

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**October 26, 2005**

#### **Call to order:**

The October 26, 2005 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Bill Osborn.

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

Board members: Bill Osborn, President  
Gordon Richards, Vice-President  
John Lassiter, Member  
Jim Spoon, Member  
Dr. Diana Hampton, Member  
Dorothy Gourley, 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: Shauna Peterson, Walgreens  
Bobby Stem, NACDS  
Kim McCown, Compass Vision  
Tandi Reheis, OPHP  
Billy Wilson, OPHP  
Kevin Rich, OPHP  
Don Coody, former Board Member

#### **Approval of Minutes and Claims:**

Motion was made by Jim Spoon and seconded by John Lassiter to approve the minutes of the August 17, 2005 Board meeting. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Diana Hampton to approve expense claims #845-#918, #H6723-#H6726, H7833-H7836, the September payroll claim and the accrued expenses of the Executive Director. Motion passed on roll call vote.

#### **Cancellation of Pharmacist and Technicians:**

The Board reviewed the cancellation list of pharmacist and technicians that did not renew for the months of July and August.

Motion was made by Jim Spoon and seconded by John Lassiter to approve the cancellation list of pharmacist and technicians. Motion passed on roll call vote.

#### **Duplicate Certificate request approved:**

Motion was made by Diana Hampton and seconded by Dorothy Gourley to approve the duplicate D.Ph. certificate request for Julie Bradley, D.Ph. #12512. Motion passed on roll call vote.

#### **Board discusses User fees for online renewals:**

A discussion of User fees for online renewals was held. The Board determined that they would start the process requiring the applicants to pay the User fee.

#### **Board discusses Legislation:**

Mr. Potter indicated that he would send out an information sheet on possible legislation for the next session.

**Board discusses NABP's testing prices and the NAPLEX Summary Report:**

A review of the new prices for examinations by NABP was held. The Board also discussed that the new NABP Summary report of the test grades will be shared with the colleges.

**Board discusses the Wal-Mart Formulary list:**

A review of the Wal-Mart formulary, for their specialty pharmacy, was discussed and the Board determined that it was much broader than what had been described. Mr. Potter was instructed to contact Jerry Moore for more information.

**Board discusses request from Michael Jordan:**

An email, from D.Ph. Michael Jordan, was presented to the Board for discussion. Mr. Jordan requested to be allowed to become a preceptor while on probation.

Motion was made by Jim Spoon and seconded by Gordon Richards that Mr. Jordan's request would not be considered until the fine he owes is paid. Motion passed on roll call vote.

**Approval of reinstatement request from Noel J. McBride, D.Ph. #9931:**

Motion was made by Jim Spoon and seconded by John Lassiter to approve the reinstatement request of Noel McBride. Before practicing in Oklahoma, Mr. McBride would have to appear before the Board. Motion passed on roll call vote.

**OSBP vs. Robert N. Bollman, Technician #550 - Case No. 754:**

President Osborn called the Board to order to hear the case of Robert Bollman. Mr. Bollman chose to appear without Counsel. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Gary LaRue, testified and presented evidence to the Board. Supervising pharmacist for Robert Bollman, Markita Broyles, testified on his behalf. Mr. Bollman had been found guilty of a DUI while awaiting a deferred sentence for a DUI.

Motion was made by Diana Hampton and seconded by John Lassiter that based on the clear and convincing evidence presented, Mr. Bollman be found guilty on all counts. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Dorothy Gourley that Mr. Bollman's technician permit be placed on probation until October 26, 2010, providing that he is evaluated by OPHP and enters into and abides by an OPHP contract. After showing 2 years of compliance with OPHP, he may request to appear before the Board to request that the probation on his license be removed. Motion passed on roll call vote.

**Board meets with 3 Reciprocity, 1 Score Transfer and 3 NAPLEX applicants:**

The Board interviewed 3 Reciprocity, 1 Score Transfer, and 3 NAPLEX applicants. All were accepted upon passing the required exams.

**Reciprocities:**

Thomas Loyd Basinger ..... TX  
Kristie Leigh Geurian ..... SC  
David Eugene McGehee ..... AR

**Score Transfer:**

Lucien Wade Hamra... MO

**NAPLEX:**

Johanna L. Dabbs  
Mansi P. Kumar  
Jennifer A. Washburn

**OSBP vs. Susan Carter, Technician #6506 - Case No. 749:**

President Osborn called the Board to order to hear the case of Susan Carter. Ms. Carter was not present but it was determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Cindy Hamilton testified for the Board. Ms. Carter had admitted to stealing CDS products from the pharmacy where she worked.

Motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Carter be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Jim Spoon to revoke the technician permit of Susan Carter. Motion passed on roll call vote.

**OSBP vs. Aaron M. Long, Technician #8461 - Case No. 755:**

The Board was called to order by President Osborn to hear the case of Aaron Long. Mr. Long was not present but it had been determined that he had been properly notified. Assistant

Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Betty Beil, testified for the Board. Mr. Long had stolen money from his employer.

Motion was made by John Lassiter and seconded by Gordon Richards that based on the clear and convincing evidence presented, Mr. Long be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Dorothy Gourley to revoke the technician permit of Aaron M. Long. Motion passed on roll call vote.

**OPHP meets with Board to discuss the Annual Report and EtG:**

Tandi Reheis, Director of OPHP, presented the OPHP Annual Report to the Board. Kim McKown, of Compass Vision, gave an overview of a report on EtG testing facts. They answered questions from the Board members. President Osborn thanked them for their good work.

**OSBP vs. Mary Jane Watson, D.Ph. #7657 - Case No. 721- Request for Probation:**

The Board was called to order to hear the probation request of Mary Jane Watson. Ms. Watson was present and was represented by Counsel, Joe Crosthwait. After hearing reports from OPHP, the treatment center and Ms. Watson's physician, a motion was made by Dorothy Gourley and seconded by John Lassiter that before Ms. Watson would be allowed to return to work, she would need a letter from OPHP that would indicate that she was "Fit For Duty" and her license would then be placed on probation and she would then be allowed to work in a non-dispensing capacity. Motion passed on roll call vote.

**Board has working lunch:**

The Board continued to meet with a working lunch. Lonnie Wright, Executive Director of Oklahoma Bureau of Narcotics and Dangerous Drugs had lunch with the Board. The Board discussed the different changes made to the OBN rules. The Board thanked Mr. Wright for the changes that were made during the last session.

Mr. Wright and President Osborn will be on a panel and speaking to the National Alliance for Model State Drug Laws at the Methamphetamine Legislative and Policy Conference.

**Representatives for the OU College of Pharmacy meet with the Board:**

Representatives from the OU College of Pharmacy presented the Board with a report regarding the OU Practice rotations. Present were Dean Voth, Mike Burton, Mark Britton, Vince Dennis and Dean Arneson.

A thorough report of the different types of practice rotations covering around 1800 hours was presented. The Board was satisfied with the information received and the programs were accepted as more than adequate. President Osborn thanked them for meeting with the Board and for the information that was presented.

**OSBP vs. Beryl DeVaughan, D.Ph. #5894 - Case No. 760:**

President Osborn called the Board to order to hear the case of Beryl DeVaughan. Mr. DeVaughan was present and was represented by Counsel, Virgil Upchurch. The Board was presented with an Agreed Order.

Mr. DeVaughan had filled CDS prescriptions for a patient for the same drug but different doctors in a short period of time, filled a patient's two refills at the same time and had poor record keeping.

The Agreed Order required a 4-year probation, he must attend a one-day law seminar in the years 2005 & 2006 in addition to the required 15 hours of continuing education and he would also be fined \$2100.00.

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

**OSBP vs. Phillip M. Perot, D.Ph. #9982 - Case No. 756:**

The case of Phillip Perot was continued until the next Board meeting.

**OSBP vs. Lindy Allen Rowland, D.Ph. #10368 - Case No. 761:**

The Board was called to order by President Osborn to hear the case of Lindy Rowland. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Betty Beil,

testified for the Board. Mr. Rowland chose to appear without Counsel.

Mr. Rowland had received two warning notices within a 12-month period. Motion was made by Gordon Richards and seconded by Dorothy Gourley that based on the clear and convincing evidence that was presented, Mr. Rowland be found guilty as charged. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Gordon Richards that Mr. Rowland attend the one-day law seminar in 2005 in addition to the required 15 hours of continuing education and that he view the Error Video furnished by the Board. Motion passed on roll call vote.

**OSBP vs. Lisa J. Campbell, D.Ph. #11834 - Case No. 603B:**

The Board was called to order by President Osborn to hear the case of Lisa Campbell. Ms. Campbell was not present, but it was determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Cindy Hamilton and OPHP Director, Tandi Reheis, testified for the Board.

Motion was made by Diana Hampton and seconded by John Lassiter that based on the clear and convincing evidence that was presented, Ms. Campbell be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Gordon Richards that the pharmacist license of Lisa Campbell be revoked. Motion passed on roll call vote.

**OSBP vs. Kenneth Mark McElroy, D.Ph. #11265 - Case No. 757:**

President Osborn called the Board to order to hear the case of Kenneth Mark McElroy. Mr. McElroy was not present, but it was determined that he had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board. OPHP Director, Tandi Reheis, testified for the Board.

Motion was made by Gordon Richards and seconded by Dorothy Gourley that based on the clear and convincing evidence that was presented, Mr. McElroy be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Gordon Richards that the pharmacist license of Kenneth Mark McElroy be revoked. Motion passed on roll call vote.

**J.R. Enyart of Grand Lake Pharmacy appears before the Board:**

J.R. Enyart appeared before the Board to request approval of his application for a pharmacy license for Grand Lake Pharmacy.

J.R. Enyart appeared before the Board to request a license approval for Grand Lake Pharmacy. Background was presented to the Board. Mr. Enyart had made application and requested an inspection. When the Board representatives went to the location for an inspection, there was an empty building in disrepair and doors wouldn't lock. His application was returned and his license fee less the inspection fee was returned.

Statements made by Mr. Enyart were very confusing as to the pharmacy being an Indian pharmacy, mail order pharmacy or a retail pharmacy. The tribe said that it was not a tribal pharmacy. Mr. Enyart said that it was for the convenience of the tribal members. They have a pharmacy in Miami that furnishes drugs free. He was going to save them money, but was going to charge them.

During the discussion, he indicated that he had been convicted of a felony a number of years ago and could not remember if he had served jail time.

The Board tabled the request until further information was gathered and the pharmacy could pass an opening inspection. Mr. Potter asked Mr. Enyart for a business plan that would show how he could charge the tribe for drugs that they could get free at the present pharmacy and make it a profitable business.

**Board adjourned at 6:30 p.m.**