

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

July 20, 2005

Call to order.

President Jim Spoon called the July 20, 2005 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

Board members: Jim Spoon, President
Bill Osborn, Vice-President
Dorothy Gourley, Member
Dr. Diana Hampton, Member
John Lassiter, Member

Gordon Richards had an excused conflict and could not attend this meeting

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

President Spoon swears in new member:

President Spoon administered the oath of office to Dorothy Gourley. After Mrs. Gourley signed the loyalty oath, President Spoon and the other members of the Board welcomed her to the Board.

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Diana Hampton to approve the minutes of the June 08, 2005 Board meeting. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by John Lassiter to approve expense claims #763-#804, #H4580-#H4583, and June Payroll. Motion passed on roll call vote.

Presentation to Gary LaRue:

President Spoon presented a 5-year service pin and a Commendation from Governor Henry to Gary LaRue for his years of service. Congratulations!

Duplicate certificate request approved:

Motion was made by John Lassiter and seconded by Diana Hampton to approve the duplicate DPh certificate requests for Stephanie Jameson, D.Ph. #11297 and Gretchen Stafford, D.Ph. #13453. Motion passed on roll call vote.

Cancellation of Pharmacist, Pharmacies, Facilities and Technicians:

The Board reviewed the cancellation list of pharmacist, pharmacies, facilities and technicians. Motion was made by Bill Osborn and seconded by John Lassiter to have the staff cancel the unpaid licenses and permits at the proper time. Motion passed on roll call vote.

Board reviews Audit results:

The Board reviewed the Audit report from the State Auditors office. The report pronounced the Boards records and processed to be in proper order.

Motion was made by John Lassiter and seconded by Dorothy Gourley to accept the Auditor’s report. Motion passed on roll call vote.

John Lassiter makes a request

Board Member, John Lassiter, asked that the minutes reflect the good work of Susan Dozal on the Control Substance Inventory form that she updates. He said it was very helpful in doing the annual inventory.

Board discusses P-Card travel:

The P-Card purchases and travel by the Board members was discussed. Board members will be able to purchase airline tickets on-line and be reimbursed. If they use a travel agent, the travel agency will have to have the “State Contract Bid”. The office may purchase airline tickets for the Board with the Board members credit card.

Board discusses the Director’s salary:

The Board held a discussion about the bill that changed the process for setting the Director’s salary. A letter was sent to the Office of State Finance by President Spoon and also, the Board directed Assistant Attorney General, Grant Moak to write a letter to the Board of his understanding of the legislation.

Board meets with Reciprocity, Score Transfer and NAPLEX candidates:

The Board interviewed 4 Reciprocities, 1 Score Transfer and 8 NAPLEX applicants. All were accepted upon passing the required exams.

Reciprocity:

Lindsay Jones Adams TX
Valarie Ann Bailey MI
Joseph Jamas Dugas KS
Callie Suzanne Haynes UT

Score Transfer:

Joe Fisher NM

NAPLEX:

Mary C. Howard
Kathryn D. Mathews
Meroeh Rabieifar
Maya T. Reda
Allen M. Seiger
Heather D. Seiger
Kimberly R. Simonds
Catherine Watson

OSBP vs. Nicole Bauer, Technician #8472 - Case No. 747:

The Board was called to order by President Spoon to hear the case of Nicole Bauer. Ms. Bauer was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Betty Beil, testified and presented evidence to the Board.

After a review of the information that was presented, a motion was made by John Lassiter and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Bauer be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton that the technician permit of Nicole Bauer be revoked. Motion passed on roll call vote.

OSBP vs. Ashley Brundridge, Technician #7605 - Case No. 748:

The Board was called to order by President Spoon to hear the case of Ashley Brundridge. Ms. Brundridge was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Gary LaRue, testified and presented evidence to the Board.

After a review of the information that was presented, a motion was made by John Lassiter and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Brundridge be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton that the technician permit of Ashley Brundridge be revoked. Motion passed on roll call vote.

OSBP vs. Susan Carter, Technician #6506 - Case No. 749:

The case of Susan Carter, was continued until the next meeting.

OSBP vs. Julie A. Morgan, Technician #749 - Case No. 746:

The Board was called to order by President Spoon to hear the case of Julie A. Morgan. Ms. Morgan was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted the case. Compliance Officer, Betty Beil, testified and presented evidence to the Board.

After a review of the information that was presented, a motion was made by Bill Osborn and seconded by Diana Hampton that based on the clear and convincing evidence presented, Ms. Morgan be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Bill Osborn that the technician permit of Julie A. Morgan be revoked. Motion passed on roll call vote.

OSBP vs. Jamie Seay, Technician #5901 - Case No. 750:

The case of Jamie Seay, was continued until the next meeting

OSBP vs. Lisa Campbell, D.Ph. #11834 - Case No. 603-B:

The case of Lisa Campbell was continued until the next meeting.

OSBP vs. Sherry Lynn Ross, D.Ph. #9815 and Sherry's Discount Drug Inc., #1-2558 - Case No. 752:

President Spoon called the Board to order to hear the case of Sherry Ross and Sherry's Discount Drug. Ms. Ross was present without Counsel. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Dale Fullerton, an inspector for the Veterinary Board testified and presented evidence. Mr. Fullerton has purchased Heartguard Plus from Sherry's Pharmacy without a prescription. Ms. Ross had paid a \$250.00 citation issued by the Vet Board.

Motion was made by Dorothy Gourley and seconded by Bill Osborn that based on the clear and convincing evidence presented, Ms. Ross be found guilty as charged on the 2 counts. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by John Lassiter that Ms. Ross be fined \$1000.00 per count for a total of \$2000.00. Motion passed on roll call vote. The Board President directed the staff to inspect Sherry's Discount Drug at least every six months.

OSBP vs. Shane B. Leu, D.Ph. #12317 - Case No. 539 – Request For Probation:

The Board was called to order by President Spoon to hear the request of Shane Leu. Mr. Leu requested to appear before the Board to request that his pharmacist license be placed on probation. Mr. Potter presented information regarding the history of Mr. Leu's case. Tandi Reheis, Director of Oklahoma Pharmacist Helping Pharmacist, testified of his compliance with his OPHP contract. Mr. Leu testified as to his experience and treatment of the last few years and answered questions from the Board. Mr. Leu had family members and his AA monitor present in support of him.

After reviewing the testimony and information presented, motion was made by Bill Osborn and seconded by John Lassiter that upon properly reinstating his license, Mr. Leu's license be placed on probation providing he works the first 90 days with supervision by another pharmacist and that he continues to abide by his OPHP contract. Motion passed on roll call vote.

Board recessed for lunch

Michael Ernissee request to appear before the Board.

President Spoon called the Board to order to hear a request from Michael Ernissee to sit for the NAPLEX. Mr. Potter presented a history of Mr. Ernissee's case before the Board, which had resulted in revocation of his license. Mr. Ernissee testified that he had been slow in admitting that

he had an impairment problem. He is now in a contract with OPHP and had been in treatment for a period of time. Tandi Reheis, Director of Oklahoma Pharmacist Helping Pharmacist, testified that Mr. Ernissee had been compliant with his contract since February.

After hearing the testimony and the evidence that had been presented, a motion was made by John Lassiter and seconded by Bill Osborn that Mr. Ernissee continue his contract with OPHP and that he work on continuing education courses and also courses to prep for the NAPLEX until February of 2006. At that time he could appear before the Board and enter into an agreement to make application to sit for the NAPLEX. Mr. Ernissee would agree to have his license placed on probation once he passed the exam. There could also possibly be other restrictions placed in the agreement. Motion passed on roll call vote.

OSBP vs. Tom Smith, D.Ph. #9650 - Case No. 753:

The case of Tom Smith was continued until the next meeting.

Board visits with OBN officials:

Director of Oklahoma Bureau of Narcotics, Lonnie Wright and Scott Rowland, Attorney for Oklahoma Bureau of Narcotics were present to visit with the Board regarding our continuing dialog between the two agencies. President Spoon asked about the Federal PSE legislation and how it might affect Oklahoma. Mr. Wright explained that there had been different versions and that they were opposed to any legislation that would change or pre-empt the Oklahoma law. He indicated that the Oklahoma law is working well and has saved a great amount of money for the state.

Mr. Osborn presented his concern on the new CDS reporting system possibly being to slow and costly. Mr. Wright explained that the system would be different than the OSTAR program and would not be a "real time" data base but would be much faster than the present OSTAR program. The new tracking of controlled substances would be used to mainly look for "Dr. Shoppers".

The two agencies agreed to continue an ongoing dialog in future meetings.

Board adjourned at 4:00