



*- from the Members and Staff of the
Oklahoma State Board of Pharmacy*

BOARD MEETING – September 15, 2004

Disciplinary Action

Linda K. Chancellor, Tech #5312 – Case 719: **Charges:** Theft of merchandise and embezzlement. **Permit revoked.**

David Jackson, Tech #5876 – Case 720: **Charges:** Theft of merchandise, conducting business without reasonable skill and safety by use and/or abuse of drugs, and providing false information on his technician application. **Permit revoked.**

The Board also took action in one (1) impaired case: **Case 603-A - D.Ph. #11834**, requested that the suspension of her license be placed on probation. Her license will be placed on probation upon meeting the reinstatement requirements and the first 80 hours of work must be supervised and documented by another pharmacist.

BOARD MEETING – October 26, 2004

Disciplinary Action

James Milton Swaim, D.Ph. #8338 and Buy For Less Pharmacy at Penn, #1-3418 – Case 712: **Charges:** Failure to address the possible addiction or dependency of a patient; failure to resolve a situation of potential harm to the patient; filling a prescription without authorization; failure to report a violation of pharmacy law or regulation to the State Board of Pharmacy; failure to notify the Oklahoma State Bureau of Narcotics & Dangerous Drugs Control or local law enforcement agency of any information concerning any violations of the Oklahoma Controlled Substances Act; violating directly or indirectly provisions or terms of

the Oklahoma State Board of Pharmacy, the Prescription Drug Marketing Act, the Robinson-Patman Act or federal, state and local laws and rules governing registrants. **Mr. Swaim's license was suspended for five (5) years until October 26, 2009. The suspension was stayed from October 26 until October 31, 2004. The suspension was in effect for twenty-eight (28) days beginning November 1, 2004 through November 28, 2004. The suspension was then stayed and placed on probation. The pharmacy was placed on probation for three (3) years until October 26, 2007. Mr. Swaim also agreed to attend an approved one-day law seminar in the years 2004 and 2005. Total fine for the respondents was \$12,500.00.**

Debra Wells, D.Ph. #12124 – Case 724: **Charges:** Dispensing a Schedule II drug without first obtaining the original prescription; failure to annotate and retain the written original prescription when dispensing Schedule II drugs pursuant to a facsimile prescription. **Placed on probation for one (1) year until October 26, 2005. Must attend an approved one-day law seminar in the years 2004 and 2005. \$1,250.00 Fine.**

Saffa Compounding Pharmacy, #2-4513 with George P. Saffa, D.Ph. #8472, Owner and Person-in-Interest – Case 722: **Charges:** Dispensing a Schedule II drug without first obtaining the original prescription; failure to annotate and retain the written original prescription when dispensing Schedule II drugs pursuant to a facsimile prescription; failure to conduct business in conformity with all federal, state and municipal laws. **\$2,500.00 Fine. Owner George Saffa was placed on probation for a period of one (1) year until October 26, 2005 and agreed to attend an approved one-day law seminar in the years 2004 and 2005.**

BOARD MEETING – November 17, 2004

Disciplinary Action

Stephenie Conine, Tech #4994 – Case 727: **Charges:** Possession of a CDS without a valid prescription and theft of merchandise. **Permit revoked.**

Bobbi N. Erwin, Tech #7792 – Case 725: **Charges:** Possession of a CDS without a valid prescription and theft of merchandise. **Permit revoked.**

David Rogers, Tech #8053 – Case 726: **Charges:** Possession of a CDS with intent to distribute; possession of a CDS without a valid prescription; theft of merchandise. **Permit revoked.**

Robi Stolhand, Tech #6407 – Case 729: **Charges:** Possession of a CDS without a valid prescription and theft of merchandise. **Permit revoked.**

James Neal Bruton, D.Ph. #8505 – Case 730: **Charges:** Attempting diagnosis or treatment that might infringe upon the legally constituted right or obligation of any practitioner of the healing arts; filling a prescription without authorization; failure to properly label a prescription; failure to maintain a patient record system that provides for the immediate retrieval of a list of all prescription drug orders obtained by a patient; failure to conduct business at all time in conformity with all federal, state and municipal laws. **License suspended for ten (10) years until November 17, 2014. Respondent may request probation after eighteen (18) months of suspension.**

FROM THE INSPECTORS:

- **Documentation of technician training.** During inspections, inspectors are asking to see documentation of technician training. Pharmacists need to check that they have proper documentation on all techs. When a technician is hired that has previously worked in another pharmacy, they still need to be trained in the new pharmacy and the training documented. This is not a new requirement.
- **A change in pharmacy manager (PIC)** must be reported to the Board and a CDS inventory must be taken and a copy sent to the Board.
- We are still finding **DEA 222 Forms** that have not been completed when drugs are received.
- **Compounding pharmacists:** Please review the compounding rules. Compounded prescriptions must be indicated as such on the prescription label. Prescribers must indicate on the prescription that it is to be compounded or the pharmacist must obtain authorization from the prescriber to use a compounded product.

IMPLEMENTATION OF NEW PSEUDOEPHEDRINE (PSE) LAW

The Bureau of Narcotics has indicated that the new law has significantly reduced the number of “meth” labs in Oklahoma. They appreciate the effort that pharmacies and pharmacists have made to initiate this new program. In reviewing the program, they have found a number of pharmacies are failing to obtain the data required by law and in some cases are selling in excess of the 9 grams/30 days. The pharmacists are responsible for the sale of a Schedule V product. A pharmacist or a pharmacy tech must make the sale of PSE. Please review your process on these sales. OBN is working on an electronic process for tracking sales. Until that is available the pharmacists & pharmacy are responsible for the sale of this Schedule V product. Because the exempt narcotic book doesn't seem to accommodate the required data very well, the Board has the following

suggestions:

1. Prepare a loose-leaf notebook using the guideline on the Board's website.
2. Keep alphabetical - it will make it easier to check the number of grams purchased in the past 30 days.
3. Keep total in grams (make a chart converting mgs to gms / # of tablets)
4. Make sure all employees understand the importance of following the law.
5. Pharmacies may want to impose quantity limits that are more stringent.

If we continue to see a disregard for compliance with this law and the record keeping requirements, it could be changed back to requiring that pharmacists only make the sales.

UTILIZATION OF UNUSED MEDICATIONS

This program is to aid the medically indigent.

Rules have been adopted and should be approved by the Governor by the time you receive this newsletter. If you are working in a charitable pharmacy or working as a consultant pharmacist for a Nursing Home or Assisted Living Center, you should familiarize yourself with these rules. You may review them on the Board's website at www.pharmacy.state.ok.us.

Only carded or unit-dose, unexpired, non-controlled, unused medication from Nursing Homes and Board approved Assisted Living Centers may be donated.

Only charitable pharmacies, city-county pharmacies and Mental Health & Substance Abuse Clinic pharmacies may receive these medications to be used for medically indigent patients.

Pharmacies wishing to participate in this program will need to notify the Board. A list of participating pharmacies will be posted on our website.

Pharmacies receiving these medications will also need a current drug identification

reference.

TECHNICIAN RENEWALS

Technician permits expire January 31, 2005. Please remind your technicians that it is their responsibility to keep their license current whether or not they receive a renewal notice. If a renewal notice is not received because of a change of address or for any other reason, they are still subject to the penalty fee and possible cancellation. Renewal forms are available from the Board web site, www.pharmacy.state.ok.us , under “*Download Forms*” – “*Technicians*”.

REMINDER

Board rules require that all registrants (pharmacists, technicians and interns) notify the Board in writing of a change of address or employment within ten (10) days.

OKLAHOMA PHARMACISTS HELPING PHARMACISTS

If you or a pharmacist you care about is suffering from chemical dependency, there is a solution. Oklahoma Pharmacists Helping Pharmacists (OPHP) is readily available for help. Pharmacists in Oklahoma, Texas and Louisiana may call the OPHP Help-Line at 1-800-260-7574 ext. 5. All others may call OPHP at 405-528-3338. All calls are confidential.