

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

May 12, 2004

Call to order:

President Jerry Allen called the May 12, 2004 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m.

Those present were:

Board members: Jerry Allen, President
 James O. Spoon, Vice-President
 Gordon Richards, Jr., Member
 Diana Hampton, Member
 William Earl Osborn, Member

****Janis McAllister was unable to attend this meeting****

Board of Pharmacy: Bryan Potter, Executive Director

Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the April 7th 2004 minutes. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to approve the expense claims #237, #251-#292, #4022-#4024 and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Duplicate certificate approved:

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the duplicate certificate request of Vicki Cheryl McCoy. Motion passed on roll call vote.

Board discusses airfare for 2 OPHP representatives:

Motion was made by Bill Osborn and seconded by Diana Hampton to pay airfare, if possible, for 2 OPHP members to attend the Utah School on Alcoholism and Other Drug Dependency. Motion passed on roll call vote.

Board discusses request on omitting names from the newsletter:

After a brief discussion, the Board determined to deny the request to omit names from the newsletter other than those of impaired cases.

Board discusses conducting background checks on applicants:

The Board discussed the suggestion that all applicants be processed through an OSBI background check. The Board directed the staff to check into the cost before a decision could be made.

Board discusses request from Mark Greenwald Enterprises about Pharmacy Trainer Program:

The Board reviewed the Pharmacy Trainer program for technicians, of Mark Greenwald Enterprises. They directed the staff to send a letter indicating that the Board has approved only association training programs. Their program is a program to prepare for the National Certification test which is not required in Oklahoma.

Board discusses request from Integris/Misty Leeper about TPN Certification:

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the TPN certification process of Integris for technicians. Motion passed on roll call vote.

Request from OU College of Pharmacy in Tulsa for approval of 2 special training sites:

Motion was made by Bill Osborn and seconded by Gordon Richards to approve 2 special training sites. The 2 sites approved are OSU Veterinary Practicum and St. Francis Hospital/Pediatric Intensive Care Unit/Toxicology Practicum. Motion passed on roll call vote.

Board set next meeting:

The Board set June 16th at 8:30 a.m. as the next meeting date.

Request from Ken Roden to appear before the Board to discuss a Patient Assistance Program:

After a discussion and review of a patient assistance program, which was presented by Ken Roden, D.Ph., a motion was made by Gordon Richards and seconded by Jim Spoon to allow an experimental study and license program as a charitable pharmacy. Motion passed on roll call vote.

Mr. Roden and Mr. Potter are to work out the details and after the program is in place for 6 months, a report will be made to the Board.

Board meets with 1 Reciprocity candidate:

The Board interviewed 1 Reciprocity candidate. She was accepted after passing the Oklahoma Law Exam.

Reciprocity:

Sonal A. Patel IL

Ms. Patel agrees to work with another pharmacist for 30 days prior to working in a pharmacy by herself.

OSBP vs. Leta M. Brown, Technician #931, Case No. 682:

President Allen called the Board to order to hear the case of Leta M. Brown. Ms. Brown was not present and was not represented by Counsel.

The Board reviewed the evidence presented by Assistant Attorney, Grant Moak, and also the testimony from Ray Potts, Director of Pharmacy at Tahlequah City Hospital and Tulsa OBN Agent, Earl Beaver.

Ms. Brown had taken a large quantity of Pseudoephedrine from the pharmacy. A motion was made by Bill Osborn and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Brown be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to permanently revoke the technician permit of Leta Brown. Motion passed on roll call vote.

OSBP vs. Traci Byer, Technician #837, Case No. 707:

The case of Traci Byer was continued until the next meeting:

OSBP vs. Kara Green, Technician #3914, Case No. 687:

President Allen called the Board to order to hear the case of Kara Green. Ms Green was not present and was not represented by Counsel.

Assistant Attorney General, Grant Moak, prosecuted the case. Agent Terry Bratt testified for the Board as did Kim Carel, Pharmacist in Charge at Great Plains Pharmacy.

After hearing testimony and reviewing the evidence that was presented, a motion was made by Jim Spoon and seconded by Diana Hampton that based on clear and convincing evidence presented, Ms. Green be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards to permanently revoke the technician permit of Kara Green. Motion passed on roll call vote. It was further directed that the staff would send a copy of the final order to the DA in Lawton.

OSBP vs. Stephanie A. Mills, Technician #4466, Case No. 708:

The case of Stephanie A. Mills was continued until the next meeting:

OSBP vs. Greg Wheat, Technician #6151, Case No. 709:

The case of Greg Wheat was continued until the next meeting:

OSBP vs. Robert Lance Lanier, D.Ph. #12376, Case No. 710:

President Allen called the Board to order to hear the case of Robert Lance Lanier. Mr. Lanier chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board. Mr. Lanier gave his testimony. Compliance Officer, Gary LaRue along with Kevin Rich of OPHP testified for the Board.

Mr. Lanier admitted that he had relapsed and had taken drugs that he shouldn't have. He had also tried to pass a forged prescription.

Motion was made by Bill Osborn and seconded by Diana Hampton that based on the clear and convincing evidence that was presented, Mr. Lanier be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards that Mr. Lanier's license be suspended indefinitely. After 3 years, he may request to appear before the Board to ask that the suspension be placed on probation. Mr. Lanier must continue to abide by his OPHP contract during those 3 years. Motion passed on roll call

vote.

The Board recessed for lunch

OSBP vs. John Douglas Harrison, D.Ph. #8570, Case No. 711:

The Board was called to order by President Allen to hear the case of John Douglas Harrison. Mr. Harrison chose to appear without counsel. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board. Mr. Harrison also gave testimony.

Mr. Harrison had received 2 warning notices within a 12-month period. Motion was made by Diana Hampton and seconded by Gordon Richards that based on the clear and convincing evidence that was presented, Mr. Harrison be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards to place a letter of Reprimand in Mr. Harrison's file for a period of 1 year. He will pay a fine of \$500 and also attend a one-day law seminar during 2004 in addition to his required CE. Motion passed on roll call vote.

OSBP vs. James Swaim, D.Ph. #8338 and Buy for Less Pharmacy at Penn, #1-3418, Case No. 712:

The case of James Swaim and Buy for Less Pharmacy was continued until the next meeting.

Board discusses request from Ken Whittmore concerning SureScripts:

Mr. Osborn was asked to explain the request made by Ken Whittmore concerning SureScripts. It is a system for electronic prescribing that will be implemented in Oklahoma, probably in 2004.

After review of the description of the program, with the assurance of the confidentiality and patient freedom of choice, a motion was made by Bill Osborn and seconded by Gordon Richards to approve the SureScript electronic prescribing program. Motion passed on roll call vote.

Board discusses pending legislation:

A discussion was held regarding pending legislation and House Joint Resolution on the Board rules and the discussions that were held with House staff and Committee Chairman regarding the rules and statutes. Mr. Potter also explained the progress of the House Bill 1866 regarding the recycling of nursing home drugs.

Board adjourned at 4:00 p.m.