

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

November 7, 2007

Call to order:

President Diana Hampton called the November 7, 2007 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:00 a.m.

Those present were:

Board members: Dr. Diana Hampton, President
Dorothy Gourley, Vice-President
Gordon Richards, Jr., Member
William Earl Osborn, Member
James O. Spoon, Member
John Lassiter, 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: Laura Petty, Walgreens
Ryan Walker, Walgreens
Von Davis, Target
John Rodden, Wal-Mart
Kay Vaughan, CVS
James Kirk, CVS
Terry Cothran, Prescription Solutions
Kevin Rich, OPHP
Kim Spitz, OPHP
Matt Smith, OPHP
Beverly Perrault, OPHP
Alicia Spencer, Platt College
KaDaysha Williams, Platt College
Erica Rulon, Platt College
Carla Miller, Platt College
Rochelle Landreth, Intern
Jennifer Hightower, Intern
Ashley Rowe, Intern
Corey Cook, Intern
Adam Schroeder, Intern

Approval of minutes and claims:

Motion was made by John Lassiter and seconded by Jim Spoon to approve the October 3, 2007 minutes. Motion passed on roll call vote.

President Hampton indicated that 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 Gordon Richards and seconded by Jim Spoon to approve expense claims #1699-#1734,

#H68732-#H68736, the October payroll and the expenses of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, Technicians and Facilities:

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

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

Board discusses request from OU for approval of 2 special training sites:

The Board reviewed 2 requests from OU for special training sites. They are located in the Oklahoma City area and one in the Tulsa area.

Motion was made by Bill Osborn and seconded by Dorothy Gourley to approve these training areas. Motion passed on roll call vote.

Board discusses Gary Nichols litigation with the Attorney:

Motion was made to enter into Executive Session to discuss litigation with Assistant Attorney General, Brinda White. Motion passed on roll call vote.

Board meets with 5 Reciprocity candidates:

The Board returned from Executive Session. President Hampton called the Board to order to interview the Reciprocity candidates.

Reciprocities:

- Leah Ballard Cross.....MS
- Alvin Gibson Groves.....AR
- Kristin Jill Hall.....TX
- Bao Ngoc Bui Nguyen.....ME
- Michael R. SchmittPA

OSBP vs. Josh Minard, Technician #7311 – Case No. 837:

The Board was called to order to hear the case of Josh Minard. Mr. Minard was not present but it had been determined that he had been properly notified. Brinda White, Assistant Attorney General was prosecutor for the case. Compliance Officer, Cindy Hamilton testified for the Board.

Evidence was presented to the Board that Mr. Minard had stolen CDS from his employer and a statement of his admission of this action was presented.

Motion was made by Bill Osborn and seconded by Jim Spoon that based on the clear and convincing evidence presented, Mr. Minard be found guilty as charged. Motion passed on roll call vote.

Motion was made by Gordon Richards and seconded by Dorothy Gourley that the technician license of Josh Minard be revoked. Motion passed on roll call vote.

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

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

Evidence was presented to the Board that Ms. Caldwell had been arrested for illegal possession of CDS.

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

Motion was made by Jim Spoon and seconded by John Lassiter that the technician license of Barbara Caldwell be revoked. Motion passed on roll call vote.

OSBP vs. Larry Roddy, Technician #723 – Case No. 838:

The Board was called to order to hear the case of Larry Roddy. An Agreed Order was presented from Mr. Roddy admitting guilt to all counts and accepting revocation of his technician permit.

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

OSBP vs. Pauletta Burnett, Technician #4456 – Case No. 839:

President Hampton called the Board to order to hear the case of Pauletta Burnett. An Agreed Order was presented from Ms. Burnett admitting guilt to all counts and accepting revocation of her technician permit.

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

OSBP vs. Eric O. Martinez, Technician #10577 – Case No. 840:

The Board was called to order to hear the case of Eric Martinez. Mr. Martinez was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White, was prosecutor for the Board. Compliance Officer, Gary LaRue presented testimony.

A signed confession by Mr. Martinez admitting guilt and evidence of his conviction for diverting large quantities of CDS were presented to the Board for review.

Motion was made by John Lassiter and seconded by Bill Osborn that based on the clear and convincing evidence presented, Mr. Martinez 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 Eric Martinez. Motion passed on roll call vote.

OSBP vs. Kellen Carter, Technician #8996 – Case No. 841:

President Hampton called the Board to order to hear the case of Kellen Carter. An Agreed Order was presented from Mr. Carter admitting guilt to all counts and accepting revocation of his technician permit.

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

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

The Board was called to order to hear the case of Michael Wright. Mr. Wright was not present but it had been determined that he had been properly notified. Assistant Attorney General, Brinda White, was prosecutor for the Board. Compliance Officer, Cindy Hamilton presented testimony.

Mr. Wright had embezzled money from his employer and had been convicted in District Court in Cleveland County. He was ordered to make restitution of over \$14,000.

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

Motion was made by John Lassiter and seconded by Gordon Richards to revoke the technician permit of Michael Wright. Motion passed on roll call vote.

President Hampton declared a 15 minute recess

Lizette Williamson of Biogen Idec appears before the Board along with Sherry C. Townsend of Accredo Health Group Pharmacy of Memphis TN and Andrea Jackson of Genetech:

President Hampton called the Board to order and Mr. Potter introduced Lizette Williamson and Steven Butler with Biogen Idec, Sherry C. Townsend of Accredo Health Group Pharmacy of Memphis Tennessee and Andrea Jackson of Genetech. Ms. Williamson and Mr. Butler made a presentation requesting a pilot study of allowing their product Tysabri be administered for MS.

The FDA has directed that the product be handled only by Specialty Pharmacies and prescriptions be filled and delivered to those physicians that have been approved to administer the drug. The prescription has to be patient specific and the physician prescribing the drug has to use a code provided by Biogen Idec so that the pharmacy is assured that the physician can prescribe and administer Tysabri. FDA requires that the prescription be sent to the physician's office or the infusion clinic for proper handling and administration.

Biogen has contracted with 12 pharmacies to handle prescriptions for Tysabri. Their request of the Board is to allow Biogen to do a pilot study with Tysabri and waive the requirement of the prescription being sent to the patient.

After a discussion, a motion was made by Jim Spoon and seconded by Dorothy Gourley to allow the pilot study as presented. Motion passed on roll call vote. The staff is to set up criteria for the pilot study.

Andrea Jackson then presented a request for a pilot study for Gentec's Xolair, a medication that is recommended to be administered in a healthcare setting by a physician. Ms. Jackson indicated that only 3 specialty pharmacies are allowed to dispense Xolair. At the present time, they are shipping the prescriptions to the patients in the dry powder form. The patients take the medication to their physician for administration. Sterile water is added and the drug is administered Sub Q. There is the possibility of anaphylaxis and the patients are to be observed during the administration.

Ms. Jackson stated that the physicians were complaining that they did not want to administer the drug after the patient had control of it because of liability. The literature indicates that as long as the drug is in powder form, it can be shipped and kept above freezing to 86 degrees. Xolair has no preservatives and can not be stored for very long. Since there was not mandate from FDA for special handling and special trained physicians to prescribe the drug, it was determined that without further information it should be tabled.

Motion was made by Gordon Richards and seconded by Jim Spoon to table this request until the January meeting. Motion passed on roll call vote.

Bill Holmes of Parata Systems appears before the Board:

Parata Systems representative Bill Holmes made a presentation of their ATM like in-store delivery system. He was accompanied by Andy Becker, D.Ph. of Reasors in Tulsa.

After a discussion of the system, a motion was made by Bill Osborn and seconded by John Lassiter that the process as presented be approved for pharmacies with a pharmacist present. Motion passed on roll call vote.

Board recessed for lunch at 1:00 p.m.

OSBP vs. Michael Ballard, D.Ph #12939 – Case No. 821 – requesting probation:

The Board was called to order to hear the request of Michael Ballard to have his D.Ph. license placed on probation. Kim McKown of Compass Vision testified for OPHP on behalf of Mr. Ballard. She had been in contact with the treatment center where Mr. Ballard had been treated. The center and OPHP indicated that they were very pleased with his progress and recommended that he be placed on probation and be allowed to work. OPHP will set the parameters of his work schedule.

Motion was made by Jim Spoon and seconded by Dorothy Gourley to place Mr. Ballard's license on probation to coincide with his OPHP contract until the year 2017. Motion passed on

roll call vote. President Hampton and the Board wished him well.

Kim McKown of OPHP presents Annual Report:

The Board was called to order to hear the annual report of OPHP. Kim McKown was introduced to the Board to present the report. Ms. McKown answered questions by the Board members concerning the report.

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

President Hampton called the Board to order to hear the case of Lisa Atwood. Ms. Atwood was present with Counsel, Ronald Worthen. Assistant Attorney General, Brinda White presented the complaint to the Board and then presented them with an Agreed Order. Ms. Atwood had signed the Agreed Order admitting guilt on all counts. Her license is suspended for an indefinite period of time and she is to pay a fine of \$400. She may request probation after November 7, 2009 providing that she has entered into a contract with OPHP and that OPHP is willing to testify on her behalf to return to work.

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

Board goes into Executive Session:

Motion was made for the Board to return to Executive Session. The Board returned from Executive Session at 3:00 p.m. At this time President Hampton adjourned the meeting.