

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

2920 N Lincoln Boulevard, Suite A
Oklahoma City, OK 73105

January 14, 2015 – Regular Meeting

Call to order:

President Adams called the January 14, 2015 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m. with a roll call vote. All members were present.

Those present were:

Board Members:

Greg Adams, President
Jim Spoon, Vice-President
Dorothy Gourley, Member
Justin Wilson, Member
Kyle Whitehead, Member
Stephen Dudley, Member

Board of Pharmacy:

John A. Foust, Executive Director
Cindy Hamilton, Compliance Officer
Gary LaRue, Compliance Officer
Melissa Reichert, Compliance Officer
Brinda White, Assistant Attorney General
Rhonda Jenkins, Executive Secretary

Guests:

Laura Petty, Walgreens
Rahi Bigdely, CVS
Katherine Gardner, Wal-Mart
Shannon Griggs, Wal-Mart
Robyn Janaway, Wal-Mart
Becca Segrest, Cardinal Health
Mark St. Cyr, OU Medical Center
Christy Cox, SWOSU College of Pharmacy
Jill Shadid, OU College of Pharmacy
Terry Cothran, OU College of Pharmacy
Rich Palombo, Express Scripts
Jeff Sinko, CVS
John Rocchio, CVS
Jimmy Durant, Durant & Associates
Michael Mone', Cardinal Health
Richard Green, Cardinal Health
LuGina Mendez-Harper, Prime Therapeutics
Suzann Leskela, Intern
Damian Dartez, Intern

Approval of minutes and claims:

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve the November 19, 2014 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to approve expense claims #5014-5081, #H0298722-#H0298726, #H0300246-#H0300250, November and

December 2014 payroll, expenses of the Executive Director and the November and December 2014 leave reports of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacists, Pharmacies, Facilities, and Technicians:

After a review of the cancellation lists presented, a motion was made by Stephen Dudley and seconded by Dr. Jim Spoon to approve the cancellation lists of those that did not renew within the renewal time period. Motion passed on roll call vote.

Stephen Dudley re-appointed:

Executive Director, John Foust informed the Board that Stephen Dudley has been re-appointed to the Board as the public member by Governor Mary Fallin.

Board re-appoints representative for the Physician Assistant Advisory Committee:

The Board held a brief discussion on the re-appointment of Clay Moore, D.Ph., to represent the Pharmacy Board on the Physician Assistant Advisory Committee.

Motion was made by Stephen Dudley and seconded by Dr. Dorothy Gourley to re-appoint Dr. Moore to represent the Board. Motion passed on roll call vote.

National Association of Boards of Pharmacy Meeting (NABP):

The Board discussed the appointment of the official voting representative and alternate for the upcoming NABP meeting.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to appoint President Greg Adams as the official voting representative and the Executive Director as the alternate to represent the Oklahoma Board of Pharmacy at the meeting. Motion passed on roll call vote.

Board sets future Board meeting:

The Board set the June Board meeting date for Wednesday June 17, 2015.

Executive Director gives Agency report:

Building report:

The Director reported that the exterior lighting for the west end of the building has been installed and is complete. The new street lamppost has been installed and is complete. New Year's Eve was the first night that the new building exterior lighting had been operational. The covered walkway project is going well. The construction company is awaiting a few warmer days to install the roof covering. Once that is done the parapet will be installed, the columns will be installed and finally the EFIS finishes. Currently the construction company is looking at completion by the end of January. The sound-deadening material installed in the entry hall has made a big difference in the echoing. The Director stated that he has requested some additional sound deadening panels along the east wall.

The Director reported that the landscaping project should be completed by March 31st. Some preliminary work by marking the work areas has been completed. At the last meeting held with DCS, the landscape architect was making plans to select the large boulders that will be used in the landscape plan. He stated that he had planted about 200 Jonquil bulbs in the flower bed on the west side of the building behind the low green juniper ground cover which should give the bed a lot of color in the spring.

It was noted that the Director and Compliance Officer, Gary LaRue installed a new LG flat screen on the south wall to make it easier for people to read the case information.

Legislation:

The Director reported that he and the staff have been working on the final draft of the Pharmacy Act with Senator Standridge's office. The changes incorporate the new federal regulatory requirements of the Drug Quality and Security Act of 2013 and some cleanup language. The rules updates were submitted at the appropriate times and there will be a

public rule hearing after lunch.

NABP Inspection Form Blueprint meeting:

Compliance Officer Betty Beil and Chelsea Church are representing Oklahoma at the NABP Inspection Form Blueprint Meeting in Chicago. The initiative is hopeful to develop a standardized inspection form for pharmacies which will be adopted by NABP members.

P-4 Students:

The Director noted that there are students from both the University of Oklahoma and Southwestern Oklahoma State University Colleges of Pharmacy attending the Board meeting today. All students will attend a Board meeting during their final year of college.

FARB meeting:

The Director reported that he and Assistant Attorney General, Brinda White will attend the Federation of Associations of Regulatory Boards (FARB) meeting in Tucson later this month.

ISMP Conference:

The staff has contracted with the Jim Thorpe Events Center in Oklahoma City and the Renaissance Hotel in Tulsa as the locations for the Institute for Safe Medication Practices (ISMP) educational conferences to be held in June 2015. Dr. Donna Horn, ISMP Vice-President, will be the main speaker for the 3 hour presentations. She will present the conference one day in OKC and the next day in Tulsa. Dr. Horn is also a past president of NABP and has worked with ISMP for many years. She was one of the presenters at the ISMP conference in June 2014.

TALKOM² meeting:

The Board will be hosting Boards from District 6 plus Mississippi and Tennessee at a meeting at the Dallas/Fort Worth Hyatt Regency in February. The site was chosen because all of the Boards will be able to fly in that morning and fly out that afternoon on direct flights. It is no more than 2 hours for anyone. Some are choosing to arrive the night before and have informal working sessions. We have invited NABP to attend. The topics will include cross-state cooperation in the areas of drug diversion and compounding pharmacy issues. Each Board was invited to send 3 representatives with the recommendations being a compliance officer, attorney and the director. We have nicknamed the meeting TALKOM². Texas, Arkansas Louisiana, Kansas, Oklahoma, Missouri and Mississippi were the original set of states that wanted to get together. Upon learning of the meeting, Tennessee requested an invitation. There will not be a registration fee for the meeting. Each state is responsible for their conference members', meals and other expenses. The Oklahoma Board is covering the cost of the meeting room and coffee/tea service.

ASHP meeting:

The Director reported that he, Dorothy Gourley and Compliance Officer Chelsea Church attended the ASHP meeting in Anaheim in early December. He stated that all 3 attended the NABP Board/staff members meeting held during the ASHP meeting. Dr. Gourley gave a report on the information provided at the meeting.

NABP meeting:

Dr. Jim Spoon attended the NABP Board Members' forum in Chicago. He reviewed the information presented at the forum.

Pharmacy Alliance Meeting:

The Board is hosting the Pharmacy Alliance Meeting (previously called the Schools, Organizations and Boards meeting) on Tuesday January 27th at the Credit Union House which is a few blocks north of the Board office. The conference will be from 8:00 a.m. to 1:00 p.m.

President Adams will appoint 3 representatives to attend the meeting.

Board Director registers as a lobbyist:

The Director reported that he was required to register with the Ethics Commission as an Executive Lobbyist for the 2015 legislative year. The Board covered the \$100 fee that the state charges for the registration. This new registration was the result of some changes in the State Ethics regulations.

Board interviews Reciprocity and Score Transfer applicants:

The Board was called to order to interview thirteen (13) Reciprocity and one (1) Score Transfer applicant. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Reciprocities:

Danny Allen..... TX	Rachel Iverson KS
Michael Blaire NY	Robert Kilfeather VA
Christina Buhrman FL	Richard Knutson..... TX
Douglas Cammann OR	Jessica Pacheco CO
Joseph Casaccia..... AL	Urvishkumar Patel .. IN
Tammy Dessieux LA	Rahil Raza..... MD
Kevin Hunsicker NJ	

Score Transfer:

Amy EnsleyNE

OSBP vs. Ryan Carr, Technician #18736 – Case No. 1303:

The Board was called to order by President Adams to hear the case of Ryan Carr. Mr. Carr was not present but it had been determined that he had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Carr admitted in a written statement to stealing Hydrocodone for his own personal use. Mr. Carr was terminated from Walgreens pharmacy for theft of Controlled Dangerous Substance (CDS).

Ms. White then presented the Board with an Agreed Order that had been signed by Mr. Carr. By signing the Agreed Order, Mr. Carr admits to guilt on all three (3) counts and accepts revocation of his technician permit.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Hali Caspers, Technician #10628 – Case No. 1302:

The Board was called to order by President Adams to hear the case of Hali Caspers. Ms. Caspers was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Keith Tilley, Pharmacist in Charge (PIC) at Citizen Potawatomi Pharmacy Nation West Clinic and Sgt. Russell Ross of Citizen Potawatomi Police testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. Ms. Caspers was observed in a surveillance video filling two different prescriptions. While filling the prescriptions it was determined that she was placing items into her pocket while she was counting out the tablets. Ms. Caspers admitted in a written voluntary statement to stealing Tramadol and Tylenol (Acetaminophen) #3 (30 mg codeine per tablet) for her own personal use. Ms. Caspers was terminated from Citizen Potawatomi Pharmacy for theft of CDS.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Caspers be found guilty on all three (3) counts. Motion passed on roll call vote.

Motion was made by Dr. Justin Wilson and seconded by Dr. Jim Spoon that the technician permit of Hali Caspers be revoked. Motion passed on roll call vote.

OSBP vs. Jyme Kay Wilson, D.Ph. #13212 – Case No. 1308:

The Board was called to order by President Adams to hear the case of Jyme Kay Wilson. Ms. Wilson was present along with her husband Bret Wilson and Counsel, Libby Scott.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Wilson was charged with multiple violations of state and federal regulations and rules including

committing theft while practicing pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Wilson would agree to the following: Ms. Wilson would admit to guilt on all five (5) counts. Her license is suspended indefinitely. Ms. Wilson would agree to enter into and abide by a ten year contract with Oklahoma Pharmacist Helping Pharmacist (OPHP). She is directed to notify all future employers that she has entered into a contract with OPHP. Ms. Wilson may petition the Board and request that the suspension be stayed and that her license be placed on probation upon a finding by OPHP that she is fit for duty and a recommendation by OPHP that she be placed on probation. Ms. Wilson would agree to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of Continuing Education (CE) for a total of 23 hours during the calendar years of 2015 and 2016. All hours of CE that Ms. Wilson is required to obtain to renew her license while she is contracted with OPHP shall be live.

Motion was made by Dr. Dorothy Gourley and seconded by Dr. Jim Spoon to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. John Pate, D.Ph. #13503 – Case No. 1307:

The Board was called to order by President Adams to hear the case of John Pate. Mr. Pate was present and chose to appear without Counsel.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Pate was charged with multiple violations of state and federal regulations and rules including failing to participate in a rehabilitation program for the impaired as required by the Board.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Pate would agree to the following: Mr. Pate would admit to guilt on five (5) counts with Count V being dismissed. His license is suspended indefinitely. After one year of sobriety documented by OPHP and upon a finding by OPHP that Respondent is fit for duty, Mr. Pate may petition the Board and request that the suspension be stayed and the his license be placed on probation.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Jimmie Urner, D.Ph. #9743 – Case No. 1306:

The Board was called to order by President Adams to hear the case of Jimmie Urner. Mr. Urner was not present. Registration Secretary, Rhonda Jenkins testified that he had been properly notified. Chief Compliance Officer, Cindy Hamilton, OPHP Director, Kevin Rich and OSU Medical Center Pharmacy, Director of Pharmacy, Terrell Moorhead all testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. Mr. Urner was charged with multiple violations of state and federal regulations and rules including the use or abuse of an illegal CDS substance or a positive drug screen for such illegal CDS substance or its metabolite.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Mr. Urner be found guilty on all four (4) counts. Motion passed on roll call vote.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley that the license of Jimmie Urner be suspended indefinitely. Motion passed on roll call vote.

OSBP vs. Dixon Farm Supply, Inc. #58-6364 – Case No. 1309:

The Board was called to order by President Adams to hear the case of Dixon Farm Supply, Inc. Representatives present for the pharmacy were owner, Pam Dixon with her husband Steve Dixon, PIC, Tom Hill, and Counsel Courtney Bru.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulation and rules including failing to have a registered pharmacist who is in charge of the pharmacy at all times that the pharmacy is open for business.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, the Respondent would agree to the following: The Respondent admits guilt on Counts I-IV.

Count V is dismissed. The Respondent would be placed on probation for one (1) year until January 14, 2016. The Respondent would agree to a fine of \$2000.00 per count for a total of \$8,000.00 which would be due on January 14, 2015. The Respondent shall also secure prescription drugs in a manner which does not allow access to them when a pharmacist is not on site.

Motion was made by Stephen Dudley and seconded by Dr. Dorothy Gourley to accept the Agreed Order. Motion passed on roll call vote.

President Adams adjourned the Board meeting:

Motion was made by Dr. Dorothy Gourley and seconded by Dr. Kyle Whitehead to adjourn the Board meeting. Motion passed on roll call vote. President Adams adjourned the Board meeting at 11:20 a.m.