

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

4545 Lincoln Boulevard, Suite 112

Oklahoma City, OK 73105-3488

November 20, 2002

Call to order:

The November 20, 2002 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Janis McAllister at 9:30 a.m.

Those present were:

Board members: Janis McAllister, President
Jerry Allen, Vice-President
Thomas F. Dudley, Member
William Earl Osborn, Member
Jim Spoon, Member
Bob Summers, Member

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

Approval of Minutes and claims:

Motion was made by Bob Summers and seconded by Jim Spoon to approve the minutes of the September 25 & 26, 2002 Board meeting. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Jim Spoon to approve expense claims #131-#214 and #3007. Motion passed on roll call vote.

Motion was made by Bill Osborn and seconded by Jim Spoon to approve the expenses of the Executive Director. Motion passed on roll call vote.

Duplicate certificate request approved:

Motion was made by Bob Summers and seconded by Tom Dudley to approve the duplicate DPh certificate request from Chelle Hale Melton, D.Ph. #11038 and Lien Thi Phan, D.Ph. #11144. Motion passed on roll call vote.

Board approves Special Training areas for OU College of Pharmacy:

A request from the OU College of Pharmacy was presented to the Board. They were asking the Board that May's Drug Store Corporate Office and the Drug Room at Orthopedic Hospital of Oklahoma be approved as a special training site.

Motion was made by William Osborn and seconded by Bob Summers to approve the request from OU. Motion passed on roll call vote.

Board discusses letter sent to Jim Spoon:

The Board held a discussion regarding Intern licenses. Jim Spoon had received mail from different people indicating that it was a hardship for the Interns to post their license where they are working because they move around on rotations. The consensus was that the license is the responsibility of the Intern but that a provision would be made in the rules that would allow them to have multiple licenses similar to the technician's duplicate license that is marked "Multiple Location". The staff was instructed to include something in the rules for this session.

Discussion of OPHP Criteria Guidelines for Non-Compliance reports:

Guidelines on reporting from OPHP were presented to the Board for approval. After a short discussion, the Board approved the OPHP Criteria for Noncompliance reports.

Request from Frank Reid for an interpretation of law:

Frank Reid sent a letter to the Board requesting an interpretation of law regarding the filling of Pyxis type machines in hospitals. The Board reviewed the hospital rules and agreed that the rules do allow a technician to fill these machines.

Board holds a discussion on other State newsletters:

The Board discussed and reviewed other state newsletters that are received by the Board. No action was taken to change our newsletter.

Complaint Consideration:

Compliance Officer, Gary LaRue, presented 4 cases to the Board to consider hearing. Motion was made by Jerry Allen and seconded by Tom Dudley to hear the complaints. Motion passed on roll call vote.

Board meets with Reciprocity, Score Transfer and NAPLEX applicants:

The Board interviewed 7 Reciprocity applicants, 2 Score Transfer applicants and 1 NAPLEX applicant. All were accepted upon passing the Law exam and NAPLEX if applicable.

Reciprocities:

Deana Badawi Atassi	MI
William Lampkin Calhoun, Jr.	MS
Erin Diane Callen	NV
Sheryl Lyn Gutierrez	NC
Timothy Edward Heird	AR
Nicole Lea Mitchell	TX
Jason Scott Redwine	TX

Score Transfer:

Deborah Annette Cottle	MO
Carol Ann Wright	NE

NAPLEX:

Julie Nguyen

OSBP vs. Cathy Ann Hall, Technician #5098, Case No. 640:

The Board was called to order to hear the case of technician Cathy Ann Hall. Compliance Officers, Betty Beil, Cindy Hamilton, Gary LaRue and Inspector, Terry Bratt were all present for the Board. Assistant Attorney General, Grant Moak was prosecutor for the case. Med-X Loss Prevention, Doug Hespe and Med-X District Manager, Jason Cuaderes were also present. Ms. Hall was not present. It had been determined that Ms. Hall had been notified properly. Mr. Hespe testified for the State and presented a video of the respondent stealing drugs at a Med-X pharmacy.

Motion was made by Bob Summers and seconded by Tom Dudley that based on clear and convincing evidence that was presented, Ms. Hall be found guilty on all counts. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Bill Osborn to revoke the technician permit of Cathy Hall. Motion passed on roll call vote.

OSBP vs. Harold R. Hutton, D.Ph. #7373, Case No. 642:

President McAllister called the Board to order to hear the case of Harold R. Hutton. Mr. Hutton chose to appear before the Board without counsel. Assistant Attorney General, Grant Moak prosecuted the case. Mr. Hutton had been issued 2 warning notices in a 12-month period. One warning was given because he had failed to remove out of date drugs from the pharmacy in the appropriate timeframe. The second warning was given because Mr. Hutton had given the wrong prescription to a patient and did not make an effort to warn the patient's mother of the mistake.

After testimony from Mr. Hutton and reviewing the evidence presented, a motion was made by Tom Dudley and seconded by Bill Osborn that based on clear and convincing evidence, Mr. Hutton be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to place a Letter of Reprimand in Mr. Hutton's file for a period of 1 year. Mr. Hutton would complete the CE on Errors and report the information to the Board within 90 days. Motion passed on roll call vote.

OSBP vs. Kaushik Daji, D.Ph. #11326, Case No. 644:

The Board was called to order to hear the case of Kaushik Daji. Grant Moak, Assistant Attorney General prosecuted for the Board. Mr. Daji had been issued 2 warning notices in a 12-month period. These warnings were issued to Mr. Daji for mis-filling prescriptions.

After review and discussion by the Board, a motion was made by Bob Summers and seconded by Jerry Allen that based on clear and convincing evidence presented, that Mr. Daji be found guilty as charged. Motion passed on roll call vote.

Motion was made by Jim Spoon and seconded by Jerry Allen to place a Letter of Reprimand in Mr. Daji's file for a period of 1 year. Mr. Daji would complete the CE on Errors and report the information to the Board within 90 days. Motion passed on roll call vote.

OSBP vs. Kenneth Mark McElroy, D.Ph. #11265, Case No. 638:

The Board was called to order by President McAllister to hear the case of Kenneth Mark McElroy. Assistant Attorney General, Grant Moak, prosecuted the case. Mr. Moak presented a possible Agreed Order to the Board for their review.

The Agreed Order stated that Mr. McElroy's license would be suspended until November 19, 2012. The suspension would be stayed and the license would be placed on probation for that period provided that he follows the terms of probation. Mr. McElroy must enter into and abide by a contract with OPHP. He must attend a one-day law seminar in 2003 & 2004 in addition to the required 15 hours of CE and he will pay a fine of \$1000. Motion was made by Jerry Allen and seconded by Tom Dudley to accept the Agreed Order. Motion passed on roll call vote.

Board recessed for lunch

OSBP vs. Katherine S. Dossey, D.Ph. #10322, Case No. 637:

President McAllister called the Board to order to hear the case of Katherine Dossey. Assistant Attorney General, Grant Moak, prosecuted the case for the Board. Compliance Officer, Betty Beil and Katherine Dossey were each given an opportunity to give testimony. Ms. Dossey chose to appear without Counsel and spoke on her own behalf.

Ms. Dossey was charged with receiving and delivering prescriptions in an unlicensed location that had been advertised and also had signage indicating that the location was a pharmacy. The Board heard testimony and reviewed the evidence presented.

Motion was made by Jim Spoon and seconded by Tom Dudley that based on clear and convincing evidence which was presented, Ms. Dossey be found guilty on all 5 counts. Motion passed on roll call vote.

Motion was made by Bob Summers and seconded by Tom Dudley that Ms. Dossey be fined \$500 per count for a total of \$2500.00 and be required to attend a one-day law seminar in 2003 & 2004 in addition to the 15 hours of required CE. Motion passed on roll call vote.

OSBP vs. Stephen Nicholas, D.Ph. #11307, Case No. 643:

The Board was called to order to hear the case of Stephen Nicholas. The Board began by reviewing the Complaint. Assistant Attorney General, Grant Moak presented an Agreed Order to the Board. In the Agreed Order, the Respondent would agree to his license being suspended for a period of 10 years. He would complete an inpatient treatment program and would enter into and abide by a contract with OPHP. Mr. Nicholas would attend a one-day law seminar in 2003 & 2004 in addition to the required 15 hours of CE. Upon completing one year of continued sobriety, which will be documented by OPHP, at that time, Mr. Nicholas could appear before the Board and request that his license be placed on probation. Motion was made by Jerry Allen and seconded by Bob Summers to accept the Agreed Order. Motion passed on roll call vote.

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

The Board was called to order to hear the case of G. Geoffrey Craig. The Board began by reviewing the Complaint. Assistant Attorney General, Grant Moak presented an Agreed Order to the Board for approval. It was stated in the Agreed Order that the Respondent would agree to his license being suspended for a period of 10 years. The suspension would be stayed and placed on probation provided that Mr. Craig could show proof that he had completed an inpatient treatment program and would enter into and abide by a contract with OPHP. Mr. Craig would have to attend a one-day law seminar in 2003 & 2004 in addition to the required 15 hours of CE. He would also have to pay a fine of \$1000.00. Motion was made by Tom Dudley and seconded by Bill Osborn to accept the Agreed Order. Motion passed on roll call vote.

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

The Board was called to order to hear the case of Genevieve Earley. The Board began by reviewing the Complaint. Assistant Attorney General, Grant Moak presented an Agreed Order to the Board for approval. It was stated in the Agreed Order that the Respondent would agree to her license being suspended for a period of 10 years and that the suspension would be stayed and placed on probation provided that Ms. Earley would enter into and abide by a contract with OPHP. Ms. Earley would have to attend a one-day law seminar in 2003 & 2004 in addition to the required 15 hours of CE. Motion was made by Bill Osborn and seconded by Jim Spoon to accept the Agreed Order. Motion passed on roll call vote.

The Board was recessed by President McAllister until the following morning, November 21, at 8:30 a.m.

MINUTES
OKLAHOMA STATE BOARD OF PHARMACY
4545 Lincoln Boulevard, Suite 112
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November 21, 2002

Call to order:

The November 21, 2002 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Janis McAllister at 8:30 a.m.

Those present were:

Board members: Janis McAllister, President
 Jerry Allen, Vice-President
 Thomas F. Dudley, Member
 William Earl Osborn, Member
 Jim Spoon, Member
 Bob Summers, Member

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

Review of new rules and possible changes:

The Board held a discussion regarding promulgation of rules for the next session. These would include making the immunization rules permanent. The rules on Drug Rooms for small hospitals should be completed this month. The Board instructed the staff to proceed with the draft rules and to circulate them through the Board. A special meeting may be held if necessary.

OSBP vs. Dani Dianne Lynch, D.Ph. #10335, Case No. 635:

The Board was called to order by President McAllister to hear the case of Dani Lynch. Ms. Lynch was present with Counsel, Allen Campbell. Ms. Lynch had allowed a non-licensed person to have access to the pharmacy and had allowed them to be in the pharmacy alone, which resulted in a significant loss of CDS.

The Complaint was presented to the Board for review. Grant Moak, Assistant Attorney General presented the Board with a possible Agreed Order that would suspend Ms. Lynch's pharmacist license for a period of 1 year. The suspension would be stayed and placed on probation provided that she pay a fine of \$1750.00 and attend a one-day law seminar in 2003 & 2004 in addition to the required CE. Motion was made by Bob Summers and seconded by Tom Dudley to accept the Agreed Order. Motion passed on roll call vote.

Bobby Ramsey appear before the Board for reinstatement of his license:

President McAllister called the Board to order to interview D.Ph. Bobby Ramsey. Mr. Ramsey had requested reinstatement of his pharmacist license, which had been cancelled since 1996.

Motion was made by Jim Spoon and seconded by Jerry Allen to approve the reinstatement request of Bobby Ramsey upon his completion of working 400 hours with another pharmacist. Motion passed on roll call vote.

OSBP vs. S-W Pharmacon, #1-3788, Case No. 641:

The Board was called to order to hear the case of S-W Pharmacon. The Complaint was presented to the Board for review. The respondent had allowed employees in the pharmacy without a pharmacist on duty. They also failed to establish and maintain effective controls against diversion of prescription drugs.

Grant Moak, Assistant Attorney General, presented an Agreed Order to the Board for their review. The Order would suspend the pharmacy license until June 30, 2004 and the suspension would be stayed and placed on probation. The Respondent would agree to implement a "Plan of Correction" and would pay a fine of \$4,000.00. Motion was made by Tom Dudley and seconded by Bob Summers to accept the Agreed Order. Motion passed on roll call vote.

Board recessed for lunch

Board meets with Interns, Robert Lacy and Sherry Ray:

President McAllister called the Board to order to interview Interns, Robert Lacy and Sherry Ray. The interns had let their Intern license expire and had continued their rotations. After review and testimony of the Interns, it was agreed not to impose sanctions providing they agreed to attend a one-day law seminar in 2003 in addition to their regular CE. Both Interns agreed.

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OSBP vs. John Cleveland, D.Ph. #8989, Case No. 639:

The Board was called to order to hear the case of John Cleveland. Mr. Cleveland was present with Counsel, Miles Zimmerman. Assistant Attorney General, Grant Moak, was prosecutor for the Board. Mr. Zimmerman stipulated to the charges in the Complaint. The charges listed in the Complaint were that Mr. Cleveland was allowing someone other than a pharmacist to provide patient counseling, allowing a non-pharmacist to enter and operate the pharmacy in the absence of the pharmacist and failed to establish and maintain effective controls against diversion of prescription drugs.

Based on the stipulation by the Respondent, a motion was made by Bob Summers and seconded by Jerry Allen to find Mr. Cleveland guilty on all 4 counts. Motion passed on roll call vote.

Motion was made by Tom Dudley and seconded by Bill Osborn to suspend Mr. Cleveland's license for 2 years. The suspension was stayed and placed on probation provided that Mr. Cleveland attend a one-day law seminar in 2003 & 2004 in addition to the 15 required hours of CE. He will also pay a fine of \$2000.00. The first payment of \$1000.00 will be due on January 1, 2003 and the remaining \$1000.00 will be due on March 1, 2003. Motion passed on roll call vote.

OSBP vs. Barry E. Craig, D.Ph. #11238, Case No. 590:

President McAllister called the Board to order to hear the case of Barry Craig. Mr. Craig chose to appear before the Board without Counsel. Grant Moak, Assistant Attorney General, was prosecutor for the Board. The Complaint was given to the Board for their review. The Complaint requested that Mr. Craig's probation be revoked for violations of his March 2001 Board Order. Mr. Moak presented an Agreed Order to the Board that would revoke the probation and suspend Mr. Craig's license until March of 2011. Mr. Craig may appear before the Board to request probation upon completion of 120 days of sobriety, which has been documented by OPHP.

Motion was made by Tom Dudley and seconded by Bob Summers to accept the Agreed Order. Motion passed on roll call vote.

Board adjourned at 3:30 p.m.