

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

July 20, 2004

Call to order:

President Allen called the July 20, 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
John Lassiter, 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

President Allen swears in new member:

President Allen administered the Oath of Office to John Lassiter. Mr. Lassiter was welcomed to the Board. Mr. Lassiter had previously served on the Board. His term will be from July 1, 2004 through June 30, 2009.

Approval of minutes and claims:

Motion was made by Gordon Richards and seconded by Diana Hampton to approve the June 16th 2004 minutes. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards to approve claims #343-#379 and #4029-4031 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 duplicate certificate request of Lesley Alma Joseph, D.Ph. #13211. Motion passed on roll call vote.

Cancellation of Pharmacist, Pharmacies and Facilities:

Motion was made by Bill Osborn and seconded by Jim Spoon to cancel those licenses and permits that have not been renewed by August 16, 2004. Motion passed on roll call vote.

Board discusses letter from Bob Pipkin:

The Board discussed a letter submitted by Bob Pipkin regarding RxDTS. RxDTS is a process for submitting prescriptions electronically.

Motion was made by Bill Osborn and seconded by John Lassiter to approve the request providing that the patient is allowed "freedom of choice." The Board staff will follow up on this process. Motion passed on roll call vote.

Board appoints representative for the Physicians Assistant Committee:

Motion was made by John Lassiter and seconded by Diana Hampton to appoint Don Coody to the Physicians Assistant Committee. Motion passed on roll call vote.

Board sets next Board meeting:

The next Board meeting was set for Wednesday September 15, 2004,

Board discusses request from Foreign Graduate, Raichel Samuel:

A request from Foreign Graduate, Raichel Samuel, was presented to the Board. Ms. Samuel had requested that the Board allow her to sit for the NAPLEX for a third time. She had been asked to attend further studies, which she did through a review course at Walgreen's. This was verified by Walgreen's District Manager, Rob Crosby.

Motion was made by Diana Hampton and seconded by Bill Osborn to allow Ms. Samuel to sit for the NAPLEX. Motion passed on roll call vote.

Reinstatement request of Everett Gibbens, D.Ph. #8514:

The Board received a letter from Everett Gibbens requesting reinstatement of his pharmacist license. Motion was made by Jim Spoon and seconded by Diana Hampton to approve the reinstatement request of Everett Gibbens providing that he notify the Board when he starts to work in Oklahoma and that he agrees to work with another pharmacist at that time for a period of 6 months. Motion passed on roll call vote with Mr. Lassiter opposing.

Board discusses request from Buriel Ridgeway:

The Board discussed a request from Buriel Ridgeway requesting that the Board add PDR Pocket Guide to the list of reference books approved for the library. The Board asked the staff to review this book and place it on the next Rules agenda.

Tandi Reheis request to appear before the Board:

OPHP Director, Tandi Reheis and Kevin Rich made a presentation to the Board setting out a new process for ending an OPHP contract. The procedure would be that when a person wants to end a contract with OPHP either personally or by Board Order, there would be a 6-month phase out process by OPHP.

Motion was made by Gordon Richards and seconded by Jim Spoon to approve this process. Motion passed on roll call vote.

Board meets with Reciprocity, Score Transfer and NAPLEX applicants:

The Board met with 3 Reciprocity, 3 Score Transfer and 3 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Ken Hyrum Hansen	AR
Jack Louis Rector	TN
Ronald Roy Cipele	TX

Score Transfer:

Usman Tony Idodo	KS
Dai Vo	TX
Carissa Hurt	KS

NAPLEX:

Generosa Diane Jones
Kimberly Mitchell
Beth Wood

OSBP vs. Amy Rodolph, Intern #6659, Case No. 717:

The Board was called to order by President Allen to hear case no. 717. Ms. Rodolph 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. Compliance Officer, Cindy Hamilton testified for the Board.

Ms. Rodolph had forged prescriptions for herself and for friends. The evidence that was presented to the Board, showed that this had happened a number of times and in more than one pharmacy.

Motion was made by Diana Hampton and seconded by Gordon Richards that based on clear and convincing evidence presented, Ms. Rodolph be found guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Bill Osborn to revoke Ms Rodolph's Intern license. The staff is to notify Southwestern College of Pharmacy and include a copy of the Final Order. Motion passed on roll call vote.

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

The Board was called to order to hear the case of Greg Wheat. Assistant Attorney General, Grant Moak, prosecuted the case. Mr. Wheat was not present. Mr. Wheat had been convicted of stealing CDS.

Motion was made by Jim Spoon and seconded by Gordon Richards that based on clear and convincing evidence, which was presented, Mr. Wheat be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards to permanently revoke Greg Wheat's technician permit #6151. Motion passed on roll call vote.

OSBP vs. Kevin Cook, Technician #5861, Case No. 714:

The Board was called to order to hear the case of Kevin Cook. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Betty Beil, testified for the Board. Mr. Cook was not present. Mr. Cook had been found guilty of stealing large quantities of Alprazolam and Hydrocodone.

Motion was made by John Lassiter and seconded by Jim Spoon that based on clear and convincing evidence, which was presented, Mr. Cook be found guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Jim Spoon to permanently revoke Kevin Cook's technician permit #5861. Motion passed on roll call vote.

OSBP vs. John Douglas Harrison, D.Ph. #8570, Case No. 715:

President Allen called the Board to order to hear the case of John Douglas Harrison. Mr. Harrison was present and chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Gary LaRue presented testimony.

Mr. Harrison had been issued a warning letter during the time a Letter of Reprimand was in his file.

Motion was made by Diana Hampton and seconded by Gordon Richards to find Mr. Harrison guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Diana Hampton to fine Mr. Harrison \$250 per count for a total of \$500. He must also complete C.E. on Prescription Quality and Patient Safety within 90 days in addition to the required CE. Motion passed on roll call vote.

OSBP vs. Robert C. Lacy, D.Ph. #13193, Case No. 718:

President Allen called the Board to order to hear the case of Robert C. Lacy. Grant Moak, Assistant Attorney General prosecuted the case. Coy Jenkins, May's Loss Prevention testified for the Board. Mr. Lacy was present and chose to appear without Counsel.

Mr. Lacy had been caught on tape ingesting drugs while on duty in the pharmacy. He also admitted that he had emptied generic Mepergan Fortis capsules and refilled them with Neurontin. He had injected and ingested the Mepergan powder. Mr. Lacy had also taken a number of CDS prescriptions that had not been picked up by the patient. He had also taken Tussionex.

Motion was made by Gordon Richards and seconded by Jim Spoon that based on the clear and convincing evidence, which was presented, Robert C. Lacy be found guilty on all 7 counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Gordon Richards that Mr. Lacy's pharmacist license be revoked. Motion passed on roll call vote.

Kenneth Lee McCall appears before the Board to ask for reinstatement of his license:

The Board heard a request from Kenneth Lee McCall, Jr. to have his license reinstated after it had been cancelled for non-payment several years ago. Mr. McCall agreed to an assessment by OPHP and to enter into a contract for 2 to 5 years if it is determined needed by OPHP. He also agreed to work with another pharmacist for a period of 6 months.

Motion was made by Jim Spoon and seconded by Gordon Richards to re-instate Mr. McCall's license based on these requirements. Motion passed on roll call vote.

The Board had a working lunch

Jack Logsdon appears before the Board to ask for reinstatement of his license:

The Board heard a request from Jack Logsdon requesting that his license be reinstated. After a discussion by the Board, a motion was made by Jim Spoon and seconded by Bill Osborn to allow Mr. Logsdon to reinstate his pharmacist license. Mr. Logsdon would need to work with another pharmacist for a period of 6-months. Motion passed on roll call vote.

OSBP vs. Jeffrey A. Marburger, D.Ph. #11364, Case No. 716:

President Allen called the meeting to order to hear the case of Jeffrey Marburger. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. Compliance Officer, Cindy Hamilton also testified for the Board. It had been determined that Mr. Marburger had be adequately notified but chose not to appear.

Mr. Marburger had a contract with OPHP that had been Board ordered in 1997. He had been before the Board for non-compliance with his contract with OPHP and his probation was revoked. He had been placed on probation in September of 2002. On June 10, 2004, Mr. Marburger tested positive for Hydrocodone and Hydromorphone, a metabolite of Hydrocodone. He falsified a receipt of dental work to justify the taking of CDS. At some time after the positive drug screen, he quit his job and did not return calls to OPHP.

Motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence, which was presented, Mr. Marburger be found guilty as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Jim Spoon that the pharmacist license of Jeffrey A. Marburger be revoked. Motion passed on roll call vote with 4 Ayes and 1 Nay by Diana Hampton.

Re-Organization of the Board:

President Allen called the Board to order for re-organization. A motion was made by Gordon Richards and seconded by John Lassiter to nominate Jim Spoon for President and Bill Osborn as Vice-President. Motion passed on roll call vote.

President Spoon complimented President Allen for his leadership during the past year. He then adjourned the meeting at 3:00 p.m.

Board adjourned at 3:00 p.m.