

BOARD MEETING – JANUARY 21, 2004

Disciplinary Action

Kathleen T. Wedge, Tech #5584 - Case 692: Permit revoked. *Charge:* Obtaining a controlled dangerous substance (CDS) by fraud.

Robert C. Lacy, D.Ph. #13193 - Case 696: \$750 fine and must attend an approved law seminar for the year 2004 and 2005. *Charge:* Failure to maintain a proper record keeping system, failure to establish and maintain effective controls against diversion, and failure to conduct business as a pharmacist in conformity with all federal, state and municipal laws.

The Board also took action in five (5) impaired cases. All impaired cases must enter into and abide by a contract with Oklahoma Pharmacists Helping Pharmacists (OPHP):

Case 590-A - D.Ph. #11238, had the probation of his license revoked and was placed on suspension for non-compliance with his OPHP contract. He may petition the Board for probation after two years of demonstrated sobriety; **Case 594-A - D.Ph. #11972**, had the probation of his license revoked and was placed on suspension for non-compliance with his OPHP contract. He may petition the Board for probation after one year of demonstrated sobriety; **Case 694 - D.Ph. #7530**, was suspended for five (5) years. He may petition the Board for probation after he has successfully completed the deferred sentence in the criminal case against him and has demonstrated one year of sobriety; **Case 695 – D.Ph. #9982**, was suspended for ten (10) years and fined \$4,500. He must also complete an approved law seminar for the year 2004 and 2005. He may petition the Board for probation after two years of demonstrated sobriety; **Case 697 – D.Ph. #12437**, was revoked for non-compliance with his OPHP contract.

FROM THE INSPECTORS:

- **Percocet reminder** - If a physician leaves off the narcotic strength on a Percocet

prescription, you are allowed to call the physician and ask about the strength. If the physician wants the original 5mg strength, you can fill the prescription with the 5mg strength and notate on the back of the prescription as to who authorized the 5mg strength. ***For any other strength than 5mg, the physician would have to rewrite the prescription.*** If you receive a Percocet prescription that has multiple strengths of Acetaminophen and the physician omits the Acetaminophen strength, you are allowed to call the physician and ask about the Acetaminophen strength. You should notate the Acetaminophen strength that the physician wants on the back of the prescription and who authorized it. ***You can only call to get the Acetaminophen strength if it is omitted from the prescription.*** You cannot call to get the Acetaminophen strength changed if you are out of stock or some other problem arises.

- **Inspections** - Several items keep coming up on inspections:
 - **Work schedule display.** The work schedule will indicate who is working as a technician and who is working as a support person. See 535:15-13-12.
 - **Prescriptions not picked up & placed back on the shelf / returned to stock.** The label needs to contain Lot number & expiration date or placed back into the original container.
 - **DEA 222 Forms.** Need to be completed when the order is received.
 - **CDS logs and log books.** Pharmacist needs to sign daily.
 - **Out of date drugs.** Work shelves and remove them from the pharmacy.
 - **Only 1 CDS per prescription.** If you have a prescriber that continues to put two drugs per blank, let us know and we will have OBN talk to them.
- **Pharmacy Alert** - There has been a rash of forged prescriptions and burglaries for

Promethazine with Codeine. This has been a problem in Texas for a while and now the "fad" has moved up here. Please be on the alert that this is a new favorite among abusers.

CANADIAN STOREFRONTS

We have some new Canadian storefronts that the Board will go to District Court and request an injunction to close them. These operations are illegal and in violation of state and federal law.

2003 CE AUDIT

Each year the Board randomly checks pharmacists to see that they are in compliance with the continuing education requirement. Three hundred and two (302) pharmacists were requested to submit verification to the Board of the continuing education credits they certified on their 2003-2004 renewal application last summer.

- 279 (92%) pharmacists completed their audit satisfactorily and in a timely manner
- 18 pharmacists received a warning about obtaining CE in the ***“previous calendar year”***
- 2 pharmacists were assessed a CE penalty for a total of 135 hours and \$1,500

Board guidelines assess a fine of \$50 for each hour or partial hour of missing or falsified CE (\$200 minimum) and 4 hours of additional CE for every hour or partial hour of missing or falsified CE.

TECHNICIAN PERMITS CANCELED

The Board has canceled the permits of pharmacy technicians who failed to renew their permits for the year February 1, 2004 through January 31, 2005. Please make sure that all of your technicians have a current permit posted. Once a technician has been canceled they must reinstate their old permit in order to work. They cannot apply for a new

permit.

LICENSE RENEWALS FOR 2004-2005

The Board will mail renewal applications for licenses and permits expiring June 30, 2004 the week of May 3rd. Any address changes submitted after this period will not be reflected on your renewal application. If for any reason you do not receive your renewal application, it is ***your responsibility to obtain one***. Any renewal postmarked after July 15th is subject to the penalty fee whether or not an application was received. Renewal forms will be available from the Board web site at www.pharmacy.state.ok.us.

Note: Pharmacists! Do not sign your renewal until you have conducted a verification of your CE credits and are 100% confident of full compliance with regulations. You may be subjecting yourself to perjury and possible disciplinary action if audited.

TOP FIVE REASONS WHY A RENEWAL APPLICATION IS RETURNED

1. Missing information. Almost every line requires an answer or a check mark. If any information is missing or left blank, the renewal will be returned.
2. Failure to sign and/or date the renewal application.
3. Failure to sign and/or date a required pharmacy controlled substance inventory.
4. Failure to complete at least 15 clock hours of continuing education in the previous calendar year. ***Remember: continuing education completed as a requirement of your job or while on duty does not count toward the required 15 hours.***
5. Failure to submit renewal application on or before the due date. Applications postmarked after July 15th will be returned and assessed a penalty fee.

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 days.

THANK YOU OPHP

It would appear sometimes that the Board is only dealing with impaired pharmacists and technicians stealing drugs. The Board does have a large number of cases regarding impaired pharmacists but this is the way the process works when trying to salvage a pharmacist that is having an addiction problem. When a pharmacist is found to be taking drugs for personal use, they are directed to OPHP for an evaluation and then to the Board. Most have their licenses suspended for at least 10 years and are required to seek treatment and enter into a contract with OPHP. You may read about their case again when they come before the Board to request that their license be placed on probation and then again when they appear to request permission to be a preceptor. Some will have a relapse or will fail to comply with their OPHP contract. One case will be before the Board and in the newsletter three or four times or more.

I have seen a lot of pharmacists appear before the Board in my 33-year association with the Board. The pharmacists that have been able to restore their license to full active status have worked very hard with OPHP to maintain their sobriety and to gain the respect of their peers. They also participate in helping other pharmacists and spend a lot of time encouraging others to maintain their sobriety. The Board may appear lenient at times, but they are very sincere in their charge to protect the public and want to salvage a pharmacist if possible. When you see someone from OPHP say “THANK YOU”. – *Bryan Potter, Executive Director*

NEW PHARMACISTS

New pharmacists licensed by the Board may be viewed on our web site, www.pharmacy.state.ok.us, under “Announcements.” The list is updated quarterly.

LET US HEAR FROM YOU

The Board welcomes your comments on the newsletter and web site and any other questions you may have for the Board. Send your comments and questions to the Oklahoma State Board of Pharmacy, 4545 Lincoln Blvd, Ste 112, Oklahoma City, OK 73105. You may also e-mail the Board at pharmacy@osbp.state.ok.us or fax to 405-521-3758.

Board web-site: <http://www.pharmacy.state.ok.us>

Board e-mail: pharmacy@osbp.state.ok.us

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.