

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

July 16, 2008

Call to order:

President Hampton called the July 16, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

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

*Bill Osborn 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: Amanda Freeman, T. Roy Barnes
Megan Andrew, T. Roy Barnes
Kay Vaughan, CVS
Jessica Okokon, Wal-Mart Intern
Casara White, Wal-Mart Intern
Brandy Smith, Wal-Mart Intern
Chris Jurma, Wal-Mart Intern
Kelsey Simunek, Wal-Mart Intern
An Le, Wal-Mart Intern
Tami Durham, Wal-Mart Intern
John Rodden, Wal-Mart
Rick Irby, Wal-Mart
Deana Johnson, Attorney General's Office
Nate Raddatz, Attorney General's Office
Laura Petty, Walgreens
Sean McComb, Cardinal Health
Becca Baugher, Cardinal Health

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Jim Spoon to approve the June 18th, 2008 Board meeting minutes as circulated. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Dorothy Gourley to approve claims #1981-#2001, #H0097800-H0097804, June 2008 payroll and any accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, Facilities and Technicians:

After a review of the cancellation lists presented, 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. Motion passed on roll call vote.

Board discusses a request from Oklahoma Department of Health:

The Board discussed a request by the old Eastern State Mental Health Pharmacy. Motion was made by Jim Spoon and seconded by Dorothy Gourley to allow them to continue to serve to state mental health clinic patients. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded Dorothy Gourley to approve the duplicate certificate request for Rachael M. Garner, D.Ph. #14077, Reena Mathew, D.Ph. #13139, Angel A.H. Cherry, D.Ph. 13578 and Joe David Burkett, D.Ph. #10546. Motion passed on roll call vote.

Board to discuss substitution of certain types of drugs (Narrow Therapeutic type):

Motion was made by Gordon Richards and seconded by Dorothy Gourley to table the discussion until the August meeting when all members are present. Motion passed on roll call vote.

Board votes to go into Executive Session:

The Board went into Executive Session to discuss personnel issues. Upon returning to regular session, President Hampton directed Mr. Potter to set up interviews for the Executive Directors position with three applicants for the afternoon of August 19th, the day before the August 20th Board meeting.

The Board determined that they will not meet in September but will meet on October 22, 2008.

OSBP vs. Amy Kay, Technician #7006 – Case No. 868:

The Board was called to order to hear the case of Amy Kay. Ms. Kay was not present but she had signed and returned an Agreed Order. Ms. Kay admitted guilt on all counts and accepted revocation of her technician permit. Assistant Attorney General, Brinda White presented the complaint to the Board and then presented the Agreed Order.

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

OSBP vs. Lewis Durbin, Technician #11877 – Case No. 869:

The Board was called to order to hear the case of Lewis Durbin. Mr. Durbin was not present but had signed and returned an Agreed Order. Mr. Durbin had agreed to guilt to falsifying his renewal application and agreed to revocation of his technician permit.

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

OSBP vs. Robin Wheeler, Technician #8029 – Case No. 870:

President Hampton called the Board to order to hear the case of Robin Wheeler. Ms. Wheeler 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. Wheeler had falsified her renewal application.

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

Motion was made by John Lassiter and seconded by Jim Spoon that the technician permit of Robin Wheeler be revoked. Motion passed on roll call vote.

OSBP vs. Ruth Tomlinson, Technician #9029 – Case No. 871:

The Board was called to order by President Hampton to hear the case of Ruth Tomlinson. Ms. Tomlinson 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 and Terrell Moorehead the Director of Pharmacy where Ms. Tomlinson was employed testified for the Board. Ms. Tomlinson had taken drugs from the pharmacy and was stopped by the police for a seat belt violation. It was discovered that she had unlabeled drugs in her possession.

After all testimony and evidence was presented, a motion was made by John Lassiter and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Tomlinson be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Dorothy Gourley that the technician permit of Ruth Tomlinson be revoked. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfers and NAPLEX applicants:

The Board interviewed 6 Reciprocities, 1 Score Transfer and 1 NAPLEX applicant. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Russell James Benefield... WA
Melissa Ann Bolek MA
Jaden Marie Frost CO
Chris A. Gentry IL
Mary Catherine Green TX
Jan Coffman Kendall..... TX

Score Transfer:

Emily Catherine Gish..... WA

NAPLEX:

Jennifer Marsters

OSBP vs. J. Denny Strickland, D.Ph. #9741 – Case No. 872:

After a short recess, President Hampton called the Board to order to hear the case of J. Denny Strickland. Mr. Strickland was present without Counsel. Assistant Attorney General, Brinda White was prosecutor for the Board. Ms. White presented the Board a Complaint and then presented them with an Agreed Order for their approval. If the Board accepts the Agreed Order, Mr. Strickland would agree to guilt on 8 counts, his license would be suspended for 10 years and he must enter into and abide by an OPHP contract. Mr. Strickland’s license would be placed on probation on October 15, 2008 providing he receives a “Fit for Duty” evaluation and has an approval from OPHP. He is to discontinue working as a relief pharmacist. He would be fined \$2000.00 and must obtain live C.E. for the years of 2008 and 2009.

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

OSBP vs. Hoby Hawkins, D.Ph. #10460 – Case No. 829 – Request for Probation:

The Board was called to order by President Hampton to hear the request of Hoby Hawkins. Mr. Hawkins was present with his OPHP monitor, Wayne Spencer. Mr. Hawkins was requesting that the Board place his license on probation.

After hearing Mr. Hawkins’ request and a statement from Mr. Spencer, the Board went into Executive Session.

The Board returned from Executive Session and a motion was made by Dorothy Gourley and seconded by Gordon Richards to deny the probation request of Mr. Hawkins. It was determined that Mr. Hawkins must obtain a “Fit for Duty” evaluation from Dr. Rojas. He would then be allowed to obtain an intern license and work as an Intern for 500 hours, under the supervision of a preceptor working no more that 40 hours per week. Mr. Hawkins must also complete 15 hours of “Live CE” before December 31, 2008 and attend a one-day pharmacy law seminar in 2008 and 2009 in addition to his required C.E. After successful completion of these requirements and the requirements for reinstatement of his license, he may appear before the Board to ask for probation. Motion passed on roll call vote.

OSBP vs. Marla Carter, D.Ph. #12835 – Case No. 860:

President Hampton called the Board to order to hear the case of Marla Carter. Ms. Carter was present with Counsel, Lisa Lance. Brinda White, Assistant Attorney General and prosecutor for the Board presented a Complaint to the Board and also an Agreed Order for their approval. If the Board accepts the Agreed Order, Ms. Carter would agree to guilt on 8 counts and her license would be suspended for 10 years. She is to maintain her OPHP contract for the 10 years. She must attend a one-day pharmacy law seminar in 2008 in addition to the required 15 hours of C.E. Ms. Carter would agree to attend live C.E. in the years 2009 and 2010. She would be fined \$1600.00. She may ask to appear before the Board in January 2009 to request probation. She would need to have a "Fit for Duty" evaluation to present to the Board.

After reviewing the Complaint and the Agreed Order, a motion was made by Jim Spoon and seconded by John Lassiter to accept the Agreed Order.

OSBP vs. Gregory L. Myers, D.Ph. #9977 – Case No. 852:

The Board was called to order to hear the case of Gregory Myers. The respondent was present with Counsel, John O'Connor. Brinda White, Assistant Attorney General and prosecutor for the Board presented a Complaint to the Board and also an Agreed Order for their approval. Mr. Myers admits that he failed to adequately supervise an employee involved in theft of CDS. If the Board accepts the Agreed Order, Mr. Myers may not be a pharmacy manager (PIC) until June 1, 2009 and will be fined \$1000. He is required to attend a one-day pharmacy law seminar in 2008 in addition to his required C.E.

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

Board recessed for lunch

OSBP vs. Amy Hammonds, D.Ph. #13660 – Case No. 874:

President Hampton called the Board to order to hear the case of Amy Hammonds. Ms. Hammonds was present without Counsel. She had indicated that she did not want an attorney. Assistant Attorney General, Brinda White prosecuted for the Board. Inspector, Terry Bratt testified for the Board. Ms. Hammonds had received 2 warning notices for miss-fills. She admitted to the errors.

Motion was made by Jim Spoon and seconded by Gordon Richards that Ms. Hammonds be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by John Lassiter that Ms. Hammonds be required to attend a one-day law seminar during 2008 in addition to the required 15 hour of C.E. She is also required to review the Error Correction Videos. Motion passed on roll call vote.

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

President Hampton called the Board to order to hear a motion for rehearing of the Final Order for Pet-Med Express. Brinda White, Assistant Attorney General was present to assist the Board. Larry Derryberry and Doug Rice were present to represent Pet-Med Express. Also present was Pharmacy Director for Pet-Med, Richard Swartz.

Mr. Derryberry explained the reason that Pet-Med Express did not have representation for the hearing on Case No. 874. He explained that the way they found out about the hearing was a call from another State Board of Pharmacy indicating that they were going to take action against them based on the case in Oklahoma.

Ms. White indicated that the Notice of Complaint and Hearing were properly served. Mr. Derryberry indicated that they agreed that the notice was proper and that their handling of the mail was at fault.

Motion was made by Gordon Richards and seconded by John Lassiter that based on the information presented, that a rehearing of the case be approved. Motion passed on roll call vote.

Resolution adopted by the Board:

The Board unanimously approved a Resolution for Joseph J. Schwemin, former Executive Secretary of the Board, and asked the staff to send a copy to the family.

The following resolution was adopted by the Board:

WHEREAS, THE MEMBERS OF THE OKLAHOMA BOARD OF PHARMACY ARE SADDENED BY THE DEATH OF THE FORMER EXECUTIVE SECRETARY OF THE BOARD, JOSEPH J. SCHWEMIN;

WHEREAS, JOE SCHWEMIN MADE SIGNIFICANT CONTRIBUTIONS TO THE BOARD, THE STATE OF OKLAHOMA, THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY AND THE PROFESSION OF PHARMACY;

NOW THEREFORE BE IT RESOLVED, THAT THE BOARD FORMALLY ACKNOWLEDGE THE LEADERSHIP AND CONTRIBUTIONS MADE BY JOSEPH J. SCHWEMIN;

BE IT FURTHER RESOLVED, THAT THE BOARD EXTENDS THEIR SINCERE SYMPATHIES TO THE FAMILY.

ADOPTED AND RECORDED THIS DAY, WEDNESDAY JULY 16, 2008.

Board discusses the Gary Nichols litigation:

The Board made a motion to go into Executive Session to discuss the Gary Nichols litigation. Upon returning to regular session, a motion was made by Jim Spoon and seconded by John Lassiter to send a letter of Commendation of Brinda White to Attorney General Drew Edmondson. Motion passed on roll call vote.

Re-Organization of the Board:

President Hampton opened the floor for re-organization of the Board with elections of new officers. A motion was made by John Lassiter and seconded by Gordon Richards nominating Dorothy Gourley as President and Jim Spoon as Vice-President for the 2008 & 2009 year. Motion passed on roll call vote.

President Hampton was congratulated for a job well done as President for the last year.

President Hampton adjourned the Board at 4:00 p.m.