



NEW BOARD MEMBER

Governor Frank Keating appointed William "Bill" Osborn, D.Ph. of Miami to a term ending June 30, 2007. Bill is a 1984 graduate of the University of Oklahoma College of Pharmacy. President of Osborn Drugs in Miami and

Vinita, Bill is an active member of the Oklahoma Pharmacists Association (OPhA), Past Executive Council Member of OPhA and Past President OPhA District 2. Bill is also involved in various civic organizations including the Miami Area Economic Development Service, Miami Rotary Club and Miami Chamber of Commerce. Best wishes to Bill as he serves the public for the next five years.

BOARD REORGANIZATION

Janis McAllister, D.Ph. of Woodward has been elected President of the Board and Jerry Allen, D.Ph. of Weatherford is Vice-President.

BOARD MEETING - JUNE 12, 2002

Disciplinary Action

Kevin Black, D.Ph. #9717 - Case 627

Respondent was found guilty of one (1) count of violation of the Oklahoma Pharmacy Act after receiving two warning notices within a six-month period. Respondent received a warning on November 9, 2002 for mislabeling a prescription with the incorrect prescriber and on April 12, 2002 for failure to remove outdated medications from active stock. He was fined a total of \$500.00 and a letter of reprimand was remain in his Board file for a period of one year.

Gregory Steven Brooks, D.O., D.Ph. #10134 - Case 626

Respondent was found guilty of two (2) counts of violation of the Oklahoma Pharmacy

Act relating to the unlawful possession of a controlled dangerous substance (CDS) and conduct likely to lower the public esteem for the profession of pharmacy. Respondent's license was placed on suspension for five (5) years until June 12, 2007. He may request probation when the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBND) lifts the restrictions on his OBND license.

BOARD MEETING - JULY 24-25, 2002

Disciplinary Action

D.Ph. #12440 - Case 628

Respondent entered into an Agreed Order with the Board. He was found guilty on four (4) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a CDS and violation of the rules of professional conduct. Respondent's license was suspended for ten (10) years until July 24, 2012. The suspension was placed on probation beginning September 1, 2002, contingent upon his having completed an inpatient drug rehabilitation program and having entered into a contract with Oklahoma Pharmacists Helping Pharmacists (OPHP). He was fined a total of \$2,400.00 and shall attend a one-day pharmacy law seminar in 2002 and 2003 in addition to the regular annual continuing education (CE) requirements.

D.Ph. #8614 - Case 629

Respondent entered into an Agree Order with the Board. He was found guilty on three (3) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a CDS, the practice of pharmacy without reasonable skill and safety due to drug use or abuse and conduct likely to lower public esteem for the profession of pharmacy. Respondent's license was suspended for ten (10) years until July 24, 2012. The suspension was placed on probation beginning August 15, 2002, contingent upon his having completed an inpatient drug

rehabilitation program and having entered into a contract with OPHP. He shall attend a one-day pharmacy law seminar in 2002 and 2003 in addition to the regular annual continuing education (CE) requirements.

D.Ph. #11157 - Case 630

Respondent's license was currently on probation as of February 16, 2001. Respondent was found guilty of two (2) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a CDS and violation of the rules of professional conduct. Respondent shall not have access to CDS while working as a pharmacist. He may appear in 2003 to seek release of these restrictions under the condition that he provides documentation of sobriety from OPHP, documentation of his job performance from his employer(s) and a valid driver's license.

OVERVIEW OF NEW RULES IN EFFECT JULY 1, 2002

Pharmacists! Please review the following summary of the changes to the Oklahoma Pharmacy Rules (Title 535) effective July 1, 2002. A complete copy of the current rules may be downloaded from our website at www.pharmacy.state.ok.us or the **2002 Oklahoma Pharmacy Lawbook** may be purchased at a cost of \$10 each from the Board office.

535:1-5-5.1 - explains **complaint confidentiality**

535:1-7-3.1 - standard of proof in hearings is "**clear and convincing evidence**"

535:1-7-6 - explains **hearing records & maintenance of the records**

535:1-14-1 thru 4 - excludes from state scheduling some **butalbital products** that are not scheduled by DEA (i.e. Fioricet or Esgic)

535:10-3-1.1(3) and 10-3-1.2(19) - adds "**untruthfulness in the course of a pharmacist's professional capacity**" and "**providing fictitious information**" in applying for

or renewal of a license to the rules and violations of professional conduct.

535:10-3-4 - describes the members and terms of the "***Continuing Education Committee***" and adds the recommendation of three (3) or more hours of "***live***" CE for pharmacists as part of the fifteen (15) hours required.

535:10-7-4 - applicants shall complete the licensure process in a diligent and forthright manner - allows ***cancellations of applications*** not completed in a reasonable time.

535:15-3-12 - ***allows the transfer of a CDS prescription and refill information on Schedules III, IV & V. THIS IS ALLOWED ONLY ON A ONE-TIME BASIS & MAY NOT BE TRANSFERRED AGAIN.*** The remaining refills may be filled in the pharmacy receiving the transfer providing the 6 months limit is not exceeded. The computer system used by the pharmacy receiving the transfer must be able to show that the RX is a CDS transfer. (This is to prevent the possible second transfer, which is a violation of federal law.) As in federal law, pharmacies electronically sharing a real-time, online database may transfer up to the maximum refills permitted by law and the prescriber's authorization, not to exceed the 6 month limit.

535:15-13-11 - allows a technician to obtain a ***duplicate permit*** when working in multiple locations regularly or on an emergency relief basis

535:25-3-3 - allows the Board to ***deny a license*** to an applicant that has furnished fictitious, false or misleading information or has failed to provide information relevant to their application

535:25-3-7 - ***changes of name, ownership and/or location*** will require a new license application (including a special inspection and special inspection fee)

535:25-5-1 - "***Warning Notice***" recipients must respond within 10 days

OVERVIEW OF 2002 LEGISLATIVE CHANGES (O.S. Title 59, Chapter 8)

- **Administering** was added to the definition of the “Practice of Pharmacy.”
- **Immunizations** may be administered by pharmacists on patient specific orders. The Board is in the process of writing rules on the required training and registration for giving immunizations. These draft rules are in process of being reviewed by the MD & DO boards as required in the legislation. (You may view the draft rules on our website www.pharmacy.state.ok.us)
- **Fines** were increased from \$500 per count to \$1000.
- **Confidentiality of investigational files.** Allows the Board to keep confidential information obtained and not used in the hearing. Before this change, all information in investigational files was a public record.
- Board allowed to administer **oaths**
- **Cleanup** of “male gender” language.
- The **use of agreements by pharmacists** will be acceptable in the “practice of pharmacy” under rules established by the Board.

CONGRATULATIONS!

Ninety-two (92) pharmacists (including new pharmacists and reciprocities) were issued an Oklahoma Doctor of Pharmacy license during the period from June 2002 through August 2002. A list of these pharmacists may be viewed on our website www.pharmacy.state.ok.us under "Announcements".

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.