

BOARD MEETING – January 19, 2005

Disciplinary Action

Ryan Sellers, Tech #4339 – Case 732: **Charges:** Abuse of alcohol or drugs and/or use of an illegal CDS substance. **Permit revoked.**

Wes Kifer, D.Ph. #9140 – Case 733: **Charges:** Received two or more warning notices within a twelve-month period. **Respondent was given a letter of reprimand for a period of one (1) year until January 19, 2006 and shall attend a one-day law seminar during the calendar year 2005.**

Alfred Jackson, D.Ph. #9967 – Case 734: **Charges:** Received two or more warning notices within a twelve-month period. **Respondent was given a letter of reprimand for a period of one (1) year until January 19, 2006 and shall attend a one-day law seminar during the calendar year 2005.**

The Board also took action in four (4) impaired cases: **Case 739 - D.Ph. #7465**, was suspended for five (5) years until January 19, 2010. Respondent may petition the Board to stay the suspension and place him on probation upon showing continuous compliance with an Oklahoma Pharmacists Helping Pharmacists (OPHP) contract for a period of one year. **Case 591-A – D.Ph. #10306**, had the probation of his license revoked and was placed on suspension for thirty (30) days. At the end of thirty days, the probation was reinstated. Respondent was also fined a total of \$1,500.00. **Case 643-B – D.Ph. #11307**, was removed from suspension and placed on probation until November 19, 2012. He must work the first 160 hours of probation under the supervision of another pharmacist. **Case 594 – D.Ph. #11972**, was removed from suspension upon meeting the reinstatement requirements and placed on probation until May 31, 2011. He must work the first 160 hours of probation under the supervision of another pharmacist.

BOARD MEETING – February 16, 2005

Disciplinary Action

Lonnie Morrow, Tech #7558 – Case 736: **Charges:** Filing a report or record which the registrant knows to be false; possession of a controlled dangerous substance without a valid prescription. **Permit revoked.**

Jason L. Dugan, Tech #5411 – Case 735: **Charges:** Possession of a controlled dangerous substance with intent to distribute; possession of a CDS without a valid prescription; theft of merchandise. **Permit revoked.**

Sherry Lynn Ross, D.Ph. #9815 and Sherry's Discount Drug, Inc. #1-2558 – Case 742: **Charges:** Failing to report the required Oklahoma Schedule Two Abuse Reduction (OSTAR) information to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN); misfilling a prescription; failing to conduct an inventory at renewal of all controlled dangerous substances (CDS) between May 1 and July 1; failing to maintain a proper record keeping system; filling Schedule II prescriptions that were invalid; failing to enter the date of filling on a prescription; distributing a Schedule II to a practitioner without using a DEA Form 222; failing to keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with rules issued by the OBN Commissioner; failing to conduct business in conformity with all federal, state and municipal laws. **Respondents' licenses are suspended for four (4) years beginning August 10, 2005 until August 10, 2009. The suspensions shall be stayed and the respondents placed on probation. Respondent pharmacist shall attend live CE programs to fulfill her Board CE requirements in 2006, 2007, 2008 and 2009. Respondent pharmacist was fined \$2,300.00 and respondent pharmacy was fined \$2,600.00**

The Board also took action in two (2) impaired cases: **Case 740 - D.Ph. #9952**, was suspended for ten (10) years until January 19, 2015. Respondent may petition the Board to stay the suspension and place him on probation upon showing continuous compliance with an Oklahoma Pharmacists Helping Pharmacists (OPHP) contract for a period of one year. He must also attend a one-day law seminar in the calendar year 2005. **Case 483 – D.Ph. #10584**, had the remainder of the suspension/probation of his license removed. His license was returned to good standing providing he continues his OPHP contract until February 16, 2008.

FROM THE INSPECTORS:

- **Medical Residents and Interns:** Medical residents and interns may use the teaching hospital's DEA number when writing CDS prescriptions while working at the teaching hospital. These prescriptions may be filled at outside pharmacies. They must use an internal code number in addition to the DEA number which identifies them. An **intern's prescription must be countersigned** by a physician. A **resident's prescription does not have to be countersigned**. So that pharmacies can differentiate between a resident and an intern, the OU Health Science Center has asked the interns and residents to either write "intern" or "resident" after their name OR to place an "I" or "R" after the internal code number. (i.e. AB1234567-012R would be a resident prescription and would not have to be countersigned)
- **OTC PSE Sales:** During inspections, inspectors are observing that not all of the required information is being recorded on OTC PSE sales. We are typically seeing that either the state the patient ID is issued in, the total number of grams or milligrams of PSE, the date of transaction, or the patient signature is not being

recorded on these sales. Please review your process on these sales with all pharmacists and pharmacy technicians. Precautions should be taken to ensure that no one person purchases more than 9 grams in 30 days from each pharmacy.

- **Compounded RX Only and PGP products:** All compounded products must be prepared at the pharmacy from which they are dispensed or sold. You cannot transfer or sell them to another pharmacy or prescriber for dispensing or resale. This would be considered manufacturing.
- **Selling Drugs to Physicians or Pharmacies:** Retail pharmacies that sell medications to physicians and/or pharmacies must first obtain a drug supplier permit from the Board. Prescribers MAY NOT write a prescription "For Office Use". Prepare an invoice containing the name and address of purchaser, quantity sold, drug description, price, and date of transaction. Schedule II drugs must be transferred using a DEA 222 Form. These records must be readily available for inspection. Drug Supplier sales are limited to less than 5% of the total annual sales of the pharmacy.

RULES ON USP 797

The Board has been informed that USP will be releasing some exceptions to the requirements of Chapter 797. The Board will not promulgate rules regarding Chapter 797 until after January 2006. If you would like to participate on the committee working on these rules, please notify the Board in writing. *Thanks!*

REMINDER

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

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.

LET US HEAR FROM YOU

The Board welcomes your comments and questions. You may mail them to the Oklahoma State Board of Pharmacy, 4545 Lincoln Blvd, Ste 112, Oklahoma City, OK 73105, fax us at 405-521-3758 or e-mail us at:

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

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