

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

October 3, 2007

#### Call to order:

The October 3, 2007 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Diana Hampton at 8:00 a.m.

#### Those present were:

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

\*Dorothy Gourley, Vice-President, was unable to attend due to illness.

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

Guests: Laura Petty, Walgreens  
Derek Dennis, Walgreens  
Ryan Walker, Walgreens  
Kay Vaughan, CVS  
Von Davis, Target  
Terry Cothran, Prescription Solutions  
Mark Hansen, Intern  
Barrett Corsini, Intern  
Michaella Lovell, Intern  
Eric Jones, Intern  
Oliver Lackey, Intern  
Diana Eaton, Intern

#### Approval of Minutes and Claims:

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the minutes of the August 29, 2007 Board meeting. Motion passed on roll call vote.

President Hampton indicated she had reviewed the expense claims and the accrued expenses of the Executive Director and all appeared to be in order. Motion was made by John Lassiter and seconded by Gordon Richards to approve expense claims #1658-#1698, #H62240-#H66117, September payroll and the accrued expenses of the Executive Director. Motion passed on roll call vote.

#### Cancellation of Pharmacists, Pharmacies, Facilities, and Technicians:

The Board reviewed the cancellation lists of pharmacists, pharmacies, facilities and technicians that did not renew within the renewal time period.

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the cancellation lists presented. Motion passed on roll call vote.

**Approval of e-mail alert service for newsletter:**

Mr. Potter explained to the Board about the NABP e-mail alert service offered by NABP and asked for the Boards approval to start this service when the online Newsletter starts in January 2008.

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

**Duplicate certificate request approved:**

Motion was made by Jim Spoon and seconded by Gordon Richards to approve the duplicate certificate requests for Dana Leigh Barton, D.Ph. #13014 and Laura Lee Walsingham Rice, D.Ph. #10792. Motion passed on roll call vote.

**Board discusses adequate staffing form:**

A discussion was held regarding the "Adequate Staffing" rule 535:15-3-16. It was determined that Mr. Potter would present a process for implementation at the November meeting.

**Board discusses miscellaneous items:**

Mr. Potter reviewed the Action items from the planning meeting with the Board. He stated that most of the items are completed or are in the process.

Those planning to attend the NCPA meeting in Anaheim, CA on October 13th-16th are Mr. Osborn and Mr. Spoon.

Those planning to attend the NABP District VI meeting in Kansas City on October 24th-26th are Dorothy Gourley, Gordon Richards, Mr. Potter and possibly John Lassiter.

**Board discusses Gary Nichols litigation with Attorney:**

The Board went into Executive Session to discuss litigation with Assistant Attorney General, Sherry Todd and Assistant Attorney General Brinda White. Motion was made to enter into an Executive Session. Motion passed on roll call vote.

**Board meets with Reciprocity and Score Transfer applicants:**

The Board interviewed 10 Reciprocity and 1 Score Transfer applicant. All were accepted upon passing the required exams.

**Reciprocity:**

- Ami Amin.....TX
- Garry Dulane Barnes .....TX
- Christina Linn Casas.....KS
- Mary Anne Chandler .....OH
- Tracy Mar Clagg .....TX
- Tracy Smith Hunter .....AR
- Lynn Arthur Leverton .....TX
- Binh Quoc Nguyen.....TX
- Bruce Edward Pullen .....TX
- Bonnie Sue Webb .....TX

**Score Transfer:**

- Travis Lawler..... TX

**OSBP vs. Hoby Hawkins, D.Ph. #10460 – Case No. 829:**

The Board was called to order by President Hampton to hear the case of Hoby Hawkins. Mr. Hawkins was present with Counsel, David Pomeroy. Assistant Attorney General, Brinda White prosecuted the case.

An Agreed Order was presented to the Board for their approval. Mr. Hawkins had not properly participated in his contract with OPHP. The Agreed Order required Mr. Hawkins to be evaluated by Palmetto. Upon completion of the evaluation, required treatment if necessary and entering into an OPHP contract, Mr. Hawkins may request probation and return to work. This is providing that his treatment provider approves his returning to work.

Motion was made by Bill Osborn and seconded by John Lassiter that the Agreed Order be approved. Motion passed on roll call vote.

**OSBP vs. Gary Short, D.Ph. #7836 – Case No. 806:**

President Hampton called the Board to order to hear the case of Gary Short. Neither Mr. Short nor his Counsel was present. It was established that proper notice had been issued. Assistant Attorney General, Brinda White prosecuted the case.

A motion to dismiss had been made by Mr. Short's Counsel during the June hearing and had not been acted on before a continuation was implemented. A motion was made by Bill Osborn and seconded by Jim Spoon to dismiss Count XII as requested by the respondent. Motion passed on roll call vote.

A review of previous testimony was offered by Brinda White and a review in summary was promised. Compliance Officer, Betty Beil testified for the Board as well as Kim McKown of OPHP. Kim McKown testified on Mr. Short's participation with OPHP. Exhibits were presented and accepted by the Board.

Assistant Attorney General, Brinda White explained and reviewed the testimony that had been presented and detailed the many times that Mr. Short's Counsel had been contacted by phone, e-mail and certified letter with no response ever being received.

Motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence that was presented, Mr. Short be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Jim Spoon that the pharmacist license of Gary Short be suspended indefinitely. He may request probation of his license upon showing compliance with an OPHP contract for a period of 1 year and recommendation of OPHP that he is fit for the practice of pharmacy. Motion passed on roll call vote.

President Hampton requested that Mr. Potter sign the Final Order and that a copy be sent to Mr. Short and his Counsel.

**OSBP vs. Barbara J. Caldwell, Technician #7881 – Case No. 831:**

The case of Barbara Caldwell was continued until the next meeting.

**OSBP vs. Lou Ann Ervin, Technician #8180 – Case No. 832:**

The Board was called to order to hear the case of Lou Ann Ervin. Ms. Ervin was not present but it had been determined that she had been properly notified. Brinda White, Assistant Attorney General was prosecutor for the case. Compliance Officer, Cindy Hamilton testified for the Board.

Ms. Ervin has stolen CDS drugs from her employer and then sold them. Motion was made by John Lassiter and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Ervin be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Bill Osborn that the technician license of Lou Ann Ervin be revoked. Motion passed on roll call vote.

**OSBP vs. Michelle Shea, Technician #10564 – Case No. 833:**

President Hampton called the Board to order to hear the case of Michelle Shea. Ms. Shea was not present but it had been determined that she had been properly notified. Brinda White, Assistant Attorney General, was prosecutor for the case. Compliance Officer, Cindy Hamilton, testified for the Board.

Ms. Shea was working in 3 pharmacies and was caught stealing CDS drugs from each pharmacy. Audits for these pharmacies showed shortages on the same drugs.

Motion was made by John Lassiter and seconded by Jim Spoon that based on the clear and convincing evidence presented, Ms. Shea be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Gordon Richards that the technician permit of Michelle Shea be revoked. Motion passed on roll call vote.

**OSBP vs. Bryan T. Stauffer, Technician #4101 – Case No. 834:**

The Board was called to order to hear the case of Bryan Stauffer. Mr. Stauffer had signed an Agreed Order admitting guilt and accepting the revocation of his technician license.

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

Mr. Lassiter asked to be excused for the afternoon in order to attend a funeral.

**OSBP vs. Michael Wright, Technician #9170 – Case No. 835:**

The case of Michael Wright was continued until the next meeting.

**Board recessed for lunch:**

President Hampton recessed the Board for lunch until 1:30 p.m.

**OSBP vs. Clay Tyler Haisten, D.Ph. #11522 – Case No. 828:**

The Board was called to order to hear the case of Clay Haisten. Mr. Haisten was present with Counsel, Richard Mildren. Assistant Attorney General, Brinda White, prosecutor for the Board, presented the Board with an Agreed Order.

In the Agreed Order, Mr. Haisten admits guilt on 11 counts. His license would be suspended for a period of 10 years, he would be required to enter into a contract with OPHP, have an evaluation and enter into treatment if required. He would also agree to pay a fine of \$4000.00.

Motion was made by Bill Osborn and seconded by Gordon Richards to approve the Agreed Order. Motion passed on roll call vote.

**OSBP vs. Milton Simpson, D.Ph. #13085 – Case No. 830:**

President Hampton called the meeting to order to hear the case of Milton Simpson. Mr. Simpson was present with Counsel, Richard Mildren. Brinda White, Assistant Attorney General, presented the Board with an Agreed Order.

In the Agreed Order, Mr. Simpson admits guilt on all 5 counts. His license would be suspended for a period of 10 years. He would agree to be evaluated for substance abuse by an OPHP approved professional and enter and complete treatment if the evaluation finds that he has an abuse problem. He may ask the Board for probation of his license if the evaluation indicates that he does not have a substance abuse problem and that he may return to work. Probation may also be granted providing compliance with his OPHP contract and shows that resumed practice would not put the public at risk. Mr. Simpson would also agree to pay a fine of \$5000.

Motion was made by Gordon Richards and seconded by Bill Osborn to accept the Agreed

Order. Motion passed on roll call vote.

**OSBP vs. Aimee Vaughn, Technician #9860 – Case No. 827:**

The Board was called to order to hear the case of Aimee Vaughn. An Agreed Order was presented to the Board by Ms. Vaughn's Counsel, J.P. Longacre.

Ms. Vaughn admits guilt and understands that her technician permit is to be revoked. Motion was made by Jim Spoon and seconded by Bill Osborn to accept the Agreed Order. Motion passed on roll call vote.

**OSBP vs. Lisa Atwood, D.Ph. #12272 – Case No. 836:**

The case of Lisa Atwood will be continued until the next meeting.

**Next Board meeting confirmed:**

The next Board meeting will be Wednesday November 7, 2007.

**Board adjourned at 2:15 p.m.**