

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 25th, 2002

Call to order.

The September 25, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Janis McAllister at 1:00 p.m.

Those present were:

Board members: Janis McAllister, President
Jerry Allen, Vice-President
Thomas F. Dudley, Member
Robert Summers, Member
Jim Spoon, Member
Bill Osborn, Member

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

Guest: Mark McCullough, OPHP
Kevin Rich, OPHP
Billy Wilson, OPHP

Reciprocity and NAPLEX candidates:

Mr. Potter indicated to the Board that the 2 Reciprocity and 3 NAPLEX applicants had passed the law exam.

Reciprocities:

Cindy Cheryl Krummick IL
James Steven McCrery IA

NAPLEX:

Sridevi Katragadda
Yvonne Mbatia
Bruce Pack

Approval of minutes and claims:

Motion was made by Jerry Allen and seconded by Bob Summers to approve the minutes of the July 24 & 25, 2002 Board meeting. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to approve expense claims #24-130 and #3004-3006. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Tom Dudley to approve the expense claims of the Executive Director. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Tom Dudley to approve the duplicate DPh certificate requests for Douglas Bruce Heatherington II, D.Ph. #8928, Valerie Renee Pennington, D.Ph. #11420, Bretta St.Romain, D.Ph. #12792 and Dana Walker Strawn, D.Ph. #11048. Motion passed on roll call vote.

Request from Frank Reid on an interpretation of law:

Motion was made by Bob Summers and seconded by Jerry Allen to table the request from Frank Reid until the November Board meeting. Motion passed on roll call vote.

Board discusses and reviews rules for Immunization:

After a discussion and review of the draft rules for Immunization, a motion was made by Tom Dudley and seconded by Bob Summers to adopt the rules for immunization. The Board felt that this should be declared as emergency rules because the fall months are approaching and the need for immunization is necessary. Motion passed on roll call vote.

OSBP vs. Robin Thornburg, Technician #5506, Case No. 634:

The Board was called to order by President McAllister to hear case no. 634. Assistant Attorney General, Grant Moak, was prosecutor for the case. Compliance Officer, Gary LaRue testified for the Board. Ms. Thornburg was not present. It was determined that the Respondent had been properly notified. Mr. Moak presented testimony and evidence to the Board.

After hearing the testimony of Gary LaRue and seeing the evidence, a motion was made by Tom Dudley and seconded by Jim Spoon that based on the clear and convincing evidence presented, the Respondent be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bob Summers to revoke the Respondents technician permit. Motion passed on roll call vote.

OSBP vs. Jeffrey A. Marburger, D.Ph. #11364, Case No. 502 - request for probation:

President McAllister called the Board to order to hear the request of Jeffrey A. Marburger. Mr. Marburger's license had been suspended and he could request probation after 90-day suspension. Mr. Marburger presented testimony and evidence to the Board that he had compiled and requested that his license be placed on probation for the remainder of his suspension. Billy Wilson and Kevin Rich of OPHP also testified on Mr. Marburger's behalf.

Motion was made by Bob Summers and seconded by Tom Dudley that the license of Mr. Marburger be placed on probation for the balance of the original order as long as he complies with the terms of the original order. Motion passed on roll call vote.

OSBP vs. Ben Powell, D.Ph. #8418, Case No. 554 - request for probation:

The Board was called to order to hear the request for probation of Ben Powell. After hearing testimony and seeing evidence presented to the Board by Mr. Powell a motion was made by Jerry Allen and seconded by Tom Dudley to place Mr. Powell's license on probation upon reinstatement of his license. He will be required to do 60 hours of CE and has a fee of \$275.00. He will also be required to work 6 months under the supervision of a pharmacist. The supervising pharmacist will be required to send a letter to the Board stating Mr. Powell's completion of the 6 months supervision and he must attest to the abilities of Mr. Powell as a pharmacist. Mr. Powell is to make his employer aware of the possible need to request a waiver. He is to also have his attorney confirm whether or not a waiver is necessary. He is to continue his OPHP contract and pay the fines required. Motion passed on roll call vote.

Board recessed until Thursday September 26, 2002 at 8:30 a.m.

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September 26th, 2002

Call to order.

The September 26, 2002 meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Janis McAllister at 8:30 a.m.

Those present were:

Board members:

Janis McAllister, President
Jerry Allen, Vice-President
Thomas F. Dudley, Member
Robert Summers, Member
Jim Spoon, Member
Bill Osborn, Member

Board of Pharmacy:

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

Guest:

Mark McCullough, OPHP
Kevin Rich, OPHP
Billy Wilson, OPHP

OSBP vs. Tanya Marmon, Technician, #4541, Case No. 636:

President McAllister called the Board to order to hear the case of Tanya Marmon. David Kinney, Assistant Attorney General, prosecuted the case. The Respondent was not present but it was determined that she had been properly notified. Compliance Officer, Gary LaRue, was sworn in and called as a witness. Gary LaRue gave testimony and exhibits were submitted showing that the Respondent had pleaded guilty of possession of cocaine and other CDS with the intent to distribute.

After review of the testimony and information provided, a motion was made by Bob Summers and seconded by Bill Osborn that based on clear and convincing evidence Ms. Marmon be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Bill Osborn to permanently revoke the technician permit of Tanya Marmon. Motion passed on roll call vote.

OSBP vs. Jerry Alan Rulon, D.Ph. #11277, Case No. 512 - request for probation:

President McAllister called the Board to order to hear the request of Jerry Rulon. Mr. Rulon's previous Order had stated that he may request probation after showing one full year of sobriety. Kevin Rich and Billy Wilson of OPHP were present to offer support on Mr. Rulon's behalf.

After reviewing the information and testimony given before the Board, a motion was made by Jim Spoon and seconded by Bob Summers to place the license of Jerry Rulon on probation provided that he completes the requirements for reinstatement of his license. He is required to work with another pharmacist for a period of 3 months. The supervising pharmacist shall send a letter to the Board attesting to Mr. Rulon's work under a pharmacist for 3 months and his competency. He is to continue his OPHP contract. Motion passed on roll call vote.

The Board told Mr. Rulon that he would have his license revoked if he was brought before the Board again.

OSBP vs. Lisa Jean Campbell, D.Ph. #11834, Case No. 603 - application to revoke probation:

The Board was called to order to hear the case of Lisa Campbell. It was determined that Ms. Campbell was not present and that she did not receive notice in a timely manner. Motion was made by Jim Spoon and seconded by Bob Summers to continue the case until the November meeting. Motion passed on roll call vote.

OSBP vs. Mark Anthony Stowers, D.Ph. #11918, Case No. 631:

The Board was called to order to hear the case of Mark Anthony Stowers. Mr. Stowers chose to appear before the Board without counsel. Assistant Attorney General, David Kinney was present to prosecute the case.

Assistant Attorney General, David Kinney, presented the Board with a possible Agreed Order. The Agreed Order would suspend Mr. Stowers pharmacist license indefinitely.

Motion was made by Bob Summers and seconded by Tom Dudley to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Lisa Jean Campbell, D.Ph. #11834, Case No. 603 - application to revoke probation:

Lisa Campbell arrived at the Board office and indicated that she would like to proceed with the hearing. Board member, Jim Spoon, having voted to continue the hearing earlier, moved for reconsideration which was seconded by Tom Dudley. Motion passed on roll call vote. Motion was made by Jim Spoon and seconded by Tom Dudley to hear the case at that time. Motion passed on roll call vote.

President McAllister called the meeting to order to hear the case of Lisa Campbell. Assistant Attorney General, David Kinney, prosecuted the case. Ms. Campbell chose to appear before the Board without Counsel. Ms. Campbell, Board Compliance Officer Cindy Hamilton and OPHP Representative Kevin Rich all were sworn in and gave testimony.

Ms. Campbell had tested positive for drugs that were not listed with OPHP as having had a prescription for these drugs. She could not produce a prescription or a record of prescriptions being filled for her prior to the positive test.

After a review of the information & testimony presented a motion was made by Tom Dudley and seconded by Jim Spoon to find Ms. Campbell guilty as charged based on clear and convincing evidence. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Bob Summers that Ms. Campbell's license be suspended for a period of October 1 through October 31, 2002. Ms. Campbell is to pay a fine of \$500.00. This fine will be waived, providing verifiable proof of purchase for a prescription for Tramadol. Ms. Campbell's license will be placed on probation as of November 1, 2002 until September 2011, providing she complies with all the provisions of the order. Motion passed on roll call vote.

OSBP vs. Cathy Ann Hall, Technician #5098, Case No. 640:

Motion was made by Tom Dudley and seconded by Bob Summers to continue Case No. 640 until the November meeting. Motion passed on roll call vote.

Meeting was adjourned by President McAllister at 1:50 p.m.