

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

OU College of Pharmacy, Tulsa Campus  
4502 E 41st St  
Tulsa, OK 74135-2512

June 18, 2008

#### Call to order:

President Hampton called the June 18, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:30 a.m.

#### Those present were:

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

Board of Pharmacy: Bryan Potter, Executive Director  
Gary LaRue, Compliance Officer  
Cindy Hamilton, Compliance Officer  
Betty Beil, Compliance Officer  
Terry Bratt, Inspector  
Susan Dozal, Administrative Officer  
Rhonda Jenkins, Registration Secretary

Guests: John Rodden, Wal-Mart  
Megan Rushing, Target  
Kryslyn Cassada, Target  
Janelle Jones, Walgreens  
Ryan Walker, Walgreens  
Garrett Huxall, Pharmcare  
Kelly Grober, USA Drug  
Nancy Ray, OU College of Pharmacy  
Mike Shelton, AmerisourceBergen  
Dana Stanton, AmerisourceBergen

#### Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Bill Osborn to approve the May 6, 2008 minutes as circulated. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Bill Osborn to approve claims #1933-#1980, H95474-H95478, 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 cancellation lists of pharmacies, pharmacists, technicians and facilities, a motion was made by Jim Spoon and seconded by Dorothy Gourley to cancel the license of those that did not renew within the renewal time period. Motion passed on roll call vote.

**Duplicate certificate request approved:**

Motion was made by Dorothy Gourley and seconded by Bill Osborn to approve the duplicate certificate requests of Anna Rebecca Barbato, D.Ph. #13806, Kristin Alee Knutson, D.Ph. #13828, Autumn Riddle, D.Ph. #13069, Pamela Dianne Robison, D.Ph. #14026 and Kristie Ann Gormley, D.Ph. #12849. Motion passed on roll call vote.

**Board discusses Vicura Software, i.e. eMar:**

A discussion was held regarding eMar software. Mr. Potter stated that the Board had some mis-information presented at the last Board meeting. After explaining the process, the Board indicated that they had no problem with the use of the eMar software in Nursing Homes as presented by the OmniCare representatives.

**Board discusses substitution of certain drugs:**

The Board reviewed an article in the NABP newsletter and also a letter from the Epilepsy Foundation regarding how certain drug products should be substituted. The Board wanted more time to review this situation and asked that it be placed on the July agenda for discussion.

**Board holds a discussion on Gary Nichols litigation with Attorney:**

The Board went into Executive Session to discuss the Gary Nichols case and litigation with the Assistant Attorney General, Brinda White.

**Board interviews Reciprocity and NAPLEX applicants:**

The Board met with 6 Reciprocity, 1 Reinstatement and 7 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

**Reciprocity:**

Merin Chempakaseril ..... PA  
Holli Turner Dixon ..... LA  
Kenneth Victor Powell ..... AR  
Carl William Sorrels ..... AR  
Kyla R. Wells ..... TX  
Deborah Marie Zagala ..... TX

**NAPLEX:**

Melissa Abbott  
Django Belote  
Julie Jahnke  
Sheeda Khavari  
Tiffany Liesmann  
Lisa Mayer  
Saumy Sunny Olickal

**REINSTATEMENT:**

Joe David Burkett

**Reinstatement request from Joe David Burkett:**

President Hampton called the Board to order to hear a request for approval of a reinstatement application for Joe David Burkett. Mr. Burkett was present, had completed all of the required CE and passed the Oklahoma Pharmacy Law Exam.

The Board interviewed Mr. Burkett and found that he had been working in Texas as a relief pharmacist and had not been out of pharmacy as long as it had appeared on his application.

Motion was made by Gordon Richards and seconded by John Lassiter to approve the reinstatement request. Motion passed on roll call vote.

**OSBP vs. Michael L. Ballard, D.Ph. #12939 – Case No. 821 – Request for reinstatement:**

The Board was called to order to hear a request for reinstatement of the pharmacist license of Michael Ballard. Mr. Ballard was present with OPHP representative, Marc Whitt.

After a brief discussion, a motion was made by Bill Osborn and seconded by Gordon Richards that Mr. Ballard be required to enter into a 10-year contract with OPHP. He is to be in complete compliance for 90 days which would need to be reported to the Board by OPHP. Once Mr. Ballard has shown compliance, his license would be reinstated and placed on probation. Motion passed on roll call vote with Dorothy Gourley and John Lassiter voting no.

**OSBP vs. Milton Ray Simpson, D.Ph. #13085 – Case No. 830 – Request for probation:**

President Hampton called the Board to order to hear the request of Milton Simpson. Mr.

Simpson was present with OPHP representative, Marc Whitt who testified for Mr. Simpson.

Mr. Simpson had been evaluated and he was approved to work 20 to 30 hours per week under supervision for a period of 6 months.

Motion was made by Dorothy Gourley and seconded by Gordon Richards to place Mr. Simpson's license on probation for a period of 6 months allowing him to work a maximum of 30 hours a week in a pharmacy in Norman. At the end of the 6 month period, he would be evaluated for fit for duty as a pharmacist and OPHP would report the results to the Board. At that time, Mr. Simpson could request to be placed on the Agenda for the next meeting. Motion passed on roll call vote with John Lassiter abstaining.

**OSBP vs. Jeffrey A. Zander, D.Ph. #9659 – Case No. 535 – Request for probation:**

The Board was called to order to hear the probation request of Jeffrey Zander. OPHP representative, Marc Whitt was present to testify for Mr. Zander.

After testimony and discussion, a motion was made by Gordon Richards and seconded by Bill Osborn that the OPHP contract of Jeffrey Zander be renewed for 5 years until 6-18-2013 and that he be allowed to obtain a Graduate Intern license. Mr. Zander would be allowed to work as an Intern and must complete 1500 hours of internship. He would then be required to have a fit for duty evaluation and OPHP would report the results to the Board. At that time, Mr. Zander could request to be placed on the Agenda for the next meeting to request probation. Motion passed on roll call vote.

**OSBP vs. Pet-Med Express, #99-193 – Case No. 864 – Motion for rehearing:**

President Hampton called the Board to order for Case No. 864. A motion for re-hearing was passed out along with the response. There was no action or discussion on the matter.

**Board has a working lunch:**

The Board decided to have lunch brought in and work through the lunch time.

**OSBP vs. Leslie Lynn Love, Technician #11351 – Case No. 865:**

President Hampton called the Board to order to hear the case of Leslie Love. Assistant Attorney General, Brinda White prosecuted the case for the Board. Ms. Love was not present but had signed an Agreed Order admitting guilt and accepting revocation of her technician permit. Ms. Love had stolen drugs from her employer.

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

**OSBP vs. Tamara Winford, Technician #8109 – Case No. 866:**

The Board was called to order to hear the case of Tamara Winford. Ms. Winford was not present but it was determined that she had been properly notified. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue, testified for the Board. Ms. Winford had admitted stealing drugs from her employer.

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

Motion was made by Jim Spoon and seconded by Gordon Richards to revoke the technician permit of Tamara Winford. Motion passed on roll call vote.

**OSBP vs. Amanda Appel, Technician #9959 – Case No. 867:**

President Hampton called the Board to order to hear the case of Amanda Appel. Ms. Appel was not present but it was determined that she had been properly notified. Brinda White, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue, testified for the Board. Ms. Appel had stolen CDS drugs from her employer.

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

Motion was made by Gordon Richards and seconded by Dorothy Gourley to revoke the technician permit of Amanda Appel. Motion passed on roll call vote.

**OSBP vs. Gregory L. Myers, D.Ph. #9977 – Case No. 852 – Consideration of Med-X’s Objection to Subpoenas, Motion to Quash and Respondent’s Objection to Motion to Quash; Response to Objection to Subpoenas; Motion to Compel; and Request for Appointment of Hearing Examiner**

After a quick lunch, the Board was again called to order by President Hampton to consider Med-X’s Objection to Subpoenas regarding OSBP vs. Gregory L. Myers, D.Ph., Case No. 852; Motion to Quash and Respondent’s Objection to Motion to Quash; Response to Objection to Subpoenas; Motion to Compel; and Request for appointment of a Hearing Examiner.

Jennifer Kern, attorney for Greg Myers and Terry Kollmorgan, attorney for Med-X were both present. The motions were handed out to the Board. A motion was made by Jim Spoon and seconded by Dorothy Gourley that the Board go into Executive Session. Motion passed on roll call vote.

The Board finished their Executive Session and everyone returned to the hearing room. Motion was made by Jim Spoon and seconded by Dorothy Gourley to return to regular session of the Board. Motion passed on roll call vote.

President Hampton stated that on advice of Counsel, the Members had not reviewed the motions presented and pointed out that they were all on the table face down. The Board had had a teleconference with their Advisor Counsel, Assistant Attorney General, Libby Scott. She had advised them that they could not Quash the Subpoenas and that the two sides would have to take their arguments to a District Judge. President Hampton said that this concludes this matter and that there would be no further discussion.

**Board reviews applications for Executive Director position:**

The Board was called to order to review the applications for the Director position. Motion was made by Bill Osborn and seconded by Gordon Richards to go into Executive Session. Motion passed on roll call vote.

After a short review of the applications, the Board determined to do a more thorough review during the next few weeks. They would send their choice for the top three applicants to President Hampton. They would place the discussion on the Agenda for the July 16th meeting to discuss the next procedural step in the process.

Motion was made by John Lassiter and seconded by Jim Spoon to return to regular session. Motion passed on roll call vote.

**Board discusses miscellaneous items:**

The Board reviewed future out of state meetings and discussed who could attend. The Board also confirmed that the next Board meeting would be held on July 16, 2008.

**President Hampton adjourned the meeting at 3:30 p.m.**