

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 19, 2009

Call to order:

President Spoon called the August 19, 2009 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

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

*Gordon Richards was unable to attend this meeting

Board of Pharmacy: John A. Foust, Executive Director
Gary LaRue, Compliance Officer
Betty Beil, Compliance Officer
Cindy Hamilton, Compliance Officer
Terry Bratt, Inspector

Guests: Laura Petty, Walgreens
Ryan Walker, Walgreens
Kay Vaughan, CVS
Terry Cothran, Prescription Solutions
Chris Nunnery, Wal-Mart
Resha Nichols, Wal-Mart
Shannon Griggs, Wal-Mart
Amanda Wenzel, Target
Kathy Collier, USA Drug
Alan Spies, OU
Anita Patel, SWOSU, Intern
Lori Freno, SWOSU Intern
Erin Holman, SWOSU Intern
Brett Whitehead, SWOSU Intern
Megan Atchley, SWOSU Intern
MaryGrace Maliel, SWOSU Intern
Stacy Yang, OU Intern
Audrey Butler, OU Intern
Brittany Mills, OU Intern
Shawn Lee, ATI
Courtney Hess, ATI
Kelly Smith, ATI
Misty England, ATI
Taneka Johnson, ATI
Heather Wright, ATI

Approval of minutes and claims:

Motion was made by Bill Osborn and seconded by John Lassiter to approve the July 15th,

2009 minutes as circulated. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to approve claims #2415-#2061, H0138404-H0101309, July payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, and Technicians:

After a review of the cancellation lists for pharmacists, pharmacies, and technicians provided, a motion was made by Bill Osborn and seconded by John Lassiter 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 John Lassiter to approve the duplicate certificate request for Sondra Gayle Prendergast, D.Ph. #6758, John Lents Prendergast, D.Ph. #6797 and Jerry M. Helm, D.Ph. #9370. Motion passed on roll call vote.

Board approves request from OU for a special training site:

Motion was made by Bill Osborn and seconded by Dorothy Gourley to approve the request of The University of Oklahoma (OU) for a special training site at Blue Cross and Blue Shields of Oklahoma Health Care Service Corporation with Donna Lester, D.Ph. Motion passed on roll call vote.

Board discusses “patient right to choose” and “electronic medical records”:

The Board reviewed and reaffirmed the importance of maintaining the “patient right to choose” in regards to pharmacy services and the “electronic medical records” which are utilized by long term care facilities.

Board discusses Policy on Flavoring:

The Board reviewed a policy submitted by the Executive Director regarding the addition of flavoring to prescription drugs at the request of the patient or the patient’s agent. After review, a motion was made by Bill Osborn and seconded by John Lassiter to approve the policy. Motion passed on a roll call vote. The policy is as follows:

A pharmacist may add flavoring agents, up to a maximum of 5% of the total volume, to a prescription at the request of a patient, the patient’s agent, or the prescriber. The pharmacist shall label the flavored prescription with a beyond-use date that shall be no longer than 14 days if stored in a refrigerator, unless otherwise documented. Documentation of beyond-use dates longer than 14 days shall be maintained by the pharmacy electronically or manually and made available to agents of the Board upon request. A pharmacist may not add flavoring to an over-the-counter product at the request of a patient or patient’s agent unless the pharmacist obtains a prescription for the over-the-counter product from the patient’s practitioner.

Board discusses “swapping” rules:

The Board reviewed a report submitted by the Executive Director regarding “swapping” and the regulations that apply in this situation. The report was approved for distribution through the State Board of Pharmacy Newsletter, and will appear in the October 2009 newsletter.

Board sets date for future Board meetings:

The Board set Wednesday, October 21, 2009, Wednesday; November 4, 2009 and Wednesday, January 20, 2010 as the next Board meeting dates.

Executive Director John Foust gives Agency Report:

1. The staff is working on an updated printing of the law book which will include rules which became effective July 1, 2009 and statutes which will become effective on November 1, 2009.
2. A meeting with the Board staff is scheduled on September 23, 2009, to review recommended rule changes to be submitted to the Board at the October 21, 2009 meeting.

3. There are 3 rules writing committees meeting at this time. They include Emergency Boxes in Long Term Care Facilities, Remote Order Entry for Hospitals, and Collaborative Drug Therapy Management. The committees' goal is to submit their reports and recommendations at the October 21, 2009 meeting.
4. The Department of Central Services is pursuing land acquisition for new Board office space. The Executive Director will report additional information as it becomes available.
5. The Board staff has determined the initial sequence of documents which will be optically scanned under the DOC contract for electronic filing. After the initial group of documents has been scanned and reviewed, additional document types will be added to the sequence. The staff has identified the type and number of scanners to be purchased for the office, and will place the order soon.
6. A letter and supporting documents noting the Board's safety concerns when Indian Tribes create a Board of Pharmacy and issue a pharmacy license was sent to the director of the Indian Health Services. Dr. Diana Hampton, Public Member of the Board, signed the letter.
7. The Executive Director reported that the Board had received notice that Mr. Gary Nichols is scheduled to be sentenced at 10 a.m. on August 31, 2009, at the US Courthouse here in Oklahoma City.

Board votes on MedImmune approval:

The Board was advised by Assistant Attorney General Brinda White that they had to have a formal vote on the July request of MedImmune. Brenan Fulkerson and Scott Brown had appeared before the Board at the July meeting to ask that MedImmune be granted an extension to continue to ship a prescription drug for pediatric patients directly to physicians or other authorized providers for administration.

Motion was made by Dorothy Gourley and John Lassiter to grant their request for 1 year. Each year, MedImmune must report to the Board the number of prescriptions shipped into the state and request extension of the exemption on a yearly basis. Motion passed on roll call vote.

OSBP vs. Paula Williams, Technician #7026 – Case No. 935:

The Board was called to order to hear the case of Paula Williams. Ms. Williams was not present but had sent in a signed Agreed Order admitting guilt and accepting revocation of her technician permit.

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

OSBP vs. Maura Becknell, Technician #502 – Case No. 938:

The case of Maura Becknell was continued until the next Board meeting.

OSBP vs. Summer Hope Walker, Technician #10383 – Case No. 936:

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

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

OSBP vs. Shelly R. Gleason, Technician #5275 – Case No. 940:

The Board was called to order to hear the case of Shelly Gleason. Ms. Gleason was present and chose to appear without Counsel. Assistant Attorney General, Brinda White, prosecuted the case. Compliance Officer, Betty Beil, Woody Acton, Sequoia Health Services, Brandon Medlock of SureExpress and Gara Wilsie, D.Ph., of Sequoia Health Services, all testified for the Board.

Ms. Gleason was accused of violating 63 O.S. Supp. 2008, § 2-401 (A)(1) and others by initiating a prescription order or refill in the pharmacy computer system, filling the prescription, and after the prescription was sent for delivery, cancelling the prescription. Further, she was accused of contacting the delivery driver and asking that the prescription be delivered back to her personally in the parking lot rather than returned to the dispensing pharmacy as their policy required. Ms. Gleason stated that she did not take the medication, but that she removed the prescription label from the

prescription bottles and disposed of both the medication and the label in a waste dumpster on her way home. Ms. Gleason stated that prescriptions containing hydrocodone were the only prescriptions which were involved. Ms. Gleason stated that she had done this because she was concerned that the pharmacy would get into trouble for mis-filling a prescription.

Motion was made by John Lassiter and seconded by Bill Osborn that based on the clear and convincing evidence presented, Ms. Gleason be found guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Diana Hampton that the technician permit of Shelly R. Gleason be revoked. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

The Board met with 5 Reciprocity and 4 NAPLEX candidates. All were accepted upon passing the Oklahoma Law and the NAPLEX if necessary.

Reciprocity:

Melvin HurdLA
Jeremy Shawn Logan.....CO
Gretchen L. Peirce.....PA
Sonja SafaieVA
Michael Yapp.....FL

NAPLEX:

Vanessa England
Kelly Farnell
Donald Gibson
Marina Trbovich

OSBP vs. Bruce Winkelman, D. Ph. #9701 and Scott Robinson’s Prescription Inc., #2-3833 – Case No. 939:

President Spoon called the Board to order to hear the case of Bruce Winkelman and Scott Robinson’s Prescription Inc. Mr. Winkelman was present but chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Winkelman and Scott Robinson’s Prescription, Inc. will agree to the following; Mr. Winkelman pleads nolo contendere to all 125 counts. He will have a letter of reprimand placed in his file until August 19, 2011. He will agree to pay a fine of \$5000.00. Scott Robinson’s Prescription, Inc. will also pay a fine of \$5000.00. Mr. Winkelman will agree to attend a one-day law seminar during the year 2009 in addition to the required fifteen (15) hours of CE. He will develop a policy to prevent diversion in a pharmacy and present it to the Executive Director for review on or before September 15, 2009.

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

Board recessed for lunch:

The Board and staff went to The Cheesecake Factory for lunch. Board receptionist, Roxanne Miller was leaving the Board to return to school so the Board and staff wanted to celebrate with her on her endeavor. The Board and staff wish Ms. Miller well on her educational endeavors.

OSBP vs. Mark McCullough, D.Ph. #10336 – Case No. 494A – Request to Amend Order

The Board was called to order to hear the request of Mark McCullough. Mr. McCullough was requesting that he be allowed to work 500 hours of internship instead of the 1000 hours of internship that the Board required in his original Amended Order.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to deny Mr. McCullough’s request. Motion passed on roll call vote.

OSBP vs. Genevieve Earley, D.Ph. #11243 – Case No. 771 – Request to Amend Order

The request of Genevieve Earley was continued until the next meeting.

President Spoon adjourned the meeting at 2:00 p.m.