

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**August 14, 2003**

#### **Call to order.**

President Jerry Allen called the August 14, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order.

#### **Those present were:**

Board members: Jerry Allen, President  
Jim Spoon, Vice-President  
Janis McAllister, Member  
Diana Hampton, Member  
Gordon Richards, Member  
Bill Osborn, Member

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

Guest: Holly, Luke, Intern with Wal-Mart  
Suann Raff, Intern with Wal-Mart  
John L. Rodden, Intern with Wal-Mart  
Jess Trevino, Intern with Wal-Mart  
Ester Winsjansen, Intern with Wal-Mart  
Ryan Wyssmann, Intern with Wal-Mart

#### **Approval of minutes and claims:**

Motion was made by Bill Osborn and seconded by Janis McAllister to approve the minutes of the July 9th, 2003 Board meeting. Motion passed on roll call vote.

Motion was made by Janis McAllister and seconded by Jim Spoon to approve expense claims #1-55 and #4001& 4002 and the expense claims of the Executive Director. Motion passed on roll call vote.

#### **Duplicate certificate request approved:**

Motion was made by Gordon Richards and seconded by Jim Spoon to approve the duplicate DPh certificate requests for Amber Bishop-Jones, D.Ph. #13100, Chanda Miller, D.Ph. #13106, and Jeffrey Alan Burkle, D.Ph. #13233. Motion passed on roll call vote.

#### **Request from Intern Sirisha Pavuluir:**

Motion was made by Jim Spoon and seconded by Janis McAllister to extend the Intern license of Sirisha Pavuluir. Ms. Pavuluir's license will be extended until November 30, 2003 or until she takes the NAPLEX, whichever comes first. Motion passed on roll call vote.

#### **Board discusses evaluation of PharmaCorr's Pilot Program:**

The Board heard a review by Mr. Potter on PharmaCorr's pilot program, which is returning unit dose medication from prisons.

Motion was made by Gordon Richards and seconded by Bill Osborn to allow the program to continue. Motion passed on roll call vote.

**Board discusses letter from Forest Ray:**

A letter was presented to the Board from Forest Ray requesting that he be able to continue to use the name "Orient Drug Store" for his restaurant, which is located in Blair Oklahoma. The Board referred the request to Grant Moak, Assistant Attorney General, to review the National Registry laws. Mr. Potter will report the results to the Board at a later date.

**Board discusses request from Colin Bayless:**

Motion was made by Janis McAllister and seconded by Jim Spoon to allow Colin E. Bayless to apply for a license in Oklahoma provided that he has satisfied the requirements to become licensed in Ohio. Motion passed on roll call vote.

**Discussion on Internet registry and verification system:**

The Board reviewed and discussed the information to be placed on the Internet registry and verification system.

**Reciprocity and NAPLEX candidates:**

The Board interviewed 3 Reciprocities and 3 NAPLEX applicants. All will be accepted upon passing the required exams.

**Reciprocities:**

Candace Michelle Kiehn ..... GA  
William Allan Poska.....IL  
Steward Scott Rigenbach....KS

**NAPLEX:**

Victoria Dawn Douglas  
Vu P. Nguyen  
Syed M. Saleem

\*\*William Poska invited the Board to tour the Yamanouchi Pharmacy Manufacturing plant in Norman\*\*

**OSBP vs. Ronald A. Terry, D.Ph. #8265 and Family Discount Pharmacy #6-4377, Case No. 678:**

The Board was called to order by President Allen to hear case no. 678. Mr. Terry was present with Counsel, John Coyle and Catherine Burton. Assistant Attorney General, Grant Moak, was prosecutor for the state. A 41-count complaint was presented to the Board for their review. Mr. Moak also presented the Board with a proposed Agreed Order for their review. Mr. Terry had admitted guilt on all counts. The counts were based on violations of filling prescriptions with generic drugs and billing for the name brand.

The Agreed Order would suspend Mr. Terry's license for a period of 5 years until August 14, 2008. The suspension will be stayed as of February 1, 2004 and the license placed on probation for the remaining period. He is to attend an approved one-day law seminar in 2003, 2004 and 2005 in addition to the required live CE in the years 2004 & 2005. Providing Mr. Terry sells his interest in Family Discount Pharmacy, he shall not own another pharmacy in Oklahoma. Mr. Terry is also fined \$500 per count for a total of \$20,500.

A motion was made by Jim Spoon and seconded by Janis McAllister to accept the Agreed Order. Motion passed on roll call vote.

**OSBP vs. Vicky Nott, Technician #6713, Case No. 681:**

President Allen called the Board to order to hear the case of Vicky Nott. Mr. Osborn recused himself from this case. Ms. Nott did not appear and it was determined that she had been properly notified.

Grant Moak, Assistant Attorney General, prosecuted the case. W. Glen Webster and Charles Raff both employees of Wal-Mart in Miami, testified for the Board. Board Compliance Officer, Betty Beil also testified.

After seeing the exhibits and hearing the testimony from each individual, a motion was made by Janis McAllister and seconded by Jim Spoon that based on the clear and convincing evidence which was presented, Ms. Nott be found guilty as charged. Motion passed on roll call vote.

A motion was made by Jim Spoon and seconded by Janis McAllister that based on a finding of guilt in the case against Vick Nott, Technician permit #6713 be permanently revoked. Motion passed on roll call vote. President Allen directed Mr. Potter to sign the Final Order.

**OSBP vs. Leta M. Brown, Technician #931, Case No. 682:**

The case of Leta Brown was continued until the next Board meeting.

**OSBP vs. Shadd Warren Atchley, D.Ph. 11972, Case No. 594-A:**

The case of Shadd Atchley was continued until the next Board meeting.

**OSBP vs. Genevieve Earley, D.Ph. #11243, Case No. 647-A:**

The case of Genevieve Earley was continued until the next Board meeting.

**Board discusses possible approval of draft Emergency Supportive Personnel Rules:**

The Board along with Board staff and Assistant Attorney General, Grant Moak, reviewed the Supportive Personnel rules making changes and suggestions for a final draft.

Upon finalizing the rules, a motion was made by Jim Spoon and seconded by Bill Osborn that the Board declare an "Emergency" for the public good, and to approve the Emergency Supportive Personnel Rules and properly submit them according to the Administrative procedures law. Motion passed on roll call vote with each member voting "aye".

**Board recessed for lunch**

**OSBP vs. Kevin Culver, D.Ph. #12004, Case No. 680:**

The case of Kevin Culver was continued until the next Board meeting.

**Board discusses upcoming meetings:**

President Allen called the Board to order at 1:30 p.m. All members were present. Mr. Potter reviewed the Midwest Pharmacy Conference and discussed other upcoming events.

**Board sets next two Board meeting dates:**

The Board set October 15 and November 19 as the last two Board meetings for the year. There will not be a meeting in September or December.

**OSBP vs. Stephen Layne Summers, D.Ph. #10608, Case No. 668:**

President Allen called the Board to order to hear the case of Stephen Summers. Respondent chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted the case for the State. D.Ph., Greg Seay was present with Mr. Summers.

Compliance Officer, Cindy Hamilton, testified for the Board. The State and Mr. Summers presented exhibits and testimony.

Motion was made by Gordon Richards and seconded by Bill Osborn that based on clear and convincing evidence, Mr. Summers be found guilty on Counts I and IV. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn to suspend Mr. Summers license for a period of 1 year and that the suspension be placed on probation for that period of time. Mr. Summers is to attend an approved one-day law seminar within 1 year in addition to the required 15 hours of CE. Mr. Summers is also fined \$1000 per count for a total of \$2000. Motion passed on roll call vote.

Following the hearing, the staff was directed to notify the Medical Board of the prescribing practice of the Physicians Assistant in Durant.

**Board adjourned at 3:30**