

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 16, 2006

Call to order:

President Richards called the August 16, 2006 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

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

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

Guests: Von Davis, Target
 Hailey Birch, Intern
 John L. Rodden, Wal-Mart
 Shauna Peterson, Walgreens

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Bill Osborn to approve the July 19th, 2006 minutes. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Jim Spoon to approve claims #1193-#1232, H19979-H19983, July payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Technicians, and Facilities:

After a review of the July 31, 2006 cancellation list of pharmacists, technicians and facilities, a motion was made by Diana Hampton and seconded by John Lassiter to cancel the license of those that did not renew within the renewal time period. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bill Osborn and seconded by John Lassiter to approve the duplicate certificate request for Sarah Wyssmann, D.Ph. #13643. Motion passed on roll call vote.

Request from Michael Jordan to approve Preceptor license:

A preceptor application from Michael Jordan was presented to the Board for approval. Mr. Jordan's pharmacist license is on probation.

After a brief discussion about his appearance before the Board in March, a motion was made by Bill Osborn and seconded by Dorothy Gourley to deny the application. Motion passed on a

unanimous roll call vote.

Board sets meeting dates for September and November:

The Board set the last two meetings for 2006. They will be on Wednesday, September 20th and Wednesday, November 15th. There will not be a meeting in October or December.

OSBP vs. Heath Eaves, Technician #9412 – Case No. 797:

The Board was called to order to hear the case of Heath Eaves. Mr. Eaves was not present but it was determined that he had be notified properly. Assistant Attorney General, Brinda White prosecuted for the Board. Pharmacy Inspector, Terry Bratt, testified and presented evidence to the Board that Mr. Eaves had been stealing large quantities of CDS from his employer and then selling it for cash.

After reviewing the evidence and hearing the testimony, a motion was made by Jim Spoon and seconded by Diana Hampton that based on the clear and convincing evidence presented, Mr. Eaves be found guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Dorothy Gourley that the technician permit of Heath Eaves be revoked. Motion passed on roll call vote.

OSBP vs. Kevin Yeats, Technician #8719 – Case No. 798:

The Board was called to order to hear the case of Kevin Yeats. Mr. Yeats was not present but it was determined that he had be notified properly. Assistant Attorney General, Brinda White prosecuted for the Board. Pharmacy Inspector, Terry Bratt, testified and presented evidence to the Board that Mr. Yeats had stolen merchandise from his employer.

After reviewing the evidence and hearing the testimony, a motion was made by Dorothy Gourley and seconded by Bill Osborn that based on the clear and convincing evidence presented, Mr. Yeats be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Jim Spoon that the technician permit of Kevin Yeats be revoked. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

The Board met with 3 Reciprocities, 2 Score Transfers and 1 NAPLEX candidate. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Pete Neal Johnson..... KY
Joshua S. Paire..... OH
Joseph Lance Williamson . KY

Score Transfer:

Molly Adams..... TX
Kaysey Cloud TX

NAPLEX:

Rebecca Fisher

OSBP vs. Michael S. Russell, D.Ph. #8257 – Case No. 793:

The case of Michael Russell was continued until the next meeting.

OSBP vs. Walgreens Pharmacy #3018, #2-3827 and Pharmacy Supervisor, Charles Trebilcock – Case No. 796:

President Richards called the Board to order to hear the case of Walgreens Pharmacy and Pharmacy Supervisor, Charles Trebilcock. Mr. Potter informed the Board that Case No. 796 has been amended and that Charles Trebilcock had been deleted as a respondent because the Oklahoma Board of Pharmacy did not license him.

Mr. Dewayne Pinon was present for Walgreen and was represented by Counsel, Larry Derryberry. Mr. Potter presented copies of the Complaint to the Board. After the Board had read the complaint, Mr. Potter explained that the Respondent had agreed to a possible Agreed Order. Mr. Potter then presented the terms of the Agreed Order to the Board.

Walgreens did not contest the allegations in the complaint and agreed to hold "In Service Type" programs for the pharmacists and technicians in store no. 3018 regarding pharmacy law on technicians, preceptors, interns and substitution law. They further agree to pay a fine of \$1000.

Motion was made by Bill Osborn and seconded by Diana Hampton to accept the Agreed Order and to have Mr. Potter sign for the Board. Motion passed on roll call vote.

Board recessed for lunch:

President Richards recessed the Board for lunch to reconvene at 1:30 p.m.

OSBP vs. Brian Gene Poe, D.Ph. #11408 – Case No. 792:

President Richards called the meeting to order to hear the case of Brian Poe. Mr. Poe was present with Counsel, Stanley Ward. Assistant Attorney General, John Crittenden, prosecuted for the Board. Kim McCowen, a representative from OPHP, was present to answer any questions regarding OPHP.

The Complaint was presented to the Board. Mr. Crittenden stated to the Board that Mr. Poe and the staff had worked out an Agreed Order and asked that Mr. Potter explain the terms of the agreement.

Mr. Poe would agree to guilt on both counts and agrees to a suspension of his license for a period of 20 years. He is to enter into and abide by a contract with OPHP and must complete one year of sobriety and compliance with his OPHP contract before OPHP can request probation by the Board of his license. Providing probation is granted, Mr. Poe must license as an Intern and work as an Intern for a period of not less than six months after passing the Oklahoma Law Exam. If Mr. Poe becomes non-compliant with the OPHP contract for a period of 60 days, the Board may file a complaint and request revocation.

After reviewing the agreement and asking Mr. Poe questions, a motion was made by Bill Osborn and seconded by Diana Hampton to accept the Agreed Order and to have Mr. Potter sign for the Board. Motion passed on roll call vote.

Board discusses Pharmacy Alliance meeting information:

Mr. Potter indicated that the Pharmacy Alliance meeting would be hosted by OU in Tulsa and asked for representation from the Board. Jim Spoon and Bryan Potter will attend.

President Richards adjourned the meeting at 2:15 p.m.