

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**May 22, 2003**

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

President, Janis McAllister, called the May 22, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order.

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

Board members: Janis McAllister, President  
Jerry Allen, Vice-President  
Thomas F. Dudley, Member  
William Earl Osborn, Member  
Robert Summers, Member  
Jim Spoon, Member

Board Guest: Gordon Richards of Shawnee, Future Board Member  
Mr. Richards will be replacing Bob Summer effective July 1, 2003.

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

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

Motion was made by Bill Osborn and seconded by Bob Summers to approve the minutes of the March 19th & 20th, 2003 minutes. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jim Spoon to approve the May 13, 2003 minutes. Motion passed on roll call vote.

Motion was made by Jim Spoon and Bill Osborn to approve expense claims #373-#455, #3015-#3017 and the accrued expense claims of the Executive Director. Motion passed on roll call vote.

#### **Duplicate certificate request approved:**

Motion was made by Tom Dudley and seconded by Bob Summers to approve the duplicate D.Ph. certificate request for Julie Renee' Young, D.Ph. #12512. Motion passed on roll call vote.

#### **Discussion about letter from Mycale Shannon suggesting a Bi-Annual Inventory:**

The Board held a discussion concerning a letter that was received from Mycale Shannon. Mr. Shannon's letter was regarding the Controlled Dangerous Substance Inventory.

#### **Request from Carl Whittle for a Graduate Intern license:**

Motion was made by Bob Summers and seconded by Jim Spoon to allow D.Ph., Carl Whittle to apply for a Graduate Intern License in order to work prior to reinstating his pharmacist license. Motion passed on roll call vote.

#### **Board discusses request by OU Medical Center:**

Mark St. Cyr of OU Medical Center appeared before the Board to request that they be able to have only one license for the hospital.

After discussion, a motion was made by Tom Dudley and seconded by Jim Spoon to change the

licensing to one license for OU Medical Center. It is now licensed by the Oklahoma Health Department as one hospital. Motion passed on roll call vote.

**Emergency Declaration:**

Motion was made by Jim Spoon and seconded by Bob Summers to prepare an emergency declaration for promulgation of an emergency rule. Motion passed on roll call vote.

**Adoption of rules 535:1-14-5:**

Motion was made by Jim Spoon and seconded by Bob Summers to approve the emergency rule, 535:1-14-5 on changing the schedule of FDA approved GHB drug. Motion passed on roll call vote with all members voting Aye.

**OSBP vs. Leigh Ann Hamby, Technician #3783, Case No 662:**

President McAllister called the meeting to order to hear the case of Technician, Leigh Ann Hamby. Ms. Hamby chose to appear without counsel. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Ms. Hamby had been suspended and placed on probation in March of 2003. She had violated the Board Order and the probation by not telling her employer that she had appeared before the Board and had been placed on probation.

Jerry Koester, Loss Prevention representative for Walgreens, testified that Ms. Hamby had not told Walgreens that she had been placed on probation and had told him that she had appeared before the Board to testify against someone else.

Motion was made by Jim Spoon and seconded by Bob Summer that based on clear and convincing evidence, the respondent be found guilty. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Tom Dudley that the probation be revoked. Motion passed on roll call vote.

**OSBP vs. Lisa Lynch, Technician #4840, Case No 676:**

The Board was called to order to hear the case of Technician, Lisa Lynch. Ms. Lynch did not appear. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Steve Lacy, Supervisor for Ms. Lynch and Pharmacy Inspector, Terry Bratt, testified. Ms. Lynch had overdosed on CDS that were taken from the pharmacy.

Motion was made by Jim Spoon and seconded by Bob Summers that based on clear and convincing evidence, Ms. Lynch be found guilty. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Bill Osborn that the respondent's technician permit be revoked. Motion passed on roll call vote.

**Board visits with 3 NAPLEX applicants and 2 Reciprocity applicants:**

The Board interviewed 3 NAPLEX applicants and 2 Reciprocities. All will be accepted upon passing the Oklahoma Law exam and the NAPLEX.

**Reciprocities:**

Chad Anthony Miller TX  
Charlotte Owen TX

**NAPLEX:**

Daniel Bobo  
Jeff Burkle  
Quang Do

**OSBP vs. Peggy Sallee, Technician #2819, Case No 674:**

President McAllister called the Board to order to hear the case of Peggy Sallee. Ms. Sallee did not appear for the hearing. Testifying were Craig Nelson, Risk Manager for Homeland, and D.Ph. Wayne Spencer. Ms. Sallee had taken CDS for her personal use.

Motion was made by Tom Dudley and seconded by Bob Summers to find the respondent guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen that the technician permit of Peggy Sallee be revoked. Motion passed on roll call vote.

**OSBP vs. Lisa Campbell, D.Ph. #11834, Case No 603A:**

The Board was called to order to hear the case of Lisa Campbell. Ms. Campbell chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case. Ms. Campbell had been on

probation and had not been compliant with her OPHP contract. Lee McGoodwin with OPHP gave testimony.

Motion was made by Tom Dudley and seconded by Bill Osborn that based on the clear and convincing evidence that was presented, Ms. Campbell be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Jerry Allen to revoke Ms. Campbell's probation. She may ask the Board to be placed on probation after being able to show 12 months of sobriety. Motion passed on roll call vote.

**OSBP vs. Bill Balfour-Grice, D.Ph. #10306, Case No 591-requesting probation:**

Bill Balfour-Grice appeared before the Board to request probation of his license. After hearing testimony from OPHP and Mr. Balfour-Grice, a motion was made by Jerry Allen and seconded by Bob Summers to place the respondents license on probation. Motion passed on roll call vote.

**\*\*Dr. Dudley asked to be excused from the meeting.\*\***

**OSBP vs. Gregory George Barnas, D.Ph. #10252, Case No 664:**

President McAllister called the meeting to order to hear the case of Gregory Barnas. Mr. Barnas chose to appear without counsel. Mr. Potter presented the complaint to the Board and interviewed Susan Dozal, the individual that conducted the CE audit. Mr. Barnas had falsified his renewal application in 2002 by indicating that he had obtained the required CE, which he had not.

Motion was made by Jim Spoon and seconded by Jerry Allen that based on the respondent's admission, he be found guilty. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bob Summers that Mr. Barnas present the Board with 45 hours of CE by June 30, 2003 and that he be fined \$1000 per count for a total of \$3000.00. Motion passed on roll call vote.

**OSBP vs. Robert K. Wampler, D.Ph. #8953, Case No 666:**

The Board was called to order to hear the case of Robert K. Wampler. Mr. Wampler chose to appear without counsel. Mr. Potter presented the complaint to the Board and interviewed Susan Dozal, the individual that conducted the CE audit. Mr. Wampler admitted that he had not completed the required CE. He had, however, recently completed the CE that he had listed.

Motion was made by Jim Spoon and seconded by Bob Summers to find the Respondent guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen that Mr. Wampler be required to submit 45 hours of CE to the Board office no later than June 30, 2003. He is to send in copies of the CE verification for renewal in 2004 & 2005. He is to attend a one-day law seminar in 2003 in addition to the required 15 hours of CE. He is to pay a fine of \$1000 per count for a total of \$3000. Motion passed on roll call vote.

**OSBP vs. David Gilson, D.Ph. #8607, Case No 667:**

President McAllister called the meeting to order to hear the case of David Gilson. Mr. Gilson chose to appear without counsel. Assistant Attorney General, Grant Moak, prosecuted the case. Supervisor, Joe Mansour, and Gracie Morgan testified. Mr. Gilson had taken a spoonful of Diazepam syrup from a stock bottle and the prescription bottle to verify the prescription. Mr. Gilson admitted guilt.

Motion was made by Jerry Allen and seconded by Bob Summers to find Mr. Gilson guilty as charged. The respondent agreed to enter into an agreement with the Board to renew his license as an inactive license and to appear before the Board before returning to active status. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to accept the agreement. Motion passed on roll call vote.

**OSBP vs. Angela Stanley, D.Ph. #12842, Case No 677:**

The case of Angela Stanley was continued until the next Board meeting.

**The Board continued to work through lunch**

**Request for license from Dixon Wholesale and Foote Farm Supply:**

Pam Dixon appeared before the Board with Counsel, Doug Rice. They entered into an agreement for Dixon Farm Supply in Madill and for Foote Farm Supply in Alva so that they may receive a wholesale license. Both facilities had operated for a period of time without a license. They agreed to pay \$500 for back payment

and pay for a new license for each wholesale facility. Each facilities license will be placed on probation for 1 year.

Motion was made by Jim Spoon and seconded by Bob Summers to approve the agreement. Motion passed on roll call vote.

**Brenda Benally's request to appear before the Board:**

Brenda Featherston Benally appeared before the Board to request that she be allowed to apply for a pharmacist license. Her license had been revoked about 10 years ago.

After a short discussion, the Board told Ms. Benally that they would allow her to make application to take the NAPLEX. Providing that she passes the exam and before a license is issued, Ms. Benally would need to appear before the Board in order to determine the process for re-training and possible probation. She would be required to sit for the exam prior to January 1, 2004.

**OSBP vs. Gayle Guthrie, D.Ph. #7265, Case No 675:**

The Board was called to order to hear the case of Gayle Guthrie. Mr. Guthrie was present with Counsel Tom Reisen. Grant Moak, Assistant Attorney General, prosecuted the case. Mr. Guthrie had made some errors on some nursing home prescriptions and had not attempted to resolve the error.

The Board was presented an Agreed Order. The Order would place the Mr. Guthrie's license on probation for 1 year until May 22, 2004. He is to participate and complete a video CE program on prescription errors and is fined \$250.00 per count for a total of \$500.00

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

**OSBP vs. Stephen Layne Summers, D.Ph. #10608, Case No 668:**

The case of Stephen Layne Summers was continued until the next Board meeting.

**OSBP vs. Super H Pharmacy, Pharmacy #27-3544, Case No 669:**

The case of Super H Pharmacy was continued until the next Board meeting.

**OSBP vs. Pam Crawford, Technician #1774, Case No 673:**

President McAllister called the meeting to order to hear the case of Pam Crawford. Ms. Crawford was not present but had sent a letter stating that she would not oppose the revocation of her technician license. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Compliance Officer, Cindy Hamilton, testified for the Board. Ms. Crawford had been convicted of a felony for selling CDS and will be entering into prison shortly.

Motion was made by Jim Spoon and seconded by Jerry Allen to find the Respondent guilty. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to revoke the technician permit of Pam Crawford. Motion passed on roll call vote.

**OSBP vs. Patricia Baker, D.Ph. #11847, Case No 672:**

The Board was called to order to hear the case of Patricia Baker. Ms. Baker chose to appear without counsel. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Betty Beil testified for the Board. Ms. Baker had received two warning notices within a 12-month period.

Motion was made by Jerry Allen and seconded by Bill Osborn to find Ms. Baker guilty. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to place a letter of reprimand in Ms. Baker's personal file for a period of 6 months and she is also to review the CE video on errors. Motion passed on roll call vote.

**OSBP vs. Haskell Kohen Tabor, D.Ph. #7292, Case No 671:**

President McAllister called the meeting to order to hear the case of Haskell Tabor. Mr. Tabor was present with counsel, Alan Agee. Grant Moak, Assistant Attorney General, prosecuted the case. Mr. Tabor had made some prescription errors and had not resolved them in a proper manner and had also allowed an unlicensed person to perform technician duties.

An Agreed Order was presented to the Board. If approved the Respondent would agree that his license be placed on probation until May 22, 2004. He also agrees to pay a fine of \$250.00 per count for a

total of \$750.00.

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

**OSBP vs. Danny Frame, D.Ph. #8828, Case No 670:**

The Board was called to order to hear the case of Danny Frame. Mr. Frame was present with counsel, Greg Kirby. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Mr. Frame had made some prescription errors and had allowed an unlicensed person to perform technician duties.

An Agreed Order was presented to the Board. If approved the Respondent would agree that his license be placed on probation until May 22, 2004. He also agrees to pay a fine of \$200.00 on Counts I & II and a fine of \$350.00 on Count III for a total of \$750.00.

Motion was made by Bob Summers and seconded by Bill Osborn to accept the Agreed Order. Motion passed on roll call vote.

**Discussion on the injunction on RX Depot:**

Assistant Attorney General, Grant Moak, reviewed litigation with the Board regarding RX Depot.

**Miscellaneous Discussion:**

The Board set the next meeting for Wednesday, July 9th, 2003. The Board will hear the cases that were continued and also a few new cases. The Board will also re-organize at the end of the meeting.

President McAllister thanked member, Bob Summers, for his service on the Board and wished him well. Most of the Board will be attending the OPHA convention in June.

**Board adjourned at 4:45 p.m.**