

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

February 25, 2015

Call to order:

President Adams called the February 25, 2015 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:35 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
Chelsea Church, Compliance Officer
Brinda White, Assistant Attorney General
Rhonda Jenkins, Executive Secretary

Guests:

Eamon Darbandi, Walgreens
Chukwuemezie Chimezie, Walgreens
Becca Segrest, Cardinal Health
Mark St. Cyr, OU Medical Center
Jill Shadid, OU College of Pharmacy
Terry Cothran, OU College of Pharmacy
Nancy T. Williams, SWOSU College of Pharmacy

Approval of minutes and claims:

Motion was made by Stephen Dudley and seconded by Dr. Jim Spoon to approve the January 14, 2015 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve expense claims #5082-5135, #H0302761-#H0302765, January and February 2015 payroll, expenses of the Executive Director and the January 2015 leave report 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 Dr. Justin Wilson and seconded by Dr. Dorothy Gourley to approve the cancellation lists of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board sets future Board meeting:

The Board set the August Board meeting date for Wednesday, August 19, 2015.

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 4th quarter list of CE programs that had been submitted and approved by the CE Committee in December 2014.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

Executive Director gives Agency report:

Building report:

The Director reported that the landscaping work continues on the building site. Substantial work on the boulder retaining walls, grading, sod removal and concrete work has been done. They plan to have the landscaping completed by the end of March. Some of the daffodil bulbs that were planted have sprouted.

The covered walkway project is essentially complete except for the water splash landscaping that needs to be approved and installed. The remaining work includes the installation of the additional sound deadening panels on the east wall of the entry foyer and the water drain splash flagstone landscaping in front of the columns. The splash landscaping was an afterthought and that plus the added sound deadening material in the entry hall may push the total cost of the project about \$10,000 over the initial amount. The splash landscaping is necessary to get the rainwater away from the walkway and the building without washing the soil down the street. The plan is to use the same type of flagstone pavers that are being installed around the flagpoles and the artwork.

ISMP Conference:

The Director noted that the Board has contracted with the Jim Thorpe Events Center in Oklahoma City for June 23rd and the Renaissance Hotel in Tulsa on June 24th as the locations for the conference. Dr. Donna Horn, ISMP Vice-President, will be the main speaker for the 3 hour ACPE-Approved 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. The Director stated that he hoped by having the conference held at 2 locations, that the attendance will double. The results will be reviewed before the next conference is scheduled. DEA has scheduled a conference for Oklahoma registrants on the Saturday and Sunday after our ISMP conference. The staff will be presenting at that meeting.

TALKOM² meeting:

The Board hosted the Boards from NABP District 6 plus Mississippi and Tennessee at a meeting at the Dallas/Fort Worth Hyatt Regency in February. We have nicknamed the meeting TALKOM² (squared) conference. Texas, Arkansas Louisiana, Missouri and, Oklahoma from District 6 attended in addition to Mississippi and Tennessee. Kansas Board of Pharmacy Director Dr. Deborah Billingsley was unable to attend. Dr. Carmen Catizone from NABP also attended as an invited guest. The meeting was very productive covering topics such as technician issues, diversion, education, budgeting and general discussion.

NABP Inspection Form Blueprint meeting:

Compliance Officers Betty Beil and Chelsea Church attended the NABP Inspection Form Blueprint Meeting in Chicago. Compliance Officer Chelsea Church gave a short report on the meeting. The goal of the meeting was to work toward an electronic inspection form which would be adopted by most Boards of Pharmacy.

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 attended the Federation of Associations of Regulatory Boards (FARB) meeting in Tucson. Brinda White gave a short report on the topics of the meeting, including the interesting topic of continuing education versus continuing competence.

Pharmacy Alliance Meeting:

The Board hosted 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. President Greg Adams attended and gave an update on the meeting. The meeting is an opportunity for representatives from many pharmacy organizations to discuss the important issues impacting the profession, and work together to find solutions.

New Compliance Officer:

The Director noted that an additional compliance officer had been hired. Dr. Marty Hendrick will start on March 1st 2015. He will office from his home in Tulsa. He stated that the staff will be revising the inspection territories and responsibilities of the other compliance officers to include his areas of responsibility.

FDA Meeting:

The Board has been asked to participate in a meeting in March at FDA White Oak Headquarters in Washington to review issues surrounding the implementation of the DQSA. The Board has also been asked to participate in a March meeting with DEA regarding interpretation of the final rules for electronic prescribing. Most of the expenses for these two meetings will be covered by the FDA and DEA.

Pharmacy Act:

The Pharmacy Act changes SB787 passed the Senate Committee chaired by Senator Rob Standridge on February 16, 2015. The Senate worked on the holiday. The Director noted that he attended the meeting with our legislative liaison. The Director noted that the Senators had several questions regarding the bill. Most of the questions dealt with fee changes (of which there are none) CLEET certification for our inspectors, powers of the Board members, changes in definitions (we are using federal definitions in most cases), the DQSA and how it requires the creation of 2 new classes of registrants (outsourcing facilities and 3rd party logistics providers). The Bill passed Committee without amendment but the Director feels that Senator Standridge may offer a couple of amendments to clarify some of the questions raised. None of the questions raised were problematic. The Senators were asking very good, detailed questions about how we would interpret some of the language. It was apparent they were very interested in our bill.

Board discusses yearly evaluation of the Executive Director:

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to go into Executive Session to discuss the yearly evaluation of the Executive Director. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Dorothy Gourley to return from Executive Session.

President Adams stated that the Board had a brief discussion and noted that the Executive Director is doing a good job, and that he should continue to implement the projects the Board has discussed at previous meetings.

Board increases funds for building projects:

Due to some changes in the landscape design for the covered walkway project, additional splash landscaping is required over the original plan bid. DCS worked with the state landscape architect to design the way that storm water would drain from the building, resulting in an increased cost.

Motion was made by Dr. Jim Spoon and seconded by Dr. Justin Wilson to increase the building fund authorization from \$269,000.00 to \$300,000.00 in order to complete the necessary architectural changes. Motion passed on roll call vote.

Board approves revision to 535:15-3-9(c)(3):

The Board was called to order by President Adams to discuss the revision of 535:15-3(c)(3) that is necessary due to an administrative error.

After a brief explanation by the staff on the necessary change, motion was made by Dr. Dorothy Gourley and seconded by Stephen Dudley to approve the correction of 535:15-3-9(c)(3). Motion passed on roll call vote.

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:

| | |
|-------------------------|--------------------------|
| Tyler Chamberlain.. KS | Samantha Harp TX |
| Clayton Clifton..... MS | Aswin Patel NV |
| Kevin Doherty NM | Ernest Tam NV |
| Tyrel Einfeldt TX | Gerry Teague TX |
| Kenda Fort CO | Michael Vanderpoel .. TX |
| Michael Ghabour.... AL | Steve Wilson MS |
| Jerry Gillick AZ | |

Score Transfer:

Ayemoba Braimah FL

OSBP vs. Brent Michael Woodward, Technician #19176 – Case No. 1320:

The Board was called to order by President Adams to hear the case of Brent Woodward. Mr. Woodward 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. Woodward admitted in a written statement to the theft of money and merchandise. Mr. Woodward was terminated from CVS Pharmacy for theft.

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

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. Brandi Kloeckler, Technician #17100 – Case No. 1304:

The Board was called to order by President Adams to hear the case of Brandi Kloeckler. Ms. Kloeckler was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Marla Strahl, Pharmacist in Charge (PIC) for Sapulpa Wal-Mart testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. Ms. Kloeckler was observed in a surveillance video placing a false label on a prescription. Ms. Kloeckler's employment was terminated for "gross misconduct" due to prescription forgery and theft.

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

Motion was made by Stephen Dudley and seconded by Dr. Jim Spoon that the technician permit of Brandi Kloeckler be revoked. Motion passed on roll call vote.

OSBP vs. Diana Hayes, Technician #15801 – Case No. 1317:

The Board was called to order by President Adams to hear the case of Diana Hayes. Ms. Hayes was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Hayes had refilled a patient's prescription without authorization and then took it for her own personal use.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Hayes. By signing the Agreed Order, Ms. Hayes admits to guilt on all four (4) counts and accepts revocation of her technician permit.

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

OSBP vs. Larry Vasquez, Technician #19651 – Case No. 1323:

The Board was called to order by President Adams to hear the case of Larry Vasquez. Mr. Vasquez 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. Vasquez was tested in a random drug test and tested positive for amphetamines. Mr. Vasquez was terminated from Walgreens Pharmacy.

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

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

OSBP vs. Sarah Phariss, Technician #16821 – Case No. 1319:

The Board was called to order by President Adams to hear the case of Sarah Phariss. Ms. Phariss was present and chose to appear without Counsel. Rochelle Brewer, Store Manager for Walgreens testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. Ms. Phariss had admitted in a voluntary written statement that she had been loading points on store Balance Rewards cards on several occasions. She would use the points to purchase merchandise, and then friends would return much of the merchandise for store credit. Ms. Phariss was terminated from Walgreens for fraud.

Motion was made by Dr. Jim Spoon and seconded by Dr. Dorothy Gourley to go into Executive Session. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to return from Executive Session. Motion passed on roll call vote.

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

Motion was made by Stephen Dudley and seconded by Dr. Jim Spoon that the technician permit of Sarah Phariss be revoked. Motion passed on roll call vote.

OSBP vs. Jessica Lopez, Technician #16597 – Case No. 1325:

The Board was called to order by President Adams to hear the case of Jessica Lopez. Ms. Lopez was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Lopez admitted in a voluntary written statement to fraudulently reproducing and filling a prescription for Alprazolam 1mg. Ms Lopez was terminated from Walgreens Pharmacy for theft and diversion of controlled dangerous substance (CDS).

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Lopez. By signing the Agreed Order, Ms. Lopez admits to guilt on all four (4) counts and accepts revocation of her technician permit.

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

OSBP vs. Zach Curry, D.Ph. #14832 – Case No. 1321:

The Board was called to order by President Adams to hear the case of Zach Curry. Mr. Curry was present along with his wife Megan, his infant son and Counsel, Daniel Smolen.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Curry 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, Mr. Curry would agree to the following: Mr. Curry would admit to guilt on all three (3) counts. His license is suspended indefinitely. Mr. Curry would agree to enter into and abide by a ten year contract with Oklahoma Pharmacist Helping Pharmacist (OPHP). He is directed to notify all future employers that he has entered into a contract with OPHP. After at least 3 months documented sobriety and OPHP providing documenting that respondent is fit for duty, Mr. Curry may petition the Board and request that the suspension be stayed and that his license be placed on probation.

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

OSBP vs. Katherine Kroener, D.Ph. #14268 – Case No. 1324:

The Board was called to order by President Adams to hear the case of Katherine Kroener. Ms. Kroener was present and chose to appear without Counsel.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Kroener was charged with multiple violations of state and federal regulations and rules including failing or neglecting to procure the renewal of her license on or before the expiration date.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Kroener would agree to the following: Ms. Kroener would admit to guilt on all five (5) counts. Ms. Kroener's license has not been renewed due to her failure to comply with the state income tax laws. Once she is in compliance with the state tax laws and her license is renewed, her license will be suspended indefinitely. Ms. Kroener 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. Kroener would agree to pay a fine of \$3000.00 per count for a total fine of \$15,000.00. The fine is due February 25, 2015. Ms. Kroener 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. Kroener is required to obtain to renew her license while she is contracted with OPHP shall be live. Ms. Kroener may petition the Board and request that the suspension of her license be stayed and placed on probation after she has retaken and passed the Multistate Pharmacy Jurisprudence Exam (MPJE), has OPHP's approval and is current on her CE including the CE for the years that she was working without a license.

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

President Adams adjourned the Board meeting:

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to adjourn the Board meeting. Motion passed on roll call vote. President Adams adjourned the Board meeting at 12:15 p.m.