADOPTED AND RECORDED THIS DAY, THURSDAY, MAY 30, 2002.

Board meets with 5 Reciprocities and 3 Score Transfer candidates:

The Board interviewed 5 Reciprocities and 3 Score Transfer candidates. All applicants were accepted upon passing the Oklahoma Law Exam.

Reciprocity:
Harlus F. Barber TX
Tracy Kyle Compton TX
Ryan Kyle Hestily TX
Susan Annette Wells AR

Score Transfer:
Teresa Y. Cooper TN
Sarah A. Murphy TX
Jennifer L. Woodard TX

Pharmacist reinstatement approved:

Motion was made by Bob Summers and seconded by Tom Dudley to approve the reinstatement of Michael V. Miles, D.Ph. #8918. Motion passed on roll call vote.

Oklahoma Pharmacist Helping Pharmacist Contract:

Motion was made by Bob Summers and seconded by Jim Spoon to approve the renewal of the OPHP contract for the 2003 year. Motion passed on roll call vote.

Board discusses letter from Intern Teresa Atkins:

The Board directed Mr. Potter to request that Intern, Teresa Atkins attend the June 12th Board meeting to discuss her intern hours.

Board discusses request from Rob Wooten:

Motion was made by Tom Dudley and seconded by Janis McAllister to approve the request of Rob Wooten to be allowed to be a preceptor. Motion passed on roll call vote.

Discussion on House Bill 2715:

Assistant Attorney General, Alicia Connolly-Lohr joined the meeting to discuss HB 2715. The bill has been passed and sent to the Governor. It had been reported that the Director of the Medical Board had asked the Governor to Veto this Bill. The Attorney General stated that there would be a number of things for the Board to do providing the bill is signed. We will know by June 7, 2002.

OSBP vs. Jeffrey A. Marburger, D.Ph. #11364, Case No 502:

The Board was called to order by President Coody to hear the case of Jeffrey A. Marburger. All Board members were present and Assistant Attorney General, Alicia Connolly-Lohr prosecuted for the State. Mr. Marburger chose to appear without counsel. Those testifying were Compliance Officer, Cindy Hamilton and OPHP Representative, Billy Wilson.

A Motion to revoke the probation of Mr. Marburger's pharmacist license was presented to the Board along with exhibits showing Mr. Marburger's failure to comply with certain provisions of his contract with OPHP. After hearing testimony from Ms. Hamilton, Mr. Wilson and Mr. Marburger, the Board went into Executive Session.

Upon returning from Executive Session, a motion was made by Bob Summers and seconded by Janis McAllister to accept the motion to revoke the probation of Jeffrey Marburger's pharmacist license. His license is suspended as of this date May 30, 2002. Mr. Marburger may request probation by the Board after showing 100% compliance with OPHP after 90 days. Motion passed on roll call vote.

Board recessed for lunch

Request from Bob Parris to appear before the Board:

President Don Coody called the Board to order at 1:30 p.m. Bob Parris had requested to appear before the Board to explain his problem with a pharmacy in Oklahoma City and his belief that the Board had not handled his complaint properly. Mr. Parris had been having his prescription filled on a regular basis and had requested "generic" when possible. Mr. Parris was told that it would be noted on his records. His wife had picked up the prescriptions and paid for them without questioning the price. When she arrived home, Mr. Parris discovered the filling of the prescriptions with the name brand. The cost was close to \$300 instead of the usual \$80. She took the medicine back and was told that they could not be returned. Mr. Parris thinks that he should be reimbursed by the pharmacy because of his request to always be given a generic.

The Board could not find a violation of pharmacy law and could not prove who was right or wrong. The Board instructed Mr. Potter to write a letter to the manager of the pharmacy asking for their cooperation in resolving this complaint.

Request from Gary London for reinstatement of his pharmacist license:

Gary London appeared before the Board to request reinstatement of his pharmacist license that had lapsed. He had retired and did not think that he would be using his license again. Motion was made by Jim Spoon and seconded by Tom Dudley to allow reinstatement of Mr. London's license. Mr. London would have to complete 500 hours of internship as a Graduate Intern before reinstatement is complete. Motion passed on roll call vote.

Miscellaneous Discussion Items:

Motion was made by Janis McAllister and seconded by Jim Spoon that the rule on the pharmacy library which list Generix be changed to Mosby's Drug Consult at the next rule making session. Motion passed on roll call vote.

The Board chose June 12, 2002 as the next Board meeting. The meeting is scheduled to begin at 8:00 a.m.

Complaint Consideration:

Compliance Officer, Gary LaRue, presented the Board with the following list of D.Ph's, Technicians and Pharmacies for possible complaints.

D.Ph. #11265, D.Ph. #8193, D.Ph. #9324, D.Ph. #12440, D.Ph. #12969, D.Ph. #11243, Technician #4541, Technician #5506 and Pharmacy #99-193.

Motion was made by Bob Summers and seconded by Janis McAllister to hear all of the complaints presented.

Board adjourned at 3:30 p.m.