

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 17, 2005

Call to order.

President Bill Osborn called the August 17, 2005 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:15 a.m.

Those present were:

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

* Member John Lassiter was excused due to Jury duty.

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

Guests John Rodden, Wal-Mart
Arnie Fox, Wal-Mart
Shauna R. Peterson, Walgreens
Phil Woodward, OPHA
Sheng Yang, Intern for OPHA
Kevin Rich, OPHP

Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the minutes of the July 20, 2005 Board meeting. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jim Spoon to approve expense claims #805-#847, #H5787-#H5790, July Payroll and the expense claims of the Executive Director. Motion passed on roll call vote.

Board sets next Board meetings:

The Board discussed Board meeting dates for the rest of the year. Wednesday October 26, 2005 and Wednesday November 30, 2005 were set. There will not be a meeting in September or December.

Board discusses request from Foreign Graduate, Sunkyoung So:

The Board discussed a request from Sunkyoung So. Ms. So was requesting that the Board extend her Foreign Graduate Intern license a second time due to timing issues with her marriage.

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the

extension request of Sunkyoung So. Motion passed on roll call vote.

Cancellation of Pharmacists and Technicians:

The Board reviewed the cancellation lists of pharmacists and technicians that did not renew for the month of June.

Motion was made by Jim Spoon and seconded by Dorothy Gourley to have the staff cancel the licenses and permits at the proper time. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Diana Hampton to approve the duplicate certificate request for Kristi Thuy Cravens, D.Ph. #11912. Motion passed on roll call vote.

Board discusses letter from Jerry Moore of Wal-Mart:

After a discussion over a letter submitted by Jerry Moore of Wal-Mart, the Board directed Mr. Potter to contact Mr. Moore and ask for a formulary of what would be shipped from the central fill pharmacy.

Board meets with Reciprocity, Score Transfer and NAPLEX candidates:

The Board interviewed 6 Reciprocity, 1 Score Transfer and 1 NAPLEX applicant. All were accepted upon passing the required exams.

Reciprocity:

Dira Ann Grace*TX
Christopher Paul Martin.....TX
Jennifer Warner MartinTX
Nicholas Brian NorgardIA
JoMarie Gold Richardson ..KY
Nadine-Nga Chuong Ta.....TX

Score Transfer:

Jatandra L. Birney.. MD

NAPLEX:

Johnny M. Grant

*Dira Ann Grace was required to work 500 hours as an Intern. She had not worked as a pharmacist for a number of years.

John Lassiter arrived after being excused from Jury duty.

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

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

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

The Board was called to order by President Osborn to hear the case of Jamie Seay. Ms. Seay was not present but it had been determined that she had been properly notified. Assistant Attorney General Grant Moak, prosecuted the case. Compliance Officer Cindy Hamilton testified and presented evidence to the Board.

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

Motion was made by Jim Spoon and seconded by Gordon Richards that the technician permit of Jamie Seay be revoked. Motion passed on roll call vote.

After a discussion about the ability of this technician to take the CDS from this pharmacy and a fairly recent record-keeping problem, President Osborn directed staff to request the pharmacy enter into an agreement to start a perpetual inventory of their CDS drugs.

OSBP vs. Aaron M. Long, Technician #8461 - Case No. 755:

The case of Aaron M. Long was continued until the next meeting.

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

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

OSBP vs. Kenneth Mark McElroy, D.Ph. #11265 - Case No. 757:

The case of Kenneth Mark McElroy was continued until the next meeting.

Cheryl Scott appears before Board for reinstatement:

Cheryl Scott appeared before the Board asking for reinstatement of her pharmacist license. Ms. Scott had not practiced for several years and it was agreed that she would work as a Graduate Intern and obtain 500 hours under the supervision of a licensed pharmacist. Once she has completed the 500 hours, she would be reinstated having already completed the required CE.

Board recessed for lunch

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

President Osborn called the Board to order at 1:30 to hear the case of Tom Smith. Assistant Attorney General Grant Moak prosecuted the case and presented evidence. Tommy Edgeworth, Director of Pharmacy at Southwest Medical Center testified for the Board. Mr. Smith was not present but it had been determined that he had been properly notified. Mr. Smith had called the Board office and indicated that he would not be present for the meeting. Mr. Smith had diverted CDS to self-treat back pain.

Motion was made by Diana Hampton and seconded by John Lassiter, that based on the clear and convincing evidence which was presented, Mr. Smith be found guilty on the five counts as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Dorothy Gourley that Mr. Smith's license be suspended for 10 years. Mr. Smith must enter into and comply by an OPHP contract with compliance for 3 years before being placed on probation or having his license reinstated. Motion passed on roll call vote.

Board discusses Executive Director's salary:

The Board discussed a letter to President Osborn from Assistant Attorney General Grant Moak. The Board had made the request for the letter at the July 20th Board meeting. The Board had reviewed legislation allowing the Board to set the salary of the Executive Director and had voted a raise beginning July 1, 2005.

The Office of State Finance had raised the question when the Board's budget was received that there was a maximum salary set in Title 74, Section 3601.2(A)(3) that was less than the salary set by the Board to begin on July 1. The opinion of Mr. Moak was that since the Board of Pharmacy was not removed from Section 3601.2(A)(3), the new legislation did not allow the Board to raise the Director's salary.

A discussion was held as to what was needed in the way of legislation to correct this matter. It was determined that Gordon Richards would contact Representative Steele, who had authored the legislation to allow the Board to set the salary, and indicate to him that the Board would be glad to meet with him if necessary.

Board adjourned at 3:00