

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**November 17, 2004**

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

The November 17, 2004 Board meeting of the Oklahoma State Board of Pharmacy (OSBP) was called to order by President Jim Spoon.

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

Board members: Jim Spoon, President  
Bill Osborn, Vice-President  
Jerry Allen, Member  
John Lassiter, Member  
Gordon Richards, Member  
Dr. 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: John Rodden, Wal-Mart  
Shauna Peterson, Walgreens

#### **Approval of Minutes and claims:**

Motion was made by John Lassiter and seconded by Jerry Allen to approve the minutes of the October 26, 2004 Board meeting. Motion passed on roll call vote.

Motion was made by Jerry Allen and seconded by Diana Hampton to approve expense claims #498-#526, #H529-#H532, the corrected October payroll claim and the accrued expenses of the Executive Director. Motion passed on roll call vote.

#### **Board discusses request from Foreign Pharmacy Graduate, Tania May Eyadiel:**

The Board discussed the request of Foreign Pharmacy Graduate, Tania Eyadiel. She was asking that the Board approve the Intern hours that she had worked at CVS Pharmacy.

Motion was made by Jerry Allen and seconded by Bill Osborn to approve the request. Motion passed on roll call vote.

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

Motion was made by Diana Hampton and seconded by Gordon Richards to approve the duplicate D.Ph. certificate request for Lisa Janet Boisselle, D.Ph. #11079 and for Catherine M. Smith, D.Ph. #12005. Motion passed on roll call vote.

#### **OSBP vs. Bobbi N. Erwin, Technician #7792 - Case No. 725:**

President Spoon called the Board to order to hear the case of Bobbi Erwin. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Betty Beil, testified for the Board. Ms. Erwin had stolen CDS from her employer.

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

Motion was made by Jerry Allen and seconded by Gordon Richards to permanently revoke Ms. Erwin's technician permit. Motion passed on roll call vote.

**OSBP vs. David Rogers, Technician #8053 - Case No. 726:**

The Board was called to order to hear the case of David Rogers. Grant Moak, Assistant Attorney General, prosecuted for the Board. Pharmacy Inspector Terry Bratt, testified for the Board. Mr. Rogers was not present but it had been determined that he had been properly notified. Mr. Rogers admitted stealing CDS and other drugs and merchandise from his employer.

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

Motion was made by Gordon Richards and seconded by Jerry Allen to permanently revoke Mr. Roger's technician permit. Motion passed on roll call vote.

**Kristi Cook appears before the Board to request a technician permit:**

President Spoon called the Board to order to hear the request from Kristi Cook. Mr. Potter presented the information, which was presented by Ms. Cook on her technician application. Ms. Cook's statement had not matched her record that was reported by OSBI. Mr. Potter had denied the application and advised her of the ability to appeal his decision to the Board. She explained that her problems had occurred almost 10 years ago and that she had misunderstood the question on the application.

After reviewing the information, a motion was made by Diana Hampton and seconded by Gordon Richards to accept Ms. Cook's application for a technician permit. Motion passed on roll call vote.

**Board meets with 6 Reciprocity and 1 Score Transfer applicant:**

The Board interviewed 6 Reciprocity applicants and 1 Score Transfer applicant. All were accepted upon passing the Law exam.

**Reciprocities:**

David Seth Carter	MO
Michelle L. Carter	MO
Jon Ference	PA
Kim Hritzak	PA
Helena Hyun Kim	MD
James Robert McAlpin	MS

**Score Transfer:**

Amy Jean Albertson UT

Denise K. Kaul MI \*\*

*\*\* Ms. Kaul interviewed with the Board in September but did not get licensed until November.*

**OSBP vs. Stephanie Conine, Technician #4994 - Case No. 727:**

President Spoon called the Board to order to hear the case of Stephanie Conine. Assistant Attorney General, Grant Moak, prosecuted for the Board. Pharmacy Inspector, Terry Bratt testified for the Board. Ms. Conine was not present but it had been determined that she had been properly notified. Ms. Conine had stolen CDS drugs from her employer.

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

Motion was made by John Lassiter and seconded by Jerry Allen to permanently revoke the technician permit of Stephanie Conine. Motion passed on roll call vote.

**OSBP vs. Robi Stolhand, Technician #6407 - Case No. 729:**

President Spoon called the Board to order to hear the case of Robi Stolhand. Ms. Stolhand was not present but it had been determined that she had been properly notified. Assistant Attorney General, Grant Moak, prosecuted for the Board. Compliance Officer, Betty Beil, testified for the Board. Ms. Stolhand had admitted stealing CDS drugs from her employer.

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

Motion was made by Diana Hampton and seconded by Gordon Richards to permanently revoke the technician permit of Robi Stolhand. Motion passed on roll call vote.

**Board recessed for lunch**

**OSBP vs. James Neal Bruton, D.Ph. #8505 - Case No. 730:**

The Board was called to order to hear the case of James Bruton. Mr. Bruton had been represented by Counsel but neither one could attend the meeting. Mr. Bruton admitted guilt on all counts. He was charged with diagnosing and treating a patient, dispensing dangerous drugs without a prescription and not properly labeling the medication.

An Agreed Order was presented to the Board. If accepted, Mr. Bruton's license would be suspended for a period of 10 years. He may request probation after 18 months of suspension. He shall divest himself of all keys, key-cards, codes or any other device or method used to gain access to a pharmacy for as long as his license is suspended.

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

**Board reviews request from J.D. Harrison:**

Mr. Potter presented a request from J.D. Harrison to attend only part of the one-day law seminar, which he was required to attend. The Board indicated that they could not change a final order without a full hearing.

**Board holds hearing on emergency rules to implement HB 1866:**

The Board reviewed the rules for the implementation of HB 1866, the recycling of unused prescription drugs. Comments were received and used in finalizing these rules.

The Board will have a special meeting to approve the final draft of the emergency rules. Mr. Potter had failed to properly list the hearing on the Agenda.

**Hearing on scheduling Ultram:**

The Board reviewed and had a hearing on the possibility of scheduling Tramadol as a Schedule IV. Compliance Officer, Cindy Hamilton, made a presentation showing the abuse of this drug in Oklahoma and across the United States. She made a good case for scheduling the drug.

Ortho-McNeil, manufacturer of Ultram (Tramadol), had requested to be on the Agenda for this hearing. Paul Short, Group Product Director from New Jersey and David J. Hewitt, MD, Director of Analgesia Research, both employees of Ortho-McNeil were present. Theodore J. Cicero, PhD, Vice Chancellor of Research, Washington University in St. Louis, School of Medicine, also made a presentation regarding the abuse of Tramadol. His statement said that there was some abuse but that it was a very small percentage of drug abuse total. Scheduling could cause legitimate use of the drug to be withheld from patients.

The Board thanked the participants and will consider their decision at a later meeting.

**Board meets with OBN officials:**

Scott Rowland, Counsel for the Oklahoma Bureau of Narcotics and Dangerous Drugs, was present to visit with the Board. He reviewed how the new Pseudophedrine law was working and the Board commented on pharmacists' reception to the law.

Mr. Potter reviewed suggestions for OBN rule changes that would be very helpful for pharmacists and patients. Mr. Rowland indicated that OBN would complete these rules this next session.

The Board also discussed the scheduling of Marinol in Schedule III and scheduling legitimate GHB products so they can be sold in Oklahoma as allowed in other states. OBN agreed to carry this legislation with the Board assisting in explanation of the need. The Board indicated that they would be willing to print a new law book for OBN statutes and rules upon the completed changes agreed to.

**Board adjourned at 5:30 p.m.**