

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

October 21, 2015

Call to order:

President Spoon called the October 21, 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:

Jim Spoon, President
Justin Wilson, Vice-President
Greg Adams, Member
Mark St.Cyr, Member
Stephen Dudley, Member
Kyle Whitehead, Member

Board of Pharmacy:

John A. Foust, Executive Director
Cindy Hamilton, Chief Compliance Officer
Gary LaRue, Senior Compliance Officer
Betty Beil, Senior Compliance Officer
Chelsea Church, Compliance Officer
Melissa Reichert, Compliance Officer
Marty Hendrick, Compliance Officer
Brinda White, Assistant Attorney General
Rhonda Jenkins, Executive Secretary

Guests:

Derek Dennis, Walgreens
Ryan Walker, Walgreens
Neshil Patel, Walgreens
Eamon Darbandi, Walgreens
Shannon Griggs, Wal-Mart
Nancy T. Williams, SWOSU College of Pharmacy
Randy Curry, SWOSU College of Pharmacy
Terry Cothran, OU College of Pharmacy
Jill Shadid, OU College of Pharmacy
Debra Billingsley, OPhA
Travis Tate, HealthChoice
Robert Holliday, Intern
Lucas Coody, Intern
Kelly Cornell, Intern

Approval of minutes and claims:

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to approve the August 19, 2015 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley, and seconded by Dr. Mark St.Cyr to approve expense claims #5327-#5395, #H0317538-#H0317542, #H0319569-#H0319573, September and October 2015 payroll, expenses of the Executive Director and the August and September 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 Stephen Dudley to approve the cancellation list of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 3rd quarter list of CE programs that had been submitted and approved by the CE Committee in September 2015.

Motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to accept the list of CE programs that had been recommended by the committee for Board approved CE credit. Motion passed on roll call vote

Board discusses changes in the financial report:

The Director discussed the additions to the Board financial report. The new report lists possible and accrued leave expenses, sick time, and other potential liabilities which had not been regularly reported in the past.

Board considers appointment to chair a Committee to review regulations and rule changes for some pilot programs:

President Jim Spoon appointed Dr. Steve Pryor, D.Ph., of Enid, Oklahoma to serve as chair of the Pilot Program Review Committee. Dr. Pryor will work with the Director to obtain a broad group of members for the committee that will represent the various stakeholders. Dr. Pryor will announce the first meeting soon. Discussion was held regarding the specific pilot program which allows pharmacies to ship patient-specific filled prescriptions requiring cold-chain storage conditions directly to a prescriber's office or clinic for administration or prescriptions for patients who did not have a secure mailing address, or did not have a permanent address. After discussion, the Board authorized the Executive Director to approve requests by pharmacies for inclusion in this one specific pilot program for one year under the same reporting requirements as were required for previously approved pharmacies.

Board sets future Board meeting:

The Board set a Board meeting date for Wednesday, February 24, 2016.

Executive Director gives Agency report:

Building report:

The Director reported that he is waiting for the plans from the architect for the covered south walkway and covered parking. He stated that he met with the architect, the state building architect who is working with the agency on the project and the facility director to review the proposed construction.

50 Year Pharmacists:

The Director noted that the Board presented the 50 year gold certificates to pharmacists at a reception at the Board office in mid-October. Board member, Dr. Mark St.Cyr made the presentations for the Board. Dr. Mark St.Cyr gave a report on the event.

NABP meeting report:

The Director noted that he and 3 of the Board members attended the NABP District 6, 7 & 8 meeting in Nevada. Dr. Jim Spoon gave a short report on the meeting.

NCPA meeting report:

Dr. Jim Spoon gave a report on the NCPA annual meeting.

FARB meeting report:

Assistant Attorney General, Brinda White gave a report on the meeting which was attended by the Director and Ms. White. Several discussions were held at the meeting about the FTC North Carolina Dental Board case. Ms. White mentioned that the Director had spoken at the meeting on the subject of disciplinary cases, and how the Oklahoma Board was sponsoring numerous continuing education seminars on law and safety to educate pharmacists so they would be better able to avoid disciplinary issues.

OPhA Annual Meeting report:

Dr. Justin Wilson gave a report on the meeting held in conjunction with the Kansas Pharmacist Association and the Missouri Pharmacist Association.

NABP Executive Officers Forum report:

The Director gave a report on the meeting. He reported on the NABP Inspection Blueprint project, which is hoped to provide a standardized inspection form that all state boards could use. The standardized form would be accepted by other states. The Director is the NABP Executive Committee member on the Blueprint Inspection Form project.

SWPRN Meeting report:

Compliance Officer, Mary Hendrick gave a report on the meeting. He discussed some of the issues of drug diversion and abuse, and how the peer assistance programs work.

Tri-Regulatory meeting report:

Chief Compliance Officer, Cindy Hamilton gave a report on the meeting.

ISMP Safety Conference 2016:

The Director noted that he has not received a reply to his letter to Michael Cohen, President of ISMP, about his participation in a conference next year.

ACHC Request:

The Director presented a letter that he received asking for the Board to consider accepting their inspection for the Board of Pharmacy required non-resident pharmacy inspections.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley not to accept the inspections based on the presentation in the letter. Motion passed on roll call vote.

Board CE Program Report:

Compliance Officer Chelsea Church gave a report on the meeting. Dr. Church developed a CE program on Ethics which was presented in McAlester and will be presented in 3 other locations. Chief Compliance Office, Cindy Hamilton developed a program on law updates which will also be presented at the locations. This is part of the Board's outreach to the profession to provide vital compliance information.

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. All students will attend a Board meeting during their final year of college.

Board discusses the Executive Order 2015-33 of Governor Mary Fallin:

The Board held a brief discussion delegating the Director the authority to seek Attorney General review of arguably anticompetitive actions.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to grant the delegating authority to the Director. Motion passed on roll call vote.

Board interviews Reciprocity, Score Transfer and NAPLEX applicants:

The Board was called to order to interview fifty-seven (57) Reciprocity, two (2) Score Transfer and two (2) NAPLEX applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Reciprocities:

Hazem Abawi	AZ	Theresa James	CO	Adam Reyna	Wi
Andrea Adsit	NY	Michael Jobe	IN	John Riccardi	D.C.
Cynthia Aebli	FL	Sean Johnston	PA	Marion Rizer	IN
Michael Arnold	CO	Jennifer Jones	IL	Larry Roberts	TX
Patrick Baker	PA	Stacey Kennedy	MI	Earl Robertson	FL
Laura Blad	WI	Gary Koesten	NY	Christen Roy	ME
Christina Bond	AL	Carrie Kunin	MO	Thomas Rozewicz	MI
Ralph Bonofiglio	MO	Jeril Kurian	NY	Ira Schulman	NY
Spencer Brown	KS	Frank LaCorte	FL	Meena Shah	KY
Brian Buford	TN	Lukasz Lakoma	MA	Bradley Shaw	WI
Christine Burg	SD	Susan Lanctot	ND	Robert Traffis	OH
Michael Clurman	FL	Patrick Marks	NY	Heather Tyas	NJ
Randal Davis	TN	Douglas McCullough	PA	Kenneth Ukauwa	WA
Loza Dejene	TX	Rebecca Moorman	OH	Tim Walsh	NY
Randy Ferreter	FL	Heather Mulvihill	TX	Mark Wear	AR
Laura Fleener	KY	Nereida Padilla	FL	Kenneth Webster	MD
Tracy Hart	TN	Michael Pavlovich	NV	Jimmy Wong	OR
Jenny Hua	TN	Christopher Perseo	NY	Craig Woodruff	FL
Robin Hyman	GA	Michael Petrilli	IL	Kelly Wyant	NE

Score Transfer:

Sarah Hwang	MO
Bradley Rocco	PA

NAPLEX:

Joanna Dam
John McGrory

OSBP vs. Alexy Blackmon, Technician #10419 – Case No. 1345:

The Board was called to order by President Spoon to hear the case of Alexy Blackmon. Ms. Blackmon was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. David Donald, D.Ph. and Pharmacy Manager testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms White presented the Board with the Complaint for review. Ms. Blackmon had collected expired controlled medications from seven (7) different units at St. Francis Hospital. Ms. Blackmon kept these controlled drugs overnight and when she returned to work, it was discovered that she did not return all of the expired medications and that the products were not returned electronically to the CSM Vault but rather were placed in the expired bin along with other returned medications. All of the drugs had been adulterated except for the expired Oxycodone CR 10 mg; the drugs had been replaced with Tums and Tylenol and the packages were carefully taped shut. Dr. Donald spoke with the respondent who suggested that a nurse could have adulterated the drugs. Dr. Donald pointed out that it would have had to have happened on several different units and involved several different nurses. Ms. Blackmon then asked if she would be fired and lose her tech permit. Ms. Blackmon was terminated from St. Francis Hospital for theft of controlled dangerous substance. (CDS)

Motion was made by Stephen Dudley and seconded by Dr. Mark St.Cyr that based on the clear and convincing evidence presented, Ms. Blackmon be found guilty as charged. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson that the technician permit of Alexy Blackmon be revoked. Motion passed on roll call vote.

OSBP vs. Teresa Badillo, Technician #3945 – Case No. 1354:

The Board was called to order by President Spoon to hear the case of Teresa Badillo. At this time, Dr. Greg Adams recused himself from the hearing of Ms. Badillo. It was determined that Ms. Badillo was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Greg Adams, D.Ph. owner and Pharmacist in Charge, (PIC) of Salisbury Pharmacy testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms White presented the Board with the Complaint for review. Dr. Adams had discovered that the perpetual inventory counts of Hydrocodone/APAP 10mg/500mg were noticeably off. The drug had not been dispensed since the annual inventory had been done. After watching video of Ms. Badillo, it showed Ms. Badillo placing the drug into her pocket. Ms. Badillo was interviewed and confessed in a written voluntary statement to the theft of CDS for her own personal use. Ms. Badillo was terminated from Salisbury 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. Badillo be found guilty on all three (3) counts. Motion passed on roll call vote.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the technician permit of Teresa Badillo be revoked. Motion passed on roll call vote.

OSBP vs. Shauna Stacey, Technician #17398 – Case No. 1355:

The Board was called to order by President Spoon to hear the case of Shauna Stacey. Ms. Stacey was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Hunter Hogan, Pharmacy Operation Manager of Hunters Precision Rx testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms White presented the Board with the Complaint for review. The pharmacy receives paperwork, correspondence and copays from several different mental health clinics. Dr. Hogan noticed that a copay envelope appeared to have been opened by someone. The envelope appeared to have been sealed and then the sealed edge was taped. However, the tape appeared to have been pulled away and then the envelope was resealed to make it appear as it would have originally. When Dr. Hogan opened the envelope and counted the money, he discovered that it was \$40.00 short. Three staff employees could have had access to the copay envelope before Dr. Hogan received it. Ms. Stacey was one. Ms. Stacey was interviewed and verbally admitted to taking \$40.00 from the envelope. Upon further questioning, she admitted that she may have taken a couple hundred dollars. Ms. Stacey was terminated from Hunter's Precision Rx for theft and misconduct.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Stacey be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley that the technician permit of Shauna Stacey be revoked. Motion passed on roll call vote.

OSBP vs. Christina Essary, Technician #14454 – Case No. 1356:

The Board was called to order by President Spoon to hear the case of Christina Essary. Ms. Essary was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Abram McMann, PIC at St. John's Sapulpa testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms White presented the Board with the Complaint for review. Ms. Essary received a written warning from her supervisor for failing to pull outdated medication in a routine fashion. There were numerous outdated medications found at the nurses' stations that had not been pulled. Ms. Essary received a final written warning and she was placed on twelve months' probation. On a later date, Ms. Essary pulled outdated medication from the Pyxis and left the medication unattended, by her own admission. Ms. Essary failed to follow proper procedures for documenting and wasting outdated medications. The Pyxis reports show that Ms. Essary pulled numerous outdated narcotic medications from the Pyxis but did not document wasting them and they cannot be accounted for. Ms. Essary met with Mr. McMahan. He told Ms. Essary that he has rechecked different areas and that he had not

found the missing medications. Ms. Essary told him that she had left the outdated medication container unattended in the presence of two RN's. Ms. Essary was sent home and suspended pending further investigation. Mr. McMahan tried to schedule more meetings with Ms. Essary but she failed to show up for the meetings. Ms. Essary was sent a letter of self-termination of employment due to her failure to return calls and meet with Mr. McMahan.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Essary be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the technician permit of Christina Essary be revoked. Motion passed on roll call vote.

OSBP vs Wholesalers Group, Inc. d/b/a Drogueria Bayamon, #88-W-3749 – Case No. 1352:

The Board was called to order by President Spoon to hear the case of Drogueria Bayamon. The Respondent was not present. Rhonda Jenkins, Registration Secretary testified that they had been properly notified. Chief Compliance Officer, Cindy Hamilton testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including willfully making a false representation in procuring or attempting to procure for itself licensure under the Oklahoma Pharmacy Act.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson that based on the clear and convincing evidence presented, Drogueria Bayamon be found guilty as charged. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson that the license of Wholesalers Group, Inc., d/b/a Drogueria Bayamon be revoked. Motion passed on roll call vote.

OSBP vs Dave Redden, D.Ph. #14630 – Case No. 1357:

The Board was called to order by President Spoon to hear the case of Dave Redden. Mr. Redden was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Redden was charged with multiple violations of state and federal regulations and rules, including mis-filling a prescription or drug order which departs from the standards of care ordinarily exercised by a registrant with proof of actual injury not having to be established.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Redden would agree to the following: Mr. Redden admits to guilt on Counts 1-21. Mr. Redden will attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 for a total of twenty-three (23) hours of CE during 2016. All 15 hours of required CE shall be live during 2016 and 2017.

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

OSBP vs Arcadia Pharmacy Solutions, LLC #2-7217 – Case No. 1296:

The Board was called to order by President Spoon to hear the case of Arcadia Pharmacy Solutions. Pharmacy owner, Victor Young was present along with his spouse. Attorneys Mark Steele and Christa Moss were also present.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including allowing a non-pharmacist to perform duties reserved for a pharmacist.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Arcadia Pharmacy would agree to the following: The Respondent admits to violating the statutes and rules as alleged in Counts 1-785 and Count 787. The Respondent would agree to revocation of the pharmacy license. The Respondent would agree to pay a fine of \$500.00 per count on Counts 7-16, 320-321, 411-418, 512-522, 785 and 787 for a total of \$15,000.00. The fine is due on November 20, 2015. Mr. Young agrees to sell all pharmacies owned by him and all ownership

interests in any pharmacies and divest himself of any interest in any business entities that own a pharmacy or pharmacies within 120 days from the date of the order. Mr. Young agrees that he will not own a pharmacy, an interest in a pharmacy or an interest in an entity that owns a pharmacy. He also agrees that he will not become an employee of a pharmacy or receive any compensation from a pharmacy.

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

OSBP vs Linda France, D.Ph. #12079 – Case No. 1294:

The Board was called to order by President Spoon to hear the case of Linda France. Ms. France was present along with Attorney, Vicki Behenna.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. France was charged with multiple violations of state and federal regulations and rules, including allowing a non-pharmacist to perform duties reserved to a pharmacist.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. France would agree to the following: Ms. France admits to guilt on Counts 7-225, 231-319, 603-857 and 873. Ms. France's license is suspended for fourteen (14) consecutive days. This suspension shall occur before November 15, 2015. Ms. France will consult with the Board's Executive Director in designating these days. After the fourteen (14) day's suspension, Ms. France will be placed on probation for two (2) years until November 1, 2017. Ms. France will agree to not work as a PIC. Ms. France shall work with Oklahoma Pharmacist Helping Pharmacist (OPHP) to obtain a fit for duty evaluation from a provider selected by OPHP. If the provider recommends treatment, Ms. France shall enter into a contract with OPHP. Ms. France will agree to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 and 2017 for a total of twenty-three (23) hours of CE for each of these years. All 15 hours of required CE shall be live during 2016, 2017, 2018, 2019 and 2020. Before Ms. France can do compounding more complex than combining two (2) commercially available products in a non-sterile environment, she must successfully complete a Board approved seminar on compounding.

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

OSBP vs Wheeler & Stuckey Rx Pharmacy #2, #1-959 – Case No. 1362:

The Board was called to order by President Spoon to hear the case of Wheeler & Stuckey Rx Pharmacy #2. Pharmacy owner and PIC, Dale Metzler was present along Attorney Steve Huddleston.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including failing to have available for inspection at the pharmacy location a policy and procedure manual dealing with sterile therapeutic preparations and services that are provided.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Wheeler & Stuckey Rx Pharmacy #2 would agree to the following: The Respondent admits guilt on Counts I-V. The Respondent's pharmacy license is suspended for five (5) years. The suspension is immediately stayed and the Respondent is hereby placed on probation for five (5) years until October 21, 2020. The Respondent's sterile compounding permit is suspended until the Respondents are in compliance with all aspects of USP797. Respondent shall obtain a certification of compliance with USP797 from an outside vendor and submit the certification to the Board. The Respondent agrees to provide the Board with their Policies and Procedures Manual. This manual shall include policies and procedures that assure the Respondent is compliant with USP797. Once these documents have been submitted to the Board the Respondent shall obtain re-inspection by a Board Compliance Officer. The Respondent must pass the inspection and complete the sterile compounding class before the suspension of the pharmacy sterile compounding permit is lifted. The Respondent would agree to pay a fine of \$2,000.00 per count on Counts I-V for a total of \$10,000.00. The fine is due on October 21, 2016.

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

OSBP vs Dale Metzler, D.Ph. #8635 – Case No. 1363:

The Board was called to order by President Spoon to hear the case of Dale Metzler. Mr. Metzler was present along with Attorney Steve Huddleston.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Metzler was charged with multiple violations of state and federal regulations and rules, including failing to be familiar with all details of USP Compounding Standards.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Metzler would agree to the following: Mr. Metzler admits to guilt on Counts VI-XIX. Mr. Metzler's license is suspended for five (5) years. The suspension is immediately stayed and Mr. Metzler is placed on probation for five (5) years until October 21, 2020. Mr. Metzler shall obtain a certification of compliance with USP797 from an outside vendor and submit the certification to the Board. Mr. Metzler agrees to provide the Board with a Policies and Procedures Manual. This manual shall include policies and procedures that assure Mr. Metzler is compliant with USP797. Once these documents have been submitted to the Board Mr. Metzler shall obtain re-inspection by a Board Compliance Officer. Mr. Metzler shall successfully complete a sterile compounding class of a minimum of sixteen (16) clock hours in order to gain a better understanding of the requirements for sterile compounding and USP797 compliance. Mr. Metzler must complete the sterile compounding class before he can compound sterile products. Mr. Metzler agrees to remove all outdated drugs from active stock, place them in a separate quarantine area and establish a policy and procedure that requires documentation showing such action was taken, when and by whom. This policy and procedure shall also require inventory to be checked monthly and outdated stock to be removed from the facility quarantine area within six (6) months as is required by Board rules. Mr. Metzler shall comply with this requirement by November 21, 2015. Mr. Metzler would agree to pay a fine of \$2,000.00 per count on Counts VI-XIX for a total fine of \$28,000.00. The fine is due on October 21, 2016. Mr. Metzler will agree to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2015 and 2016 for a total of twenty-three (23) hours of CE for each of these years. All 15 hours of required CE shall be live during his five (5) year probation.

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

OSBP vs Bivens Drug Inc., #70-5920 – Case No. 1364:

The Board was called to order by President Spoon to hear the case of Bivens Drug. Pharmacy owner and PIC, Jerry Dennis was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including OAC 535:15-3-11 (c) which provides that all outdated prescription drugs shall be removed for the active inventory are upon expiration and cannot be used to fill prescriptions. The removal from the pharmacy of these expired drugs must occur within six months either by destruction or by being returned to the supplier.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Bivens Drug would agree to the following: The Respondent admits to guilt on all three (3) counts. The Respondent would agree to pay a fine of \$1000.00 per count on Counts 1-3 for a total of \$3,000.00. The fine is due on October 21, 2015.

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

OSBP vs Jerry Dennis D.Ph. #9252 – Case No. 1365:

The Board was called to order by President Spoon to hear the case of Jerry Dennis. Mr. Dennis was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Dennis was charged with multiple violations of state and federal regulations and rules, including failing to be responsible for all aspects of the operation related to the practice of pharmacy including the proper record keeping system for the purchase, sale, delivery, possession, storage, and

safekeeping of drugs.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Dennis would agree to the following: Mr. Dennis admits to guilt on Counts 2-3. Mr. Dennis would agree to pay a fine of \$1,000.00 per count on Counts 2 and 3 for a total fine of \$2,000.00. The fine is due on October 21, 2015. Mr. Dennis will agree to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 for a total of twenty-three (23) hours of CE during 2016. All 15 hours of required CE shall be live during 2016.

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

Howard Miller, D.Ph. appears before the Board for reinstatement of his pharmacist license:

The Board was called to order by President Spoon to hear the request of Howard Miller. Mr. Miller was present. Mr. Miller had action taken on his Arkansas license due to an addiction to Hydrocodone. His Arkansas license has since been reinstated. He is asking for reinstatement of his Oklahoma license because his employer in Arkansas provides prescriptions to nursing homes in Oklahoma.

After a brief discussion with Mr. Miller explaining that in Oklahoma, because he has a felony, a waiver letter may be required from the Oklahoma Bureau of Narcotics in order to handle CDS. Mr. Miller understood the possibility.

Motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to grant the request of Mr. Miller. Motion passed on roll call vote.

Steve Levin, D.Ph. appears before the Board for approval of his reciprocity application:

The Board was called to order by President Spoon to hear the request of Steve Levin. Mr. Levin had submitted a reciprocity application in order to meet the new PIC rule that becomes effective November 1, 2015. It was noted the Mr. Levin had changed some of his "No" answers on the Professional History section to "Yes". NABP was contacted and it was discovered that he had neglected to inform the Board of other actions in another state.

A brief discussion was held with Mr. Levin about what happened and the reasoning behind his changing the answers. Mr. Levin stated that the action in California had been expunged and therefore he didn't realize that he still had to divulge that information.

Motion was made by Dr. Kyle Whitehead and seconded by Dr. Justin Wilson to approve his request based on the proof of expungement from California. Motion passed on roll call vote.

Lucinda Van Anglen, with Healix appears before the Board to request approval for a pilot program:

The Board was called to order by President Spoon to hear the request of Healix. Lucinda Van Anglen was present to request approval from the Board that Healix be allowed to ship patient-specific filled prescriptions requiring cold-chain storage temperatures directly to prescriber's offices for administration.

Motion was made by Dr. Kyle Whitehead and seconded by Stephen Dudley to grant the request for a pilot program for 1 year and the report back to the Board in 1 year. Motion passed on roll call vote.

OSBP vs Walgreens #09693, #15-7107 – Case No. 1361:

The case of Walgreens was continued until the next Board meeting.

OSBP vs Deanna Sparks D.Ph. #15046 – Case No. 1358:

The Board was called to order by President Spoon to hear the case of Deanna Sparks. Ms. Sparks was present with her husband Darren Sparks and Attorney Mack Martin.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Sparks was charged with multiple violations of state and federal regulations and rules, including forging or increasing the quantity of drug in any prescription, or presenting a prescription bearing forged, fictitious or altered information of possessing any drug secured by such forged, fictitious or altered prescription.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Sparks would agree to the following: Ms. Sparks admits to guilt on all five (5) counts. Ms. Sparks' license is suspended for five (5) years. The suspension is stayed and placed on probation for five (5) years until October 21, 2020. Ms. Sparks agrees to contact Oklahoma Pharmacist Helping Pharmacist (OPHP) Director Kevin Rich and obtain a fit for duty evaluation. Ms. Sparks shall follow the recommendations of Mr. Rich and the evaluator. If necessary Ms. Sparks shall enter into an OPHP contract and notify all future employers that she has entered into a contract. Ms. Sparks would agree to pay a fine of \$1,200.00 per count for a total fine of \$6,000.00. The fine is due on October 21, 2015. Ms. Sparks will agree to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 for a total of twenty-three (23) hours of CE. All 15 hours of required CE shall be live during 2016, 2017, 2018, 2019 and 2020.

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

President Spoon adjourned the Board meeting:

Motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 3:05 p.m.