

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 10, 2008

Call to order:

The September 10, 2008 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Gourley at 11:20 a.m.

Those present were:

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

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

Guests: Gayla McClenney, OK Medical Board
Terry Cothran, Prescription Solutions
Laura Petty, Walgreens
Derek Dennis, Walgreens
Ryan Walker, Walgreens
Walter Setmeyer, Walgreens
Randy Stuckey, CVS
Chris Sullens, Intern
Lacey Vaughn, Intern
Kavita Trivedi, Intern
Alexis Teel, Intern

OSBP vs. Sherry Lynn Ross, D.Ph. #9815 – Case No. 862:

The Board was called to order at 11:20 a.m. by President Gourley. The meeting began a little bit late due to the first witness arriving late. Mr. Potter introduced the Board as well as the advisor for the Board, Assistant Attorney General, John Crittenden. Ms. Ross was present along with Attorney, Robert Mitchell. Assistant Attorney General, Brinda White prosecuted the Case. Compliance Officer, Gary LaRue testified for the Board.

Assistant Attorney General, Brinda White, presented a notebook of exhibits that had been reviewed by Robert Mitchell. Exhibit No. 14 received an objection and was removed. Each member of the Board was given a copy of the notebook. The Complaint was then presented to the Board for their review. At this time, Board member, Diana Hampton arrived and was able to review the Complaint and hear the testimony of the first witness.

Before the first witness was sworn in, Ms. White asked to invoke the Rule. This would require all witnesses that are to testify, to leave the hearing room and not be able to hear the

testimony of other witnesses. Dr. Goff was then sworn in and testified that Ms. Ross has been a patient of his since 2005. He stated that he had not written prescriptions for any on the drugs that she was taking which was listed on her profile. When he was finished testifying, he was excused to leave.

Dr. Paul Edmonds was the next witness to testify. He testified as to his relationship with the Alpha Wellness Center located in Ms. Ross's pharmacy. He also testified as to his physician-patient relationship with Ms. Ross. He was asked to remain available for possible questions.

Board has working lunch:

President Gourley recessed the Board for a working lunch at 1:45 p.m. Lunch was brought in and served.

OSBP vs. Michael Lynn Hogan, D.Ph. #8643 – Case No. 882:

President Gourley called the Board to order at 2:00 p.m. to hear the case of Michael Hogan. Mr. Hogan was present with Attorney Jason Murry. The complaint was presented to the Board for their review. After a review of the complaint, an Agreed Order was presented to the Board for their approval. If the Agreed Order is accepted, Mr. Hogan would agree to a 10 year suspension of his license.

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

OSBP vs. Sherry Lynn Ross, D.Ph. #9815 – Case No. 862 - continuation:

The Board was called to order at 2:15 by President Gourley to continue with the case of Sherry Ross. Pharmacist, Stephanie Lepard was called and testified as former P.I.C. and current staff pharmacist of Sherry's Pharmacy. Gary LaRue, Compliance Officer for the Board testified and verified some of the exhibits that had been presented. Ashley Weathers, Pharmacy Technician at Sherry's Pharmacy testified regarding the information on Sherry Ross's personal prescriptions and the possible glitches in the previous computer system that the pharmacy had used. Mr. Mitchell, the respondents Attorney, then asked questions of all the witnesses.

Mr. Mitchell then called for Sherry Ross to testify. She explained that she and Dr. Edmonds were trying to help those women that were not being treated with proper hormone therapy. She would have the patient do a saliva test and then she would take the results, consult with the patient and determine what would be a proper natural hormone therapy for the patient. She would send the suggested treatment to the patient's physician and if they did not agree or respond, she would suggest a number of physicians that would approve this treatment. She said that Dr. Edmonds had given her a protocol to allow 1 month supply for these patients and they would have to see him before a refill would be allowed. She did not have an agreement in writing for this blanket approval. Dr. Edmonds had not seen these patients but would sign these prescriptions several days later. Ms. Ross indicated that she did not know about the rule that she could not fill a prescription for a patient knowing that there was not a patient/physician relationship.

After questions by Ms. White and the Board members, the Attorneys indicated that the case had been presented and rested. The witnesses were then excused.

Motion was made by Bill Osborn and seconded by John Lassiter to go into Executive Session. Motion passed on roll call vote. The Board came out of Executive Session at 6:15 p.m.

The Board was called back to order by President Gourley. Motion was made by Jim Spoon and seconded by Bill Osborn that based on the clear and convincing evidence presented, Ms. Ross be found guilty on all Counts except Count IV. They also included some

minor changes to the wording of some of the Counts to make the finding of facts correct. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Diana Hampton that based on the finding of guilt on 11 Counts, the pharmacist license of Ms. Ross be suspended until December 10, 2013. Ninety days from the date of this order, December 10, 2008, the suspension is lifted and Ms. Ross's pharmacist license is placed on probation for the remainder of the term. Ms. Ross is also ordered to pay a fine of \$500.00 for each count which totals \$5500.00 which must be paid on or before December 15, 2008. Motion passed on roll call vote.

Board discusses Gary Nichols litigation:

The Board went into Executive Session to discuss litigation. When the Board came out of Executive Session, President Gourley adjourned the meeting.

Board adjourned at 6:45 p.m.