

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

June 6, 2007

Call to order:

President Richards called the June 6, 2007 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:45 a.m.

Those present were:

Board Members: Gordon Richards, President
 Diana Hampton, Vice-President
 Jim Spoon, Member
 John Lassiter, Member
 Bill Osborn, Member

* Dorothy Gourley had a scheduling conflict and was unable to attend.

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

Guests: John Rodden, Wal-Mart
 Shannon Bricker, Wal-Mart
 Megan Rushing, Target
 Andrea Clem, Target
 Derek Dennis, Walgreens
 Kim Spitz, OPHA
 Beverly Perrault, Compass Vision
 Shana Edwards, Intern

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Diana Hampton to approve the April 18 2007 minutes as circulated. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton to approve claims #1507 - #1554, H47812-H47816, H50481-H50485, April and May 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 April and May cancellation lists of pharmacies, pharmacists, technicians and facilities, a motion was made by Bill Osborn and seconded by Jim Spoon to cancel the license of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board approves NABP Newsletter Contract:

The Board reviewed the newsletter contract with NABP. A motion was made Diana Hampton and seconded by John Lassiter to approve the contract. Motion passed on roll call vote. Mr. Potter was directed to place "electronic newsletter" possibility on the agenda for the planning meeting.

Board reviews Auditor report:

The Board reviewed the Auditors report. A motion was made by Jim Spoon and seconded by John Lassiter to accept the report. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bill Osborn and seconded by Diana Hampton to approve the duplicate certificate request for Deborah P. Faucette-Morales, D.Ph. #13672, Lori Dawn Gregory, D.Ph. #10935, John Davis Simmons, D.Ph. #9022 and Niki Renee Sykora, D.Ph. #13805. Motion passed on roll call vote.

Board makes emergency declaration regarding Wholesaler/Pedigree Rules:

The Board discussed the need to proceed with the "Pedigree Rules" and that we should proceed with emergency Rules. Motion was made by Jim Spoon and seconded by Diana Hampton that the Board of Pharmacy finds that imminent peril exists "to the preservation of public health, safety and welfare" and "a compelling public interest exists" to protect the integrity of the prescription drug supply chain and to comply with the rulemaking requirement in SB-640 effective June 7, 2005 and HB-1347 effective November 1, 2005. Motion passed on roll call vote.

Board reviews recommended Wholesale/Pedigree Rules:

The Board reviewed the Pedigree Rules with comments from Kevin Nicholson, R.Ph., J.D. from NACDS. The Board determined that they would consider the suggested changes during the permanent Rule process during the legislative session of 2008. After reviewing the Rules as presented from the "Pedigree Rules Committee", a motion was made by Jim Spoon and seconded by John Lassiter to approve the rules as presented. Motion passed on roll call vote.

Board reviews new rules on Physician Assistants:

The Board reviewed the Physician Assistants prescribing rule changes that will take effect on July 1, 2007. These rules are posted on the Board website.

Board discussed June 19 & 20 planning meeting and awards banquet:

The Board approved a meeting for long range planning for June 19 & 20, 2007.

Board approves future Board meetings:

The Board approved the following dates for the next three Board meetings. They are July 18, 2007, August 29, 2007 and September 26, 2007.

Board interviews Reciprocity and Score Transfer applicants:

The Board met with 5 Reciprocity, 2 Score Transfer and 2 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Susan Kathleen Fedoruk .. MI
Kenneth Dale Good MS
Clint Nelson Johnson AR
Jeffrey D. Kuehnhoff KS
Douglas Paul Sheffield..... AR

Score Transfer:

Julia Brown.....TX
Alana Gayle Zuelsford.....FL

NAPLEX:

Narcisso Soliz
Lindsey L. Burgess

OSBP vs. Sherri Cleek, Technician #322 – Case No. 815:

President Richards called the Board to order to hear the case of Sherri Cleek. Ms. Cleek was present with Counsel, William Oldfield. Assistant Attorney General, Brinda White, represented the Board.

The Board was presented with an Agreed Order that would place Ms. Cleeks technician permit

on suspension for six months and would pay a fine of \$250.00 per count for a total of \$500.00.

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

OSBP vs. Melissa Faria, Technician #5867 – Case No. 818:

The Board was called to order to hear the case of Melissa Faria. Ms. Faria was not present but it was determined that she had been properly notified. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Betty Beil, testified and presented evidence to the Board.

Ms. Faria had stolen CDS for personal use from her employer. Motion was made by Jim Spoon and seconded by Diana Hampton that based on the clear and convincing evidence presented that Ms. Faria be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Jim Spoon to revoke the technician permit of Melissa Faria. Motion passed on roll call vote.

OSBP vs. Marc Webb, Technician #6760 – Case No. 817:

President Richards called the Board to order to hear the case of Marc Webb. Mr. Webb was not present but it was determined that he had been properly notified. Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Office, Betty Beil, testified for the Board and presented evidence that Mr. Webb had stolen I.V. CDS for personal use.

Motion was made by Jim Spoon and seconded by Bill Osborn that based on the clear and convincing evidence presented, Mr. Webb be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn that the technician permit of Marc Webb be revoked. Motion passed on roll call vote.

OSBP vs. Candie Nelson, Technician #959 – Case No. 810:

The Board was called to order to hear the request of Candie Nelson for a re-hearing. Ms. Nelson testified and presented exhibits and letters to the Board. Regan El-Ali, pharmacy manager of the pharmacy where Ms. Nelson worked as a technician, testified for the Board.

Motion was made by Jim Spoon and seconded by John Lassiter to deny the request for rehearing.

Motion passed on roll call vote.

Susan Sinks appears before the Board to ask for approval of technician permit:

Susan Sinks appeared before the Board to ask for approval of her application for a technician permit. Ms. Sinks was accompanied by her instructor from Platt Tech School.

Motion was made by Jim Spoon and seconded by Diana Hampton to allow Ms. Sinks to become a technician with the permit being placed on probation for 2 years and that she would need to notify her employer of the probation. The pharmacy manager would need to make a quarterly report to the Board for the 1st year as to her performance as a technician. Motion passed on roll call vote.

OSBP vs. Gary W. Short, D.Ph. #7836 – Case No. 806:

President Richards called the Board to order to hear the case of Gary Short. Mr. Short was present with Counsel, Corrine O'Day-Hanan. Assistant Attorney, Brinda White prosecuted for the Board. Compliance Officer, Betty Beil testified and presented evidence to the Board and answered questions by Counsel, Corrine O'Day-Hanan.

Upon completion of Ms. Beil's testimony at 1:20, President Richards declared a recess until 2:00 for a working lunch. During the lunch break, a discussion was held by Ms. O'Day-Hanan and OPHP representative Kim McKown, which caused a delay until 2:15.

President Richards called the meeting back to order. Ms. O'Day-Hanan requested a continuance because she said she had not received discovery information that was to be presented

by OPHP representative, Kim McKown.

After a discussion, a motion was made by Jim Spoon and seconded by Diana Hampton to grant Ms. O'Day-Hanan's request for a continuance providing the Board would not be considered prejudice by the information already heard and that Mr. Short would not practice pharmacy during this period of time. The Board will continue the case until the July meeting. Ms. O'Day-Hanan replied in the affirmative. Motion passed on roll call vote.

Mary E. Kutz of Millennium Pharmacy Systems, Inc. appears before the Board to discuss MPSRX 360 Solutions:

The Board was called to order to hear a presentation from Millennium Pharmacy System Inc., of Pennsylvania to discuss MPSRX 360 Solution. Mary E. Kutz and Mike Gold were there to make the presentation.

The pharmacy services nursing home patients and uses a system that packages the drugs in plastic strips with multiple medications packaged for time of day administering and sending medication in 2 day, 2 day and then 3 day supplies. Each dose is bar coded. The Med-pass person would work from a computer attached to the medicine cart and the computer would be connected to Millenniums pharmacy computer by internet services. The automation system for packaging their prescriptions is the same as the one presented during the April meeting. The Board had a concern about the multiple drugs packaged together by time of the dose and also concerned about the labeling of these packages.

The Board indicated they would take the information under advisement and would invite them back to the Board in August. This would allow the Board to review the system in July while attending the OPHA meeting.

OSBP vs. Hoby Hawkins, D.Ph. #10460 – Case No. 813:

The Board was called to order to hear the case of Hoby Hawkins. Mr. Hawkins was present with Counsel June Phillips. Brinda White, Assistant Attorney General, presented the complaint and an Agreed Order. Mr. Hawkins had obtained CDS prescription refills without legal authorization.

The Agreed Order would suspend Mr. Hawkins license until June 6, 2017 and then be placed on probation upon signing and abiding with an OPHP contract. The required CE must be live for 2007 and 2008. Mr. Hawkins must also attend a one-day law seminar in 2007 and 2008 in addition to the 15 hours of live CE. Mr. Hawkins agrees to pay a fine of \$250.00 per count on 4 counts for a total of \$1000.00.

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

John Jones, of Prescription Solutions, to appear before the Board to discuss prescription verification:

President Richards call the Board to order to hear a presentation by John Jones of Prescription Solutions. Mr. Jones reviewed their operations here in Oklahoma City and also their pharmacy operation in Kansas City. Frank Whitechurch is the pharmacy manager in Kansas City and was present to answer questions.

Prescription Solutions wanted to let the Board know of their Oklahoma City operation and see if they would need a pharmacy license. It was determined that they did not at this time. Mr. Potter indicated that the Board will be looking at possibly changing the number of types of pharmacy license issued by the Board of Pharmacy. President Richards thanked them for the presentation.

OSBP vs. Michael Ballard, D.Ph. #12939 – Case No. 821:

The Board was called to order by President Richards to hear the case of Michael Ballard. Mr. Ballard was present and without Counsel. Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Officer, Cindy Hamilton and OPHP representative, Kim McKown testified and presented evidence. Mr. Ballard testified and presented exhibits to the Board.

After hearing the evidence and discussing the exhibits, a motion was made by Jim Spoon and

seconded by Diana Hampton that based on clear and convincing evidence presented, Mr. Ballard be found guilty on all 5 counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Diana Hampton that Mr. Ballard license be suspended until he can get an evaluation by Dr. Rojas and submit a recommendation to OPHP. OPHP would make a recommendation to the Board as to the suggested treatment for him. The Board hopes to finalize the case at the July meeting. Motion passed on roll call vote.

OSBP vs. Michael Womack, D.Ph. #12564 – Case No. 820:

The case of Michael Womack was continued until the next meeting.

OSBP vs. Dennis Click, D.Ph. #7770 – Case No. 812:

President Richards called the Board to order to hear the case of Dennis Click. Mr. Click was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White, prosecuted for the Board. Compliance Officer, Cindy Hamilton, testified and presented evidence.

Mr. Click had filled prescriptions for himself, which was valued at \$1900.00 and had not paid for them. Mr. Click had been charged in District Court with a felony of obtaining a CDS by altering or forging a prescription for generic Darvocet N-100.

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

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

President Richards gaveled the June 6, 2007 meeting to a close at 6:30 p.m.