

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112
Oklahoma City, OK 73105-3413

October 22, 2008

Call to order:

The October 22, 2008 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Dorothy Gourley at 8:20 a.m.

Those present were:

Board members: Dorothy Gourley, President
Jim Spoon, Vice-President
Gordon Richards, Member
Bill Osborn, Member
John Lassiter, 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: Donald F. West, Visitor
Laura Petty, Walgreens
Derek Dennis, Walgreens
Ryan Walker, Walgreens
James Kirk, CVS
Becca Baugher, Cardinal
Anthony Chung, Wal-Mart
Jason Howard, Intern
Christy Tran, Intern
Cheri Lemons, Intern
Jeffrey S. Yanchick, ATI Career Training Instructor
Zachary Hairston, ATI Career Training
Patricia Moore, ATI Career Training
Kaysi Davis-Reed, ATI Career Training
Teshina Davis, ATI Career Training
Stacey Moore, ARI Career Training

Approval of Minutes and Claims:

Motion was made by John Lassiter and seconded by Jim Spoon to approve the minutes of the August and September Board meetings. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Jim Spoon to approve expense claims #2046-#2117, #H0105795-#H0105799, #H0110354-#H0110358, August and 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 Gordon Richards and seconded by Jim Spoon to approve the cancellation list presented. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bill Osborn and seconded by Gordon Richards to approve the duplicate certificate requests for Amy Diane Acosta, D.Ph. #13644, Lori B. Greene, D.Ph. #14141, Stacie Ann Wilson, D.Ph. #14063, and Merin Chempakaseril, D.Ph. #14235. Motion passed on roll call vote.

Board discusses letter from Todd Pendergraft regarding destruction of unused prescriptions and OTC:

The Board discussed a letter from Todd Pendergraft regarding destruction of both prescription and OTC drugs.

After the discussion, it was determined that the law was adequate and that the Association may possibly want to come up with guidelines to promote pharmacist destruction of these drugs. Mr. Potter was directed to send a letter to Mr. Pendergraft and to OPHA.

Board discusses the request of Terry Cothran of Prescription Solutions:

The Board discussed a request from Terry Cothran of Prescription Solutions. The request was for the Board to allow a temporary pharmacy license for their company. The company is a non-dispensing company that is a call center with 28 pharmacists that review prescriptions, set up billing by third party, and consult with patients by phone. They have another unit in Kansas City and would like to do work for Kansas patients but they need an out of state license from the Kansas Board of Pharmacy. They can't get the Kansas license unless they are licensed in their home state.

After a discussion, the Board indicated that there were plans for the next legislative session to start licensing "Non-Dispensing Pharmacies" and that they could not issue a temporary license. They indicated that Pharmacy Solutions would have to wait. Mr. Cothran was asked to serve on the rules committee for this process.

Board approves special training site:

A request for a special training area for the OKC-Tulsa Library was presented to the Board.

After discussion, a motion was made by Bill Osborn and seconded by Jim Spoon to approve this special training area. Motion passed on roll call vote.

Board set November meeting:

The Board set Thursday, November 20th, 2008 at 8:30 am for the next Board meeting. The Board indicated that we should have a Christmas lunch at this meeting.

OSBP vs. Eric Livingston, Technician #10372 – Case No. 887:

The Board was called to order to hear the case of Eric Livingston. Mr. Livingston was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White prosecuted the case. Those testifying for the Board were Compliance Officer, Betty Beil, Officer Travis Ludwig of the Tulsa Police Department and Christopher Kahmke, of Walgreens Loss Prevention.

Witnesses testified that Mr. Livingston's apartment had been searched and large quantities of drugs were found. Mr. Livingston admitted that he had stolen the drugs from his

workplace. He failed to report to work and refused an interview with Christopher Kahmke of Loss Prevention. His employment was terminated. There have been no charges filed by the Tulsa DA at this time.

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

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

OSBP vs. Steven P. Reitnauer, Technician #2701 – Case No. 889:

President Gourley called the Board to order to hear the case of Steven Reitnauer. Mr. Reitnauer was not present but it was determined that he had been properly notified. Brinda White, Assistant Attorney General prosecuted the case. Testifying for the Board were Compliance Officer, Betty Beil and Woody Acton, D.Ph.

The Board heard testimony from the witnesses that Mr. Reitnauer had stolen a carded prescription of 120 Hydromorphone 8 mg tablets from the pharmacy where he worked. He was confronted and the medication was retrieved. He indicated that it was for his personal use. Mr. Reitnauer was fired and escorted from the building. The police had been called and were waiting outside. He was interviewed but was not arrested and at this time no charges have been filed by the Tulsa Police or the D.A.

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

Motion was made by John Lassiter and seconded by Diana Hampton that the technician permit of Steven Reitnauer be revoked. Motion passed on roll call vote.

OSBP vs. Jennifer George-Terry, Technician #6454 – Case No. 884:

The Board was called to order by President Gourley to hear the case of Jennifer George-Terry. Ms. George-Terry was present and chose to appear without Counsel. Assistant Attorney General, Brinda White prosecuted the case. Compliance Officer, Cindy Hamilton and Bureau of Narcotics agent, Larry Carter, testified for the Board.

Evidence and a statement from Ms. George-Terry stating that she had stolen CDS for her own use were presented to the Board.

Motion was made by John Lassiter and seconded by Jim Spoon that based on the clear and convincing evidence and testimony presented the Ms. George-Terry be found guilty as charged. Motion passed on roll call vote.

Motion was made by John Lassiter and seconded by Jim Spoon that the technician permit of Jennifer George-Terry be revoked. Motion passed on roll call vote.

OSBP vs. Robert N. Bollman, Technician #550 – Case No. 754 – Requesting probation be lifted:

The Board was called to order to hear the request of Robert N. Bollman asking that his probation be lifted. Mr. Bollman was present with OPHP Director Marc Whitt. Mr. Bollman explained the treatment that he had been through with OPHP. Mr. Whitt gave a report from OPHP recommending that Mr. Bollman be taken off of probation.

Motion was made by Jim Spoon and seconded by Diana Hampton to lift the probation from his technician permit. Motion passed on roll call vote.

Board meets with Reciprocities and Score Transfer applicants:

The Board interviewed 6 Reciprocity and 3 Score Transfer applicants. All were accepted upon passing the Oklahoma Jurisprudence Exam.

Reciprocity:

Cynthia Ann Bamburg..... MS
Sharon Elizabeth Evans.... TX
Ronald Benjamin Koehler . CO
Charles M. McDow..... TX
Deborah Ann Pilgrim..... TX
James West ID

Score Transfer:

Carrie Clark MO
Beth Marie Warren..... WI
Rebecca Lynn Warren TX

OSBP vs. Ryan Ritter, D.Ph. #12741 – Case No. 684 – Requesting probation be lifted:

The Board was called to order by President Gourley to hear a request from Ryan Ritter. He was accompanied by his wife and his dad, Don Ritter. OPHP Director, Marc Whitt was also present to testify on his behalf.

After a testimony and a brief discussion with questions and answers it was determined that Mr. Ritter had completed his transition period with OPHP and received a “Fit for Duty” evaluation from Valley Hope.

Motion was made by Jim Spoon and seconded by Bill Osborn to remove the probation action against his license. Motion passed on roll call vote.

OSBP vs. Mark McCullough, D.Ph. #10336 – Case No. 494A – Request to Amend Order:

President Gourley called the Board to order to hear the request of Mark McCullough. The Board had required Mr. McCullough to work 1500 hours as an Intern and then his license would be placed on probation. Mr. McCullough and Marc Whitt of OPHP both testified that it was difficult to get an Intern position working 1500 hours.

After a discussion by the Board, a motion was made by Jim Spoon and seconded by Bill Osborn to issue a new order requiring 1000 hours of internship followed by 500 hours working as a pharmacist with another pharmacist before obtaining full probation. Motion passed on roll call vote.

Marc Whitt of OPHP presents Annual Report:

President Gourley called on Marc Whitt and Kevin Rich of OPHP to present their annual report. Kevin Rich passed out a copy of the OPHP Annual Report to each Board member and then reviewed the report with the Board.

The Board complimented OPHP for their good work. Some of the members had had interaction with other professional impaired groups and stated that the other groups did not compare to OPHP. President Gourley thanked them for sharing the report.

Board recessed for lunch:

President Gourley recessed the Board for lunch.

OSBP vs. Richard Harkins, D.Ph. #9271 and Walgreens No. 3039, #2-3777 – Case No. 880:

The Board was called to order to hear the case of Richard Harkins and Walgreens 3039. Mr. Harkins was present with Counsel, Doug Rice. Walgreens District Manager, Ryan Walker was also present.

The Board had not been notified by Walgreens of a change of pharmacy managers and had not received a CDS inventory for the change of PIC.

Brinda White, Assistant Attorney General, presented two Agreed Orders. If the Board accepts the Agreed Orders, the respondents would agree to the following:

- 1) Mr Harkins admits guilt and is fined \$250.00 and shall attend a one day law seminar in December in addition to his required 15 hours of C.E.

- 2) Walgreens admits guilt and is fined \$1000.00 and agrees to send all of their Oklahoma District Managers to the December Law Seminar.

Motion was made by Bill Osborn and seconded by John Lassiter to accept the Agreed Orders. Motion passed on roll call vote.

OSBP vs. Theresa Tippet, D.Ph. #13780 – Case No. 881:

President Gourley called the meeting to order to hear the case of Theresa Tippet. Ms. Tippet was not present but it had been determined that she had been properly notified. Assistant Attorney General, Brinda White prosecuted the case. Those testifying for the Board were Compliance Officer, Cindy Hamilton, CVS Loss Prevention, David Welsh and OPHP Director Marc Whitt.

Ms. Tippet had been stealing CDS for her personal use and when she was confronted by David Welsh, she admitted to taking the drugs. OPHP representative, Marc Whitt testified that she signed an OPHP contract but a short time later, she called and said that she was not going to continue her contract. She sent a letter to the Board dropping her pharmacist license.

After reviewing the evidence presented and hearing testimony, a motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Tippet be found guilty on all counts.

Motion was made by Jim Spoon and seconded by Diana Hampton to revoke the pharmacist license of Theresa Tippet. Motion passed on roll call vote.

OSBP vs. Kevin Black, D.Ph. #9717 and Black Drug, #30-4476 – Case No. 890:

The case of Kevin Black and Black Drug was continued until the next meeting.

OSBP vs. Katie Burton, Technician #11771 – Case No. 883:

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

After reviewing evidence and testimony presented including a statement by Ms. Burton admitting guilt, a motion was made by Jim Spoon and seconded by Gordon Richards that based on the clear and convincing evidence presented, Ms. Burton be found guilty on all counts. Motion passed on roll call vote.

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

OSBP vs. Lindsay R. Gilliland, Technician #10136 – Case No. 885:

President Gourley called the Board to order to hear the case of Lindsay Gilliland. Ms. Gilliland was not present but had submitted a signed Agreed Order admitting guilt to stealing CDS and accepting revocation of her technician permit.

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

OSBP vs. Kaly McManus, Technician #10701 – Case No. 888:

The Board was called to order to hear the case of Kaly McManus. Ms. McManus was not present but had submitted a signed Agreed Order admitting guilt to stealing CDS and accepting revocation of her technician permit.

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

OSBP vs. Jamie D. Head, Technician #11238 – Case No. 886:

President Gourley called the Board to order to hear the case of Jamie Head. Ms. Head was not present but it was determined that she had been properly notified. Brinda White, Assistant Attorney General, prosecuted the case. Compliance Officer, Gary LaRue testified for the Board. Ms. Head had admitted to stealing CDS.

Motion was made by Diana Hampton and seconded by Bill Osborn that based on the clear and convincing evidence presented, Ms. Head be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Diana Hampton and seconded by Bill Osborn to revoke the technician permit of Jamie D. Head. Motion passed on roll call vote.

Board adjourned at 4:00 p.m.