

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**October 26, 2004**

#### **Call to order.**

President Jim Spoon called the October 26, 2004 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:40 a.m.

#### **Those present were:**

Board members: Jim Spoon, President  
Bill Osborn, Vice-President  
Jerry Allen, Member  
Dr. Diana Hampton, Member  
John Lassiter, Member  
Gordon Richards, 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: Shauna Peterson, Walgreens  
Michelle Rodriguez, Walgreens  
Rob Crosby, Walgreens  
John Rodden, Wal-Mart  
James Neal, Jr., Wal-Mart

#### **Approval of minutes and claims:**

Motion was made by John Lassiter and seconded by Bill Osborn to approve the minutes of the September 15, 2004 Board meeting. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Gordon Richards to approve expense claims #439-#497, #H427-#H429, September and October Payroll and the expense claims of the Executive Director. Motion passed on roll call vote.

#### **Board discusses letter from Michael Zeghnski, P.I.C. of Pharmicare Specialty Pharmacy in PA:**

A letter from Pharmicare Pharmacy in Pennsylvania was presented to the Board for discussion. The letter was requesting relief from a pharmacy statute.

After reviewing the law, the Board determined that they could not approve the request. The law would have to be changed by the legislature. Mr. Potter will notify Pharmicare Specialty Pharmacy.

#### **Board discusses letter from Linden Pharmacy:**

The Board was presented with a letter from Linden Pharmacy requesting they be able to handle patient assistance drugs from manufacturers for the physicians in their building.

Motion was made by Bill Osborn and seconded by John Lassiter to approve the request providing that they could provide satisfactory protocol for handling the drugs that were not picked up

by the patients. Motion passed on roll call vote.

**Request from Debra Johns for a Graduate Intern license:**

Motion was made by Gordon Richards and seconded by Bill Osborn to approve the request for a graduate intern license for Debra Johns. The license will be issued based on an agreement with Ms. Johns and the Board which would require her to only perform technician duties for the first 200 hours and satisfy the staff as to the number of intern hours. Motion passed on roll call vote.

**Request from OU for approval of a unique training area for Health For Friends, Norman, OK:**

Motion was made by Bill Osborn and seconded by Gordon Richards to approve the request from OU for a unique training area for Health For Friends in Norman, Oklahoma. Motion passed on roll call vote.

**Board discusses letter from Synthon Pharmaceuticals:**

A letter from Synthon Pharmaceuticals regarding product substitution was discussed by the Board. Mr. Potter was directed to contact Synthon regarding substitution of PEXEVA with a product containing a different salt and confirm that the physician would have to be contacted before substituting.

**Shauna Peterson of Walgreens addresses the Board:**

Walgreen's District Manager, Shauna Peterson, made a presentation to the Board regarding their Continuous Quality Improvement (CQI) training for PIC's and also their training of clerks, technicians and pharmacists. This is an ongoing training program for improving and identifying causes of errors and the handling of patrons.

**Board meets with Reciprocity, Score Transfer and NAPLEX candidates:**

The Board interviewed 2 Reciprocities, 2 Score Transfers and 2 NAPLEX applicants both of which are Foreign Graduates. All were accepted upon passing the required exams.

**Reciprocities:**

Travis W. Cooper TX  
Karen Lynn Gibson TX

**Score Transfer:**

Erica Filby NV  
Kyle Filby NV

**NAPLEX:**

Elaine Bessette  
Sophia Christo Zein

**Tandi Reheis presents OPHP report:**

Tandi Reheis, Director of OPHP, presented the Board with an oral report and a handout of the OPHP activities for the past year.

**OSBP vs. Jerry Rulon, D.Ph. #11277 - Case No. 512 - Request for Preceptor License:**

The Board was called to order by President Spoon to hear the request of Jerry Rulon to obtain a preceptor's license.

After a review of the information that was presented, a motion was made by Bill Osborn and seconded by Gordon Richards to approve Mr. Rulon's request for a preceptor license. Motion passed on roll call vote.

**OSBP vs. James Milton Swaim, D.Ph. 8338 and Buy For Less Pharmacy at Penn, #1-3418 - Case No. 712:**

The Board was called to order by President Spoon to hear Case No. 712. Mr. Swaim was present with Counsel Linda Scoggins. Assistant Attorney General, Grant Moak, prosecuted for the Board. Mr. Swaim was charged with failing to address the possible addiction or dependency of a patient to a CDS drug. Medications that were involved were Diazepam, Meperidine, OxyContin,

Endocet and Hydromorphone. There was an excessive quantity of these prescriptions filled over a 4 -year period, which were finally found to be forgeries. Once it was discovered that the physician had not written the prescriptions, Mr. Swaim failed to notify the Board or any other law enforcement agency.

Mr. Swaim entered into an Agreed Order that was accepted by the Board. Mr. Swaim's license was suspended for a period of 5 years until October 26, 2009. The suspension will be stayed except for a period of 28 days, November 1st through November 28, 2004, and then his license will be on probation for the remaining period in which the suspension was stayed. Mr. Swaim will pay a fine of \$10,000 and will attend a one-day law seminar in 2004 & 2005 in addition to the required 15 hours of CE.

The Respondent Pharmacy was placed on probation for a period of 3 years and agreed to pay a fine of \$2500.

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

**OSBP vs. Debra Wells, D.Ph. #12124 - Case No. 724 and OSBP vs. Saffa Compounding Pharmacy, #2-4513 - Case No. 722:**

President Spoon called the Board to order to hear Case 722 and Case 724. Debra Wells and George P. Saffa, owner of Saffa Compounding Pharmacy were present without Counsel. Grant Moak, Assistant Attorney General, presented the Board with the Complaints and also with proposed Agreed Orders for both cases.

Ms. Wells and Mr. Saffa were both charged with the same counts. Schedule II prescriptions had been filled and delivered prior to receiving the written prescription. These prescriptions were not for home infusion patients nor were they for long-term care patients. The respondents sold CII drugs to a physician on several occasions and did not properly use a 222 form for these sales. The Respondents also misbranded prescriptions by using "Sound-a-like" names. i.e., Diazepam was labeled "Valtabs"

Ms. Wells and Mr. Saffa agreed to guilt and to be placed on probation for a period of one year. They also agreed to attend a one-day law seminar in 2004 and 2005 above the required CE. Ms. Wells agreed to pay a fine of \$1250 and Mr. Saffa agreed to pay a fine of \$2500.

Motion was made by John Lassiter and seconded by Diana Hampton to accept the Agreed Order on Case #724. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Jerry Allen to accept the Agreed Order on Case #722. Motion passed on roll call vote.

**Board recessed for lunch**

**Lonny Wilson, of PPOK, makes presentation and request to the Board:**

President Spoon called the Board to order to hear a presentation from Lonny Wilson. It was determined that the request would require a statutory change. The Staff was requested to explore language for possible changes.

**Board adjourned at 3:00**