

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

October 15, 2003

Call to order:

President Jerry Allen called the October 15, 2003 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m.

Those present were:

Board members: Jerry Allen, President
James O. Spoon, Vice-President
Gordon Richards, Jr., Member
Diana Hampton, Member
William Earl Osborn, Member

Janis McAllister was unable to attend this meeting due to illness

Board of Pharmacy: Bryan Potter, Executive Director

Guests: Billy Wilson, Sam Leu, Mike Russell and Kevin Rich of OPHP
Interns from OU College of Pharmacy

Approval of minutes and claims:

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the August 14th 2003 minutes. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the expense claims #44-#133, #4004-#4008 and the accrued expenses of the Executive Director. Motion passed on roll call vote.

OSBP vs. Leta M. Brown, Technician #931, Case No. 682:

The case of Leta M. Brown was continued until the November meeting due to the fact that the respondent did not receive 10-day notice.

OSBP vs. Crystal Hartman, Technician #6739, Case No. 685:

President Allen called the Board to order to hear the case of Crystal Hartman. Ms. Hartman chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted the case for the Board. Compliance Officer, Gary LaRue, testified for the Board.

Ms. Hartman had stolen CDS to be used by a friend. She admitted that she was guilty of the charges but that this friend had threatened her.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on the admission of guilt by the Respondent and the clear and convincing evidence that was presented, the Respondent is found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Diana Hampton, that the technician permit for Crystal Hartman be revoked. Motion passed on roll call vote.

Board meets with Reciprocities and NAPLEX candidates:

The Board interviewed 8 Reciprocities and the 2 NAPLEX candidates. All applicants were accepted upon passing the Oklahoma Law Exam and the NAPLEX if necessary.

Reciprocity:

John Emmanuel Ahedor	NV
Robert Earl Crosby	TX
Kendra Lynn Davies	OH
Wookyung Lee	AL
David Paul Merrill	TX
Patrick Donald Minard	MT
Jerrod Lee Roberts	AR
Jeffrey Scott Stroup	NY

NAPLEX:

John Sandberg
Sarisha Pavuluri

Duplicate certificate request approved:

Motion was made by Jim Spoon and seconded by Bill Osborn to approve the duplicate certificate request for Diane Fresquez, D.Ph. #12057 and Kathleen Cook Wise, D.Ph. #13063. Motion passed on roll call vote.

Board reviews request from Nancy Ray, OU College of Pharmacy:

The Board reviewed a letter from Nancy Ray of the OU College of Pharmacy in Tulsa. Her request was to allow the Tulsa pharmacy students to do a shadowing experience with the Bedlam Healthcare Project, which is a free clinic in Tulsa.

Motion was made by Bill Osborn and seconded by Jim Spoon to accept the request. Motion passed on roll call vote.

Approval of reinstatement request for 11 pharmacist:

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the reinstatement requests of the following pharmacists:

Terry L. Brown, D.Ph. #10859, **Jack Doran Butler**, D.O., D.Ph., #8819, **G. Geoffrey Craig**, D.Ph. #8755, **Katherine Sisney Dossey**, D.Ph. #10322, **Glenn H. Gilbreath, Jr.**, D.Ph. #10220, **Michael Joe Jordan**, D.Ph. #10013, **Michelle Mabel Pieratt**, D.Ph. #13017, **Gerald Dee Rana, Jr.**, D.O., D.Ph. #9226, **Bahiyeh Ghiassi Shirazy**, D.Ph. #11053, **Willis Vernon Smith**, D.Ph. #7393, **George T. Sawabini**, D.Ph. #7685

Motion passed on roll call vote.

Board discusses request from CardinalHealth with Gary G. Cacciatore:

An informative presentation of Re-Source, a new service by Cardinal Health for hospital pharmacies was given by Gary Cacciatore, Pharm D, JD. This service would provide pharmacist's services for hospitals when the pharmacy is closed. New orders would be faxed to Re-Source Service Center and a pharmacist would review and enter the order into the hospitals computer system providing there were no problems with the order. Once the order is entered into the system, the nurse could retrieve the medication from their automated dispensing systems.

The Board discussed the procedure and a motion was made by Jim Spoon and seconded by Bill Osborn to allow Cardinal to implement this service in Oklahoma providing:

1. They would license as a non-resident pharmacy.
2. The pharmacists that service Oklahoma pharmacies, i.e. review orders and enter orders into Oklahoma pharmacy computers, would license in Oklahoma.
3. The services would be offered on an after hour basis, when the hospital pharmacy is closed.

Motion passed on roll call vote.

OSBP vs. Kris Griffith, D.Ph. #8715, Case No. 686:

The case of Kris Griffith was continued until the November meeting.

OSBP vs. Shadd Warren Atchley, D.Ph. #11972, Case No. 594-A:

The case of Shadd Atchley was continued until the November meeting.

OSBP vs. Kevin Culver, D.Ph. #12004, Case No. 680:

The Board was called to order to hear the case of Kevin Culver. Mr. Culver chose to appear without counsel. Grant Moak, Assistant Attorney General, was prosecutor for the Board. Blaine Hojack, Loss Prevention with Wal-Mart and Betty Beil, Compliance Officer for the Board both testified on behalf of the Board.

Evidence was presented that Mr. Culver has stolen Hydrocodone & Ephedrine Sulfate from the pharmacy. Mr. Culver admitted taking 2 bottles of each drug monthly for a period of 2 years. He also admitted to making false refunds and keeping the money. The amount was determined to be approximately \$25,000.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on an admission of guilt by the Respondent and the clear and convincing evidence, which was presented, Mr. Culver be found guilty on all 10 counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Diana Hampton that Mr. Culver's license be suspended for a period of 10 years until October 14, 2013. Mr. Culver is to pay a fine of \$500 per count for a total of \$5000.00. Mr. Culver is to enter into and abide by a contract with OPHP for the 10-year period. The suspension will be stayed and placed on probation as of January 1, 2004. Motion passed on roll call vote.

OSBP vs. Barry Craig, D.Ph. #11238, Case No. 646-A:

The case of Barry Craig was continued until the November meeting.

OSBP vs. G. Geoffrey Craig, D.Ph. #8755, Case No. 646-A:

The case of Geoffrey Craig was continued until the November meeting. Mr. Craig did not appear and it was determined that he did not have proper notification.

The Board worked through lunch

Update on Canadian Store Fronts:

Assistant Attorney General, Grant Moak, reviewed the RxDepot Federal Court case with the Board. He indicated that the Justice Department had put on a very convincing case. Mr. Potter indicated that we had other Canadian Store Front operations similar to RxDepot in other areas of the state such as Enid, Muskogee, Shawnee and possibly others.

Motion was made by Jim Spoon and seconded by Bill Osborn that Mr. Potter work with Mr. Moak to stop the illegal activity of any of the Canadian operations. Motion passed on roll call vote.

Board to set date to tour the Yamanouchi Pharma Tech Drug Manufacturer:

The Board discussed a possible tour of Yamanouchi Pharma Tech and plans to work toward a January date prior to the January Board meeting.

Board discusses delaying implementation of Hospital Drug Room Rules:

The Board discussed the new Hospital Drug Room license and the inability to charge a fee for 2003. The Board determined to proceed with the license and to not charge a fee for 2003. Emergency rules would not be needed.

Request from Foreign Graduate, Syed Saleem for an extension of his license:

The Board discussed the request from Syed Saleem to extend his intern license. The Board agreed to extend Mr. Saleem's license until January 1, 2004 or until he re-takes the NAPLEX, whichever comes first.

Grant Moak presents the Board with Proposed Legislation:

Assistant Attorney General, Grant Moak, reviewed the need for some changes in the statutes regarding fees and other necessary changes. The Board directed the staff to work with Mr. Moak and to proceed with writing legislation for review at the November meeting.

Kevin Rich of OPHP gives report to the Board:

Kevin Rich presented the Board a report from OPHP. He reported that OPHP has hired a full time Executive Director through Compass Vision, the company that administers their drug screens. Tandi Reheis will be the new Executive Director and will office out of the OPHA building. She will be introduced to the Board at the November meeting.

Mr. Rich indicated that OPHP had assisted 137 pharmacist & pharmacy students since OPHP was organized. They have had a 90% successful recovery rate. He discussed that the problem still continues in the medical professions with 12% to 15% suffering from chemical dependency at some point in their career. He also pointed out that of the 60 cases heard by the Board from July 2002 to July 2003, 42 were related to chemical dependency involving pharmacist and technicians.

President Allen thanked Mr. Rich and the other members of OPHP for their work with impaired pharmacists and for the report.

OSBP vs. Genevieve Earley, D.Ph. #11243, Case No. 647-A:

The case of Genevieve Earley was continued until the November meeting.

OSBP vs. Kenneth Mark McElroy, D.Ph. #11265, Case No. 638-A-revoke probation:

The Board was called to order by President Allen to hear the case of Kenneth Mark McElroy. Mr. McElroy chose to appear without counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Cindy Hamilton and OPHP representative, Sam Leu, testified for the Board.

Mr. McElroy tested positive on a drug screen and indicated that he had taken his wife's cough syrup to help him sleep. Motion was made by Jim Spoon and seconded by Bill Osborn to find Mr. McElroy guilty as charged, based on the evidence presented. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Bill Osborn to fine Mr. McElroy \$1000.00. Motion passed on roll call vote.

OSBP vs. Med-Tech of Duncan, #13-D-604, Case No. 689:

The Board was called to order by President Allen to hear the case of Med-Tech of Duncan, which is a Medical Gas Supplier licensed with the Board. The owner, Dale Van Houten, chose to appear without Counsel. Grant Moak, Assistant Attorney General, prosecuted the case. Compliance Officer, Terry Bratt, testified for the Board.

Mr. Van Houten was transfilling Oxygen USP without being properly registered with the FDA. Mr. Van Houten was cited for violations concerning, no quality control unit, not properly assaying for identity and strength, work procedures did not meet the CGMP's and record keeping. Mr. Van Houten had ceased operations of the transfilling and had been purchasing the Oxygen USP from a legal source in Duncan.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on clear and convincing evidence, the Respondent be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton to fine the Respondent \$500 per count for a total of \$1000.00. Motion passed on roll call vote.

OSBP vs. DiGi Lorraine Biddle, D.Ph. #11846, Case No. 683:

The case of DiGi Biddle was continued until the November meeting.

OSBP vs. Bryon Pollock, D.Ph. #12799, Case No. 688:

President Allen called the Board to order to hear the case of Bryon Pollock. Mr. Pollock chose to appear without counsel. Grant Moak, Assistant Attorney General, prosecuted for the Board. Compliance Officer, Terry Bratt, testified for the Board.

Mr. Bratt presented documents that had been given to the Board in reference to charges against Mr. Pollock. Mr. Pollock had been found guilty of stealing drugs from the pharmacy and mailing them to members of his family. The crime took place at Altus AFB in Altus, Oklahoma. Mr. Bratt presented statements as to guilt of taking these drugs from the pharmacy, signed by

the Respondent. He was found guilty and fined \$969.00 with 45 days of confinement and dismissed from the service. Mr. Pollock stated that he had made a bad mistake and was very sorry for what he had done. He asked the Board to not revoke his license.

Motion was made by Diana Hampton and seconded by Jim Spoon that based on clear and convincing evidence presented, that Mr. Pollock be found guilty on the 5 counts as charged. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards that based on the finding of guilt, Mr. Pollock's license be suspended for a period of 5 years until October 14, 2008 and that he be fined \$200 per count for a total of \$1000.00. Mr. Pollock will have to appear before the Board to request re-instatement of his license in 2008. Motion passed on roll call vote.

Mr. Richards asked to be excused from the meeting at this time.

OSBP vs. Ryan J. Ritter, D.Ph. #12741, Case No. 684:

President Allen called the Board to order to hear the case of Ryan J. Ritter. Mr. Ritter chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board. An Agreed Order was presented to the Board. Mr. Ritter was charged with consuming approximately 28 pints of Pancof HC and Pancof XP. Mr. Ritter admitted guilt on the 4 counts and if the Board accepts the Agreed Order would agree to the following terms:

1. Respondent's pharmacist license would be suspended for 10 years until October 15, 2013. The suspension is placed on probation as of 10-15-03.
2. Respondent agrees to enter into and abide by a contract with OPHP for the 10-year period.
3. Respondent agrees to pay a fine of \$500 per count for a total of \$2000.
4. Respondent agrees to attend an approved 1-day law seminar in 2003 and 2004 in addition to the required CE.
5. After 5 years of sobriety and continued compliance with OPHP contract, Mr. Ritter may request that the Board waive the remainder of the probation and suspension.

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

The Board adjourned at 5:15 p.m.