

JANIS MCALLISTER RETIRES FROM THE BOARD

A dinner was held honoring Board member Janis McAllister of Woodward for her five years of service to the Board of Pharmacy. She was presented a commendation from Governor Henry and a plaque from the Board. We will miss her good work as a Board member. John Lassiter was appointed to the Board for a term beginning July 1, 2004 to 2009. More information on Mr. Lassiter will appear in the next newsletter.

LEGISLATIVE REVIEW

This year has been an interesting year for legislation. The Board had been advised to make some changes in the Pharmacy Practice Act. These were changes to clarify the language to assure the authority of the Board in certain sections of the law. With the help of the Oklahoma Pharmacists Association (OPHA) we were able to add our language to HB 2321, a bill that allowed a prescriber to indicate the diagnosis on the prescription and to be placed on the label. This was not mandatory language. HB 2321 passed the House and Senate, but was sent to Conference Committee. While in Conference, the pharmacy language was removed from the bill and optometric language allowing optometrists to perform surgery was added. The bill passed the House & Senate the next day (without our language). We were then able to have our language attached to SB 369, which was in Conference Committee. We owe thanks to Senator Shurden and Representative Stanley, authors of SB 369. SB 369 was passed the last week of the session, 45 – 0 in the Senate and 95-0 in the House.

Another bill to recycle prescriptions, HB 1866, was introduced by Representative Gilbert of Tulsa and Senator Cain of OKC. The bill would have allowed nursing homes and individuals to donate unused prescription drugs for dispensing to people with no insurance. The Oklahoma Health Department would have set up a place to receive these drugs and

would have issued cards to persons that they deemed eligible to receive these drugs. The Board sent their health and safety concerns to the authors of this bill and after hearing the Board's concerns, the project was changed and placed under the Board of Pharmacy to promulgate rules to institute a program using unused medications from nursing homes. We will be asking for help to work out this program.

BOARD MEETING – APRIL 7, 2004

Disciplinary Action

Tracy Guthrie, Tech #6638 - Case 698: Permit revoked. **Charge:** Obtaining a controlled dangerous substance (CDS) by fraud.

Michelle Shuffield, Tech #3241 - Case 706: Permit revoked. **Charge:** Obtaining a controlled dangerous substance (CDS) by fraud.

DiGi Biddle, D.Ph. #11846 - Case 683: License suspended for four (4) years until April 7, 2008. All but one week of the suspension shall be placed on probation. Assessed a \$7,000 fine and must attend an approved law seminar for the years 2004 and 2005.

Charges: Knowingly billing or charging for quantities greater than delivered; dispensing a CII prescription without authorization; misfilling a prescription; failure to obtain an original and verify against the facsimile at the time of dispensing for CII facsimile prescriptions that were not issued for home infusion or IV pain therapy or for long-term care facility patients; charging a fee that was not fair and equitable per 535:10-3-1.1(5); failure to conduct business as a pharmacist in conformity with all federal, state and municipal laws; filling CDS prescriptions that did not meet all the stated requirements; filling prescriptions with a CDS and Rx only prescription written on the same prescription form; failure to comply with Good Compounding Practices and FDAMA related patent regulations.

Eldon F. Hunt, Jr., D.Ph. #11819 – Case 705: Letter of reprimand for one year beginning

April 7, 2004. \$400 fine and must attend an approved law seminar for the year 2004.

Charges: Making or filing a report or record which a pharmacist knows to be false; submitting fraudulent billing or reports to a third party payor of prescription drugs; failure to conduct business in conformity with all federal and state laws; failure to conduct himself in a manner that entitles him to the respect and confidence of the community which he practices.

Arian C. Lakey, D.Ph. #12931 – Case 703: License suspended indefinitely. **Charges:** Possession of a CDS without a valid prescription; theft of merchandise while practicing pharmacy; failure to establish and maintain effective controls against the diversion of prescription drugs; fraud; failure to conduct business as a pharmacist in conformity with all federal, state, and municipal laws; failure to conduct himself in a manner that entitles him to the respect and confidence of the community in which he practiced.

BOARD MEETING – MAY 12, 2004

Disciplinary Action

Leta Brown, Tech #931 - Case 682: Permit revoked. **Charge:** Theft of merchandise while working as a pharmacy technician.

Kara Green, Tech #3914 – Case 687: Permit revoked. **Charges:** Forging or increasing the quantity of drug in a prescription; possession of a drug secured by a forged, fictitious or altered prescription; obtaining a controlled dangerous substance (CDS) by fraud; submitting fraudulent billing to a third party payor of prescription drugs.

John Harrison, D.Ph. #8570 – Case 711: Letter of reprimand for one year beginning May 12, 2004. \$500 fine and must attend an approved law seminar for the year 2004. **Charge:** Receiving two or more warning notices within a twelve-month period.

The Board also took action in one (1) impaired case. All impaired cases must enter

into and abide by a contract with Oklahoma Pharmacists Helping Pharmacists (OPHP):
Case 710 - D.Ph. #12376, had his license suspended indefinitely.

FROM THE INSPECTORS:

- **Documentation of technician training** – All pharmacy managers are responsible to document the training of each individual technician working in the pharmacy. Documentation of the training must be kept in the pharmacy and be available for inspection. Inspectors will be checking for documentation of technician training during their routine inspections.
- **Charitable Pharmacies** - All pharmacists working in charitable pharmacies should be familiar with charitable pharmacy guidelines. These are available on our website.
- **Oklahoma Pharmacists Association (OPHA) is sponsoring a continuing education (CE) program on August 14, 2004: Good Compounding Practices by Loyd Allen, Ph.D.**
- According to DEA and the Oklahoma Bureau of Narcotics (OBN), Hydrocodone alone is a Schedule II. If the Hydrocodone is less than 15mg per dosage unit and is placed in combination with another active ingredient in recognized THERAPEUTIC amounts, it can be considered a Schedule III.
- **Hydrocodone/APAP “topical” is a Schedule II product.** - Acetaminophen is not absorbed topically in therapeutic amounts. Therefore it would not be legal to consider Hydrocodone/APAP topical as a Schedule III product.
- **USP Guidelines** - USP 797 is the standard of practice for compounders. Please familiarize yourselves with this document.

ADEQUATE STAFFING COMMITTEE COMPLETES WORK.

The committee has come up with language for a Rule that will allow pharmacists to

report and record staffing shortages. The Board will review and promulgate the rule setting out these requirements. The committee was not trying to be punitive in their process, but informative for the owners and management. There will be more information later. We want to thank Charles Duhon and Phil Woodward who chaired the committee and the volunteer members of the committee.

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.

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 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 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.