

JIM SPOON RE-APPOINTED TO BOARD

Governor Henry has appointed Jim Spoon of Sand Springs, OK to a second term ending June 30, 2011. Best wishes to Jim as he continues to serve the public for the next five years.

BOARD MEETING – March 8, 2006

Disciplinary Action

Bonnie Garrett, Tech #4089 – Case 775: **Charges:** Abuse of alcohol or drugs and theft of merchandise. **Permit revoked.**

Julie Ann Glaze, Tech #2077 – Case 776: **Charges:** Possession of a controlled dangerous substance (CDS) without a valid prescription and theft of merchandise. **Permit revoked.**

Shawna Ridenour, Tech #5685 – Case 777: **Charges:** Abuse of alcohol or drugs and theft of merchandise. **Permit revoked.**

Deril J. Lees, D.Ph. #9635 and The Apothecary Shoppe – Tulsa, #2-4226 – Case 779: **Charges:** Conduct and habits inconsistent with the rules of professional conduct, failing to conduct business as a pharmacist in conformity with all federal, state and municipal laws and failing to have a pharmacy manager who was responsible for all aspects of the operation related to the practice of pharmacy. **Respondent and all staff pharmacists working for him must watch an error correction video. Respondent must attend an approved one-day law seminar in the year 2006 and pay a \$3,000.00 fine (\$2,000 from respondent pharmacist and \$1,000 from respondent pharmacy). A letter of reprimand shall be placed in his file for one year beginning March 8, 2006.**

Diane Elizabeth Feightner, D.Ph. #12673 – Case 781: **Charges:** Receiving two or more warning notices within a twelve-month period. **Respondent must watch an error**

correction video and attend an approved one-day law seminar in the year 2006.

George Eddie McCollum, D.Ph. #11402 – Case 782: **Charges:** Receiving two or more warning notices within a twelve-month period. **Respondent must watch an error correction video and attend an approved one-day law seminar in the year 2006.**

The Board took action in three (3) impaired cases: **Case 771 – D.Ph. #11243**, the suspension of respondent's pharmacist license was reinstated. Respondent is suspended until November 19, 2012. Respondent must abide by her contract with Oklahoma Pharmacists Helping Pharmacists (OPHP) until the completion of its ten (10) year term. Respondent may apply to have the suspension stayed and her license placed on probation after one year of documented sobriety and compliance with her OPHP contract; **Case 770 – D.Ph. #10013**, respondent was given sixty (60) days to become compliant with his OPHP contract. Failure to abide by these terms could result in suspension or revocation of his license; **Case 780 – D.Ph. #9741**, respondent's pharmacist license was suspended for ten (10) years until March 8, 2016. The suspension was stayed and placed on probation March 8, 2006. Respondent must enter into and abide by a contract with OPHP. Respondent was also fined a total of \$700.00 and must attend a law seminar in 2006.

BOARD MEETING – April 26, 2006

Disciplinary Action

Kim Holder, Tech #2146 – Case 783: **Charges:** Possession of a controlled dangerous substance (CDS) without a valid prescription, obtaining or attempting to obtain a controlled dangerous substance by fraud and theft of merchandise. **Permit revoked.**

Denise A. Sherman, Tech #7562 – Case 784: **Charges:** Possession of a controlled dangerous substance (CDS) without a valid prescription and fraudulent billing or reports to a third party payer of prescription drugs. **Permit revoked.**

Victor Wanjiku, Tech #9214 – Case 785: **Charges:** Theft of merchandise and directly, (or indirectly, through actions of another), or by assisting or abetting in the violation of, or by conspiring to violate, any provision of the Oklahoma Pharmacy Act, the Prescription Drug Marketing Act, the Robinson-Patman Act, or federal, state and local laws and rules. **Permit revoked.**

Nerissa Dionne Wynn, Tech #6091 – Case 786: **Charges:** Theft of merchandise. **Permit revoked.**

Ronnie Biles, D.Ph. #7915, Sherrills Pharmacy #25-3481 and Sherrill's Resp & Diabetic Medications #25-4303 – Case 778: **Charges:** Directly, indirectly, through actions of another, assisting in or abetting the violation of, or conspiring to violate, any provision or term of the Oklahoma Pharmacy Act, the Prescription Drug Marketing Act, the Robinson-Patman Act, or federal, state and local laws; knowingly billing or charging for quantities greater than delivered, or for a brand when a generic or a compounded product is dispensed; submitting fraudulent billing or reports to a third party payer of prescription drugs; misfilling a prescription; allowing non-pharmacists to enter and operate the pharmacy in the absence of the pharmacist; failing to include on the prescription label the following: "An appropriate designation that this is a compounded prescription"; and failing to maintain a ratio of no more than two pharmacy technicians per supervising pharmacist on duty. **Respondent Biles' license is placed on probation for three (3) years until April 26, 2009. Respondent Biles will also sell all of his pharmacies and/or close them within ninety (90) days, will petition the Board prior to owning a pharmacy in the**

future, will attend a one-day law seminar in 2006 and pay a fine of \$4,300.00.

BOARD MEETING – May 23-24, 2006

Disciplinary Action

John Braly, Tech #6505 – Case 787: **Charges:** Abuse of alcohol or drugs and theft of merchandise. **Permit revoked.**

Gary Nichols, D.Ph. #12862, Moore Clinic Pharmacy, Inc., Lakehurst Pharmacy, LLC, Williams Pharmacy #7-4543, Allen Community Pharmacy #23-4707, Central Pharmacy #17-4718, Newt's Discount Pharmacy #32-3288 – Case 774: **Charges:** Respondents

faced a total of nineteen counts including forging and/or increasing the quantity of drugs in prescriptions; knowingly billing or charging for quantities greater than delivered, or for a brand when a generic or a compounded product is dispensed; and submitting fraudulent billing or reports to a third party payor. Records revealed that respondent pharmacies had billed Medicaid during the year 2004 for \$399,436.87 more than was purchased on 41 drugs. Respondents failed to keep proper records and there were several CDS violations including patient address; practitioner name, address, and DEA number; date of prescription; incomplete DEA 222 Forms and the transfer of C-II's from one pharmacy to another without using a DEA 222 Form. Nichols had tried to return drugs to a wholesaler valued at over \$100,000. He could not verify where he had purchased these drugs and had no invoices. He claimed to have purchased these drugs for \$25,000 cash in the parking lot of his pharmacy. He did not know the man, his name or the make or color of his car.

Respondent Nichols' pharmacist license was revoked. He cannot appear before the Board to request to apply for a pharmacist license for five (5) years. He was given ninety (90) days to divest himself of ownership of his pharmacies. If he does not, he is to close the pharmacies. Nichols is required to pay \$11,000 personally. Williams

Pharmacy is to pay \$4,000, Allen Community Pharmacy \$2,000, Central Pharmacy \$2,000, Newt's Discount Pharmacy \$2,000, Lakehurst Pharmacy \$2,000 and Clinic Pharmacy \$12,000. *NOTE: The Board has been notified that Respondent Nichols will appeal to District Court.*

FIFTY-YEAR GOLD CERTIFICATES ISSUED

The following individuals have been issued gold certificates in recognition for the distinction of having been a licensed pharmacist in Oklahoma for 50 years. The Oklahoma State Board of Pharmacy recognizes these pharmacists and gratefully acknowledges their years of contribution to the pharmacy profession. These individuals may take great pride in being part of such an honorable profession for so long. **1956-2006:**

JOHN	Y.	BARTON
VERDIE	M.	CONLEY
JAMES	L.	DIXON
JOHN	W.	ELLIOTT
JAMES	D.	FUNNELL, M.D.
CHARLES	M.	HALL
JAMES	N.	HALL, JR.
LLOYD	B.	HELMS
DONALD	C.	KEATON
MICHAEL	E.	LOKENSGARD
JOHN	P.	MARTIN
ED	H.	MCDONALD, JR.
JACK	R.	MYRICK
WILLIAM	E	OSBORN
BETTY	JEAN	PERDUE
JOHN	W.	PETTIT
HAROLD	J.	RAFF
JANE	H.	RICHARDS
D.	M.	SOKOLOSKY
DONALD	L.	SPAINHOWER

KENNETH	R.	TURNER
DON	A.	TURNER
MARY	KAY	WORRELL

FROM THE INSPECTORS:

- **Pharmacists:** Please remember that when changing the pharmacy manager, a controlled drug inventory must be taken and sent to the Board within ten (10) days. Also, please include the effective date of the change along with the name and license number of the outgoing and incoming pharmacy manager.
- **Pseudoephedrine (PSE):** A new Federal law implemented on April 8, 2006 requires that a consumer can purchase no more than 3.6 grams of PSE in a given day. Also, Ephedrine products such as Primatene Tablets, Bronkaid Tablets, etc. are restricted in the same manner as PSE products under this law. Phase 2 of the federal law to be implemented on September 30, 2006 requires all PSE products regardless of form (including liquids, liquid filled gel capsules and pediatric liquids) to be kept behind the pharmacy counter or in a locked display case and logs to be kept on the purchase of these products. The limit of 9 grams per customer per 30 days has not changed.

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 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 pharmacy@pharmacy.ok.gov. Visit our website at <http://www.pharmacy.ok.gov>.