

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 19, 2008

Call to order:

President Gourley called the August 19, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 1:30 p.m.

Those present were:

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

Board of Pharmacy: Bryan Potter, Executive Director
Mary Ann Terral, Business Manager

Board interviews candidates and discusses employment of new Executive Director:

President Gourley called the meeting to order and then turned the meeting over to Dr. Diana Hampton, Chairman of the committee for the search of a new Executive Director. Dr. Hampton reviewed the questions that the members might want to use during the interviews. Ms. Terral was present during the interviews to answer any questions concerning state benefits. Mr. Potter was present to introduce the applicants but chose not to sit in on the interview process.

The Board had reviewed the applications of 11 applicants and determined that they should interview the top three candidates. They would allow 1 ½ hours for each interview. The Board went into Executive Session once the first candidate arrived and was introduced.

The Board came out of Executive Session at 5:30 p.m. A motion was made by Diana Hampton and seconded by John Lassiter to hire John Foust to become the new Executive Director beginning January 1, 2009. He will start employment as Deputy Director on October 31, 2008. Motion passed on roll call vote. Dr. Hampton was to contact Mr. Foust that evening.

President Gourley recessed the meeting until 8:00 a.m. Wednesday morning, August 20, 2008.

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

August 20, 2008

Call to order:

President Gourley called the August 20, 2008 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m.

Those present were:

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

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

Guests: Laura Petty, Walgreens
Kay Vaughan, CVS
Randy Stuckey, CVS
Terry Cothran, Prescription Solutions
Nancy Nesser, Health Care Authority
Amanda Knott, Intern
Alexis Teel, Intern
James West, D.Ph.
Donald F. West

Approval of minutes and claims:

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the July 16th, 2008 minutes as circulated. Motion passed on roll call vote.

President Gourley stated that she had reviewed the expense claims and the accrued expenses of the Executive Director. Motion was made by Gordon Richards and seconded by Jim Spoon to approve claims #2002-#2045, H0101300-H0101304, July payroll and the 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 provided, a motion was made by Bill Osborn 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 Diana Hampton to approve the duplicate certificate request for Lindsay A. Boatright, D.Ph. #13676, Jamie Renae Farley, D.Ph. #14089, Heidi Danae Macha, D.Ph. #14033 and Amanda Lei Bradshaw Eary, D.Ph. #13793. Motion passed on roll call vote.

Board discusses "Letter of Exemption" from Robert Wolin of DaVita:

A letter was presented to the Board from DaVita Dialysis requesting permission to continue their process of their delivering prescriptions to dialysis patients at the clinics.

Motion was made by Bill Osborn and seconded by Jim Spoon to allow this process to continue until October 1, 2009. Motion passed on roll call vote.

Board reviews request from Select Medical Corporation:

The Board discussed a request from Select Medical Corporation to allow the current pharmacy to continue to service their operation in Tulsa until October 1st or until they had finished opening their own pharmacy. The purchase will be completed September 1, 2008.

After discussion, the Board considered that the length of time was longer than necessary. The Board instructed Mr. Potter to work with them and allow them until

September 15, 2008 and at that point, they will need to find another source for their drugs.

Board sets date for “Special Hearing”:

The Board set September 10, 2008 at 11:00 a.m. as a special hearing date to hear one or possibly two cases.

Board discusses request from Pharmassistdirect:

Bill Arrington of Pharmassistdirect made a presentation to the Board about their new company which will be contracting with hospitals in Oklahoma. Pharmassistdirect will be taking care of the review of prescriptions after hours so that patients can receive new drug orders that have been reviewed by a pharmacist for interactions, etc.

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the process as presented. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

The Board met with 7 Reciprocity, 1 Score Transfer and 1 NAPLEX candidate. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Rhonda Joyce Erickson.....KS
Jill E. Farley.....KS
Sarah Goeres.....TX
Sung Eun Kwak.....TX
Jennifer Gayle MooneyTX
Daniel John Kun OhTX
Mala R. Patel.....TX

Score Transfer:

Caleb Ross Gladd..... TX

NAPLEX:

Sheeba Varghese

OSBP vs. Guy Costley, Technician #10263 – Case No. 876:

The Board was called to order to hear the case of Guy Costley. Mr. Costley was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White, prosecuted the case. Compliance Officer, Betty Beil and, Christopher Kahmke of Walgreens Loss Prevention testified for the Board.

Mr. Costley had continued to fill prescriptions while the pharmacist was out of the pharmacy. He also went as far as verifying a prescription.

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

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

OSBP vs. Jeffrey A. Graham, Technician #12072 – Case No. 877:

President Gourley called the Board to order to hear the case of Jeffrey A. Graham. Mr. Graham was not present but had sent in a signed Agreed Order admitting guilt and accepting 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. LaToya Stake, Technician #9391 – Case No. 878:

The Board was called to order to hear the case of LaToya Stake. Ms. Stake was not present but it had been determined that she had been properly notified. Assistant Attorney General, Brinda White, prosecuted the case. Compliance Officer, Betty Beil testified for the Board. Evidence was presented showing that Ms. Stake had stolen CDS from her employer.

Motion was made by Diana Hampton and seconded by Jim Spoon that based on the clear and convincing evidence presented, Ms. Stake 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 LaToya Stake be revoked. Motion passed on roll call vote.

OSBP vs. Jennifer Lynn Wallace, Technician #8845 – Case No. 879:

President Gourley called the Board to order to hear the case of Jennifer Lynn Wallace. Ms. Wallace was not present but had sent in a signed Agreed Order admitting guilt and accepting revocation of her technician permit.

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

OSBP vs. Milton Ray Simpson, D.Ph. #13085 – Case No. 830 – Request to Amend Order:

President Gourley called the Board to order to hear the request of Milton Ray Simpson. Mr. Simpson was requesting a change in the Order on Case No. 830. Mr.

Simpson was present along with OPHP Representative Marc Whitt who was present to testify.

Mr. Simpson asked the Board to allow him to work in his store under the supervision of a pharmacist for the probationary period that had been approved in July which allowed him to work in the Oklahoma City/Norman area with stipulations. He indicated that he had been unable to find work in the area. After discussion and questions by the Board, they went into Executive Session.

Upon coming out of Executive Session, a motion was made by Jim Spoon and seconded by Diana Hampton to deny the request and asked OPHP representatives to help Mr. Simpson find employment. Motion passed on roll call vote.

OSBP vs. Hoby Hawkins, D.Ph. #10460 – Case No. 829 – Request to Amend Order:

The Board was called to order to hear the request of Hoby Hawkins. Mr. Hawkins was requesting a change in the July order which required him to get a “Fit for Duty” evaluation from

Dr. Rojas before he could go back to work on probation. Dr. Rojas would not accept him as a patient. OPHP Representative, Marc Whitt stated that Valley Hope could do the “Fit for Duty” evaluation here in Oklahoma City.

Motion was made by Jim Spoon and seconded by Gordon Richards to allow Mr. Hawkins to get the evaluation from Valley Hope. Motion passed on roll call vote.

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

President Gourley called the meeting to order to hear the request of Clay Tyler Haisten. Mr. Haisten was present with Counsel, Richard Mildren. Assistant Attorney General, Brinda White represented the Board.

Mr. Haisten was requesting that his pharmacist license be placed on probation. After hearing the information presented, a motion was made by Diana Hampton and seconded by Bill Osborn to approve the request. Motion passed on roll call vote.

OSBP vs. Pet-Med Express, #99-193 – Case No. 864:

The Board was called to order to hear the case of Pet-Med Express. Larry Derryberry, Counsel for Pet-Med Express, was present. Brinda White, Assistant Attorney General, prosecuted for the Board.

Ms. White presented the Board with an Agreed Order for a deferred prosecution of the case. The case would be deferred until February 20, 2009. The case would be withdrawn at that time providing there are no formal complaints filed during this period. Pet-Med also agreed to pay \$4489.50 for investigative and administrative costs.

After reviewing the Agreed Order and hearing testimony, a motion was made by Jim Spoon and seconded by Diana Hampton to accept the Agreed Order. Motion passed on roll call vote.

Board has a working lunch:

The Board had lunch brought in and worked through the lunch time.

MedImmune representative appears before the Board:

President Gourley called the Board to order at approximately 1:00 p.m. to hear from MedImmune and their request concerning their product, Synagis, which is given to preemies. Their request was to ask for a waiver on the product for pharmacies to send the prescription to a provider that would administer the product.

After questions and a discussion, a motion was made by Diana Hampton and seconded by Gordon Richards to create a “Pilot Program” allowing specialty pharmacies to dispense patient specific Synagis prescriptions and shipping to proper providers for administration. Motion passed on roll call vote with Mr. Osborn voting No.

OSBP vs. Frank. L. Elias, D. Ph. #7715 – Case No. 875:

The Board was called to order to hear the case of Frank Elias. Mr. Elias was present with Counsel, Stan Monroe, of Tulsa. Brinda White, Assistant Attorney General, represented the Board.

The Complaint was presented to the Board along with an Agreed Order for the Board's approval. Mr. Elias admitted guilt on all counts. He had counts on CDS record keeping and establishing good controls on CDS in his pharmacy. If the Board accepts the Agreed Order, Mr. Elias would close his pharmacy on November 1, 2008 and all drugs will be sold to another pharmacy or returned to the Wholesaler by November 30, 2008. He will agree to pay a fine of \$7,000.00 due November 30, 2008 and he will place his license on an Inactive status on November 30, 2008.

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

President Gourley adjourned the meeting at 3:30 p.m.