

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

June 16, 2004

Call to order:

President Allen called the June 16, 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
Jim Spoon, Vice-President
Dr. Diana Hampton, Member
Janis McAllister, Member
William Earl Osborn, Member
Gordon Richards, Member

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

Guests: 25 Interns from Walgreens
Marcy Cox, Intern from Wal-Mart
Amanda Brice, Intern from Wal-Mart
Stacy Washington, Intern from Wal-Mart
Staci Tackett, Intern from Wal-Mart
Esther Winsjansen, Intern from Wal-Mart
Rick Irby, Wal-Mart
John Rodden, Wal-Mart

Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by Bill Osborn to approve the May 12th 2004 minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards to approve claims #293-#342 and #4025-4027 and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Bill Osborn to approve the reinstatement of Holly Lynn Cuthbertson, D.Ph. #13188 and Ercil W. George, D.Ph. #6561. Motion passed on roll call vote.

Board discusses Manufacturer and Pharmacy applications for Midwest Medical Isotopes, LLC.:

Mr. Potter presented the Board with applications from Midwest Medical Isotopes, LLC requesting a manufacturer license and a pharmacy license.

After a brief discussion, motion was made by Bill Osborn and seconded by Diana Hampton to approve a 1 year exception allowing Midwest Isotopes to have a pharmacy and a manufacturer license in the same location. It was also approved as a practice site for OU students. Motion passed on roll call vote.

Board meets with 5 Reciprocities and 13 NAPLEX candidate:

President Allen and Mr. Potter had talked to the NAPLEX candidates prior to their testing and held a question and answer session. They congratulated them on completing their education and wished them well in their careers.

The Board interviewed 5 Reciprocity candidates. All will be accepted upon passing the Oklahoma Law Exam.

Reciprocity:

Joel Antonio Adame	TX
Ryan Wayne Barnard	TX
Patrick Allen Culley	AL
Jessica Lynn Kotches	IL
Joshua Kirk Rodgers	TX

Robin Wheeler appears before the Board to discuss her application for technician permit:

President Allen called the Board to order to hear the request of Robin Wheeler. Ms. Wheeler had been denied a technician permit. There was a discrepancy regarding her answer to part of the application. Ms. Wheeler was present with her Attorney, Tim Green. Mr. Green explained Ms. Wheeler's actions to the Board.

Motion was made by Diana Hampton and seconded by Gordon Richards to accept Ms. Wheeler's application for a technician permit. Motion passed on roll call vote.

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

The Board was called to order by President Allen to hear case no. 707. Ms. Byer was not present. It had been determined that she had been adequately notified of the hearing. Assistant Attorney General, Grant Moak, prosecuted for the Board. The Board was presented evidence and heard testimony from Rick Irby, Ms. Byer's employer and also the District Manager of Wal-Mart. Compliance Officer, Betty Beil, also testified for the Board. Ms. Byer had falsified prescriptions for her personal use.

Motion was made by Jim Spoon and seconded by Janis McAllister that based on clear and convincing evidence presented, Ms. Byer be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to permanently revoke Technician permit #837. Motion passed on roll call vote.

OSBP vs. Stephen Nicholas, D.Ph. #11307- Case No. 643-B - Revoke Probation:

President Allen called the Board to order to hear the case of Stephen Nicholas. Mr. Nicholas was present and chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted for the Board. Mr. Nicholas, Compliance Officer, Cindy Hamilton and Tandi Reheis, OPHP Executive Director presented testimony.

Mr. Nicholas had been placed on probation in November of 2003 and had a positive drug screen in January 2004. He had gone in for treatment in Atlanta for 90 days.

Motion was made by Jim Spoon and seconded by Diana Hampton that based on clear & convincing evidence presented, that the Board revoke Mr. Nicholas probation in case 643. His license would be suspended and the previous order would be in place. Mr. Nicholas may appear before the Board to request probation after January 1, 2005. Motion passed on roll call vote.

OSBP vs. G. Geoffrey Craig, D.Ph. #8755 - Case No. 646-A - Request for Probation:

Geoffrey Craig appeared before the Board to request probation of his license regarding Case No. 646. Compliance Officer, Cindy Hamilton and Executive Director of OPHP, Tandi Reheis testified on behalf of Mr. Craig.

After hearing testimony presented, a motion was made by Janis McAllister and seconded by Bill Osborn to place Mr. Craig's license on probation. Motion passed on roll call vote.

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

Stephen Summers appeared before the Board requesting that he be allowed to complete his requirements of the final order of Case No. 668 in 2004 rather than 2003. He had been ill at the time that the Law Seminar was given in 2003.

Motion was made by Jim Spoon and seconded by Diana Hampton to allow Mr. Summers to complete his requirements in 2004. Motion passed on roll call vote.

The Board had a working lunch

Board discusses an e-mail on posting ownership to website:

The Board discussed a request that the Board's website list the pharmacy ownership. The person requesting was concerned about physician ownership. The staff will review the number of physician owned pharmacies and report back to the Board.

Board discusses e-mail from Meri Hix:

The Board discussed an e-mail that requested that the Board allow all residencies to be approved for C.E. These have been approved in the past when an individual had asked for prior approval. The Board determined to leave the rules as they are.

Susan Dozal reports of Registration process:

Administrative Officer, Susan Dozal, who is in charge of the Board's registration, reported that the number of renewals are at the halfway point and appear to be coming in promptly.

2004 Legislative Review:

Mr. Potter gave a legislative review and reported that the Board's legislation had been passed and that the Recycle Drug bill had been placed under the Board of Pharmacy for promulgation of rules for implementing the program.

Board sets next Board meeting:

The Board set the next meeting for Tuesday July 20, 2004 at 8:30 a.m.

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

The Board was called to order by President Allen to hear the case of James Swaim and Buy For Less Pharmacy.

An Agreed Order was presented to the Board. The Board went into Executive Session. Upon returning to regular session, a motion was made by Jim Spoon and seconded by Diana Hampton to reject the Agreed Order. Motion passed roll call vote.

Assistant Attorney General, Grant Moak, made a request that the case of James Swaim and Buy For Less Pharmacy be continued. The Board granted that request.

OSBP vs. Joe Hoover, D.Ph. #7837 - Case No. 713:

President Allen called the Board to order to hear the case of Joe Hoover. Mr. Hoover chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. The Respondent and Inspector, Terry Bratt both testified before the Board.

Mr. Hoover had received two warning notices within a 12-month period. One of the warnings was for having 4 unsigned Schedule II prescriptions in his file and the other was for leaving his pharmacy unattended.

Motion was made by Janis McAllister and seconded by Diana Hampton that the respondent is found guilty. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Janis McAllister that Mr. Hoover have a letter of reprimand placed in his file for a period of one-year and that he attend a one-day law seminar in addition to his required 15 hours of C.E. Motion passed on roll call vote.

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

The Board was called to order to hear the case of Stephanie Mills. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Gary LaRue, testified for the Board. Ms. Mills was not present. It had been determined that she had been adequately notified of the hearing. Ms. Mills was stealing CDS from the pharmacy where she was employed.

Motion was made by Janis McAllister and seconded by Gordon Richards to find Ms. Mills guilty as charged.

Motion was made by Jim Spoon and seconded by Janis McAllister to permanently revoke Technician permit #4466. Motion passed on roll call vote.

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

The case of Greg Wheat was continued until the next Board meeting.

Budget work program review and approval:

Business Manager, Mary Ann Terral, presented the Budget for 2005. After a review of the budget, a motion was made by Bill Osborn and seconded by Diana Hampton to approve the Budget. Motion passed on roll call vote.

Adequate Staffing Report:

Mr. Potter gave a report to the Board on the Adequate Staffing Committee's results. The Board directed the staff to write rules for the next legislative session.

President Allen comments.....

President Allen commended Janis McAllister for her service on the Board of the past 5 years and wished her well in all her endeavors. All members agreed.

Board adjourned at 4:00 p.m.