

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 29, 2007

Call to order:

President Hampton called the August 29, 2007 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
William Osborn, Member
Jim Spoon, Member
John Lassiter, Member

*Gordon Richards was unable to attend the morning session

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

Guests: Amanda Bradshaw, Target
Laura Petty, Walgreens
Derek Dennis, Walgreens
Kay Vaughn, CVS
Kristie Sharp, Intern
Rachel Adams, Intern
Candace Cullop, Intern
Chad Griffin, Intern

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Dorothy Gourley to approve the July 18th, 2007 minutes. Motion passed on roll call vote.

President Hampton stated that she had reviewed the expense claims and the accrued expenses of the Executive Director. Motion was made by Bill Osborn and seconded by John Lassiter to approve claims #1604-#1657, H58194-H58198, July and August payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, Technicians, and Facilities:

After a review of the cancellation lists of pharmacists, pharmacies, technicians and facilities, a motion was made by Bill Osborn and seconded by Dorothy Gourley to cancel the licenses 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 Dorothy Gourley to approve

the duplicate certificate requests for Lesley Michelle Eby Birdwell, D.Ph. #13102, Katy Laurissa Smith, D.Ph. #11219, and Jill D. Anderson, D.Ph. #11219. Motion passed on roll call vote.

Board discusses Graduate Intern application from Martin Chibueze:

Mr. Potter discussed an Intern application where the person had taken the NAPLEX and was score transferring. The test score had been nullified by NABP for violating the security requirements when taking the test and he will have to retake it. Mr. Potter will request at the time of licensure that his license be placed on probation when he is eligible to receive it.

Board to discuss SeniorMed:

President Hampton said that the Board would discuss the SeniorMed review once Mr. Richards arrived at the meeting.

Board to discuss DaVita:

Mr. Potter discussed the DaVita exemption that is about to reach the end date. He suggested that it be continued for a period of time because legislation had not been passed. After a discussion, a motion was made by Bill Osborn and seconded by Dorothy Gourley to allow an exemption for DaVita's process on delivering prescriptions until October 2008 and that a Progress report be submitted to the Board in March 2008 that would include a report on patient satisfaction and retention of patients for this service along with a Demographic report supporting use by patients from rural areas. Motion passed on roll call vote.

Board meets with the Assistant Attorney General about the pending case of Gary Nichols:

The Board went into Executive Session to discuss litigation with Assistant Attorney General to discuss litigation of the Gary Nichols case.

David Taddei to appear before Board to ask for reconsideration of his denied technician permit:

David Taddei did not show for the Board meeting as he had requested.

OSBP vs. Anthony Jaiman, Technician #9282 – Case No. 825:

The Board was called to order to hear the case of Anthony Jaiman. Mr. Jaiman was not present but it was determined that he had be notified properly. Assistant Attorney General, Brinda White prosecuted for the Board. Evidence was presented to the Board and Mr. Jaiman admitted that he had stolen CDS for his use and distribution.

Motion was made by Jim Spoon and seconded by Bill Osborn that based on the clear and convincing evidence presented, Mr. Jaiman be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn that the technician permit of Anthony Jaiman be revoked. Motion passed on roll call vote.

OSBP vs. Tyler Miller, Technician #8139 – Case No. 826:

President Hampton called the Board to order to hear the case of Tyler Miller. The Board was presented with a signed Agreed Order from Mr. Miller which stated that he would agreed to guilt and to having his technician license revoked.

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

OSBP vs. Aimee Vaughn, Technician #9860 – Case No. 827:

The case of Aimee Vaughn was continued until the October meeting.

Board interviews Reciprocity and NAPLEX applicants:

The Board met with 8 Reciprocity and 2 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Stacy Eugene Bentz TX
George Eugene Davis..... IA *
Kelly Scott Davis IN
Nicole Kathleen Hanson ... NM
Nioca Pauline Parks TX
Diana Lynn Steihl..... IL
Meredith Brennan Toma ... KY
Rajeev R. Vyas..... TX

NAPLEX:

Susan a. Bagby
Awet Gherezghiher

*George Davis was required to work with another pharmacist for the first 500 hours because of the length of time since he had practiced.

Michael Jordan appears before Board for approval of a Preceptor license:

Michael Jordan appeared before the Board to request that he be allowed a Preceptor's license. Mr. Jordan testified as to his work with OPHP and Kim McKown testified that he had been compliant with his contract.

Motion was made by Bill Osborn and seconded by John Lassiter to allow him to become a preceptor. Motion passed on roll call vote.

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

The Board was called to order to hear the case of Hoby Hawkins. Mr. Hawkins was present with Counsel David Pomeroy and June Phillips. Brinda White, Assistant Attorney General was prosecutor while Assistant Attorney General, Libby Scott was advisor for the Board.

A request for a continuance was presented to the Board by Mr. Hawkins Attorneys. The Board asked his Counsel if he would agree to not work until the case is heard. Counsel asked for a short recess to discuss this with their client. President Hampton recessed the Board.

After a short recess, the Board was called back to order. Mr. Hawkins was sworn and he testified that he would not work as a pharmacist until the case was heard at the October meeting.

Motion was made by Jim Spoon and seconded by Bill Osborn to continue the hearing until the October 3rd meeting based on Mr. Hawkins statement that he will not work as a pharmacist until the hearing. Motion passed on roll call vote.

Board recessed for lunch:

President Hampton recessed the Board for lunch.

OSBP vs. Gary Short, D.Ph. #7836 – Case No. 806:

President Hampton called the Board to order to hear the case of Gary Short. Mr. Short was not present and the staff could not reach his attorney. Mr. Potter asked the Board to continue the hearing until the October 3rd meeting. The Board granted a continuance for Case No. 806.

OSBP vs. Clay Tyler Haisten, D.Ph. #11522 – Case No. 828:

The case of Clay Tyler Haisten was continued until the October meeting.

Board discusses SeniorMed:

President Hampton welcomed Gordon Richards to the meeting. Mr. Richards was asked to give a report on the SeniorMed visit by Dorothy Gourley, Gordon Richards and Mr. Potter in Grapevine, TX. Mr. Richards indicated that SeniorMed had been purchased by Walgreens in June or July and still had the same employees. Brandon Weise was the host and showed their operation to the 3 that attended.

It appeared that they may be using a larger ratio of technicians than Oklahoma requires. The group felt that there was a real safety issue with the multiple drugs in the pouches and that the labeling should be on each packet with only one drug per packet. Mr. Richards pointed out that a 7 day supply was prepared when a 7 day supply was delivered to the nursing home and that changes in the "Med Orders" could change and still be delivered.

Motion was made by Gordon Richards and seconded by Jim Spoon to have the staff notify SeniorMed that the Board would approve their process providing they only dispense one drug per packet and that each packet had patient labeling. Motion passed on roll call vote.

John Johnson of OmniCare appears before the Board to discuss Automation:

John Johnson and Kevin Ferren were introduced to the Board. They reviewed their automation process now being used and presented a process change they were proposing that would allow a technician to finish the process without a pharmacist making the final verification as they are now doing. The Board felt that they did not have the authority to allow a process that was contradictory to the statutes and rules. President Hampton thanked them for their presentation.

Board sets future meeting dates:

The Board set dates for future meetings. They will be on Wednesday, October 3, 2007; Wednesday, November 7 2007; Wednesday, January 16, 2008; Wednesday, February 20, 2008; Wednesday, April 2, 2008; and Wednesday, April 30, 2008. There will not be a meeting in May 2008.

President Hampton adjourned the meeting at 3:00 p.m.