

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**January 20, 2016**

### **Call to order:**

President Spoon called the January 20, 2016 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  
Kyle Whitehead, Member  
Stephen Dudley, 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  
Brantley Underwood, Walgreens  
Shannon Griggs, Wal-Mart  
Sam Methratta, CVS Health  
Nancy T. Williams, SWOSU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Jill Shadid, OU College of Pharmacy  
Debra Billingsley, OPhA  
Travis Tate, HealthChoice  
Shannon Savettiere, Intern

### **Approval of minutes and claims:**

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve the December 3, 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 #5436-#5487, #H0325995-#H0325999, December and January payroll, expenses of the Executive Director and the December 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 Stephen Dudley and seconded by Dr. Kyle Whitehead to approve the cancellation lists 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 4<sup>th</sup> quarter list of CE programs that had been submitted and approved by the CE Committee in December 2015.

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

**Board reviews designation of Mission Critical Travel:**

The Director presented the Board with a list of out-of-state Mission Critical Meetings that he feels Board members and or staff may need to attend in order to continue with the knowledge and education of pharmacy.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to approve the list of Mission Critical Meetings for the Board. Motion passed on roll call vote.

**Board review designation of Mission Critical Memberships:**

The Director presented the Board with a list of Mission Critical Memberships that he feels is necessary to continue with for the knowledge and education of pharmacy.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve the list of Mission Critical Memberships for 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. Greg Adams and seconded by Dr. Justin Wilson to appoint President Jim Spoon as the official voting delegate to represent the Oklahoma Board of Pharmacy at the meeting. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to appoint the Executive Director as the alternate voting delegate to represent the Oklahoma Board of Pharmacy at the meeting. Motion passed on roll call vote.

**Board reviews request from Virgil Todd, D.Ph. of North Rock Pharmacy:**

The Director presented the Board with a letter from Virgil Todd of North Rock Pharmacy asking for an extension of their pilot program that had previously been approved. In the letter, Dr. Todd noted the procedures of the pharmacy and the return rate of the project. He stated that he felt that the program has been a success.

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to grant the extension for 2 years. Motion passed on roll call vote.

**Board sets future Board meeting:**

The Board set a Board meeting date for Wednesday, June 1, 2016.

**Executive Director gives Agency report:**

**Building report:**

The Director reported that the plans for the south covered pedestrian walkway are at DCS Properties and Construction and that bids for the project should go out very soon.

**NABP Annual meeting:**

The Director noted that NABP will provide funding for one person to attend the Annual

meeting.

**CE Safety Conference 2016:**

The Director noted that he and the staff are working on a program that will be held in June on USP<797> as the major CE event this year. He stated that it will be held at the Jim Thorpe/Oklahoma Sports Event Center on North Lincoln.

**CE Safety Conference 2017:**

The Director stated that he is considering having a speaker on USP<800> for the 2017 CE Conference.

**Mission Critical Meetings:**

The Director stated that as a part of the cost reduction plan for the state, even though non-appropriated agencies such as this one are not impacted by the budget, the Board is limited to paying for one traveler, occasionally two for each meeting.

**Mission Critical Memberships:**

The Director stated that again, as part of the cost reduction plan for the state, he has reviewed the memberships of the Board and have chosen not to renew those which are not mission critical.

**TALKOM Conference:**

The Director noted that the Board will be hosting the 2016 TALKOM Conference here in Oklahoma City in the Board room on February 16, 2016. He explained that TALKOM stands for Texas, Arkansas, Louisiana, Kansas, Oklahoma, Missouri, Mississippi and Tennessee. Basically, it is the NABP District 6 plus Mississippi and Tennessee. Only Board staff members are allowed to attend. Topics will include diversion, inspections and investigations. We have received commitments from all of the states. NABP Executive Director, Carmen Catizone has also committed to attend. The Director noted that we will have a working lunch and that the staff will prepare lunch in our kitchen to help keep cost down.

**Legislation:**

The Director noted that the Pharmacy Act clean-up bill being sponsored by Senator Rob Standridge has been filed. He noted that there were a few typographical errors and some citation numbering that needed to be corrected.

**Education:**

Chief Compliance Officer, Cindy Fain gave a report on the USP<797> training session that she attended. This meeting was hosted at Mississippi Board of Pharmacy.

**Rules:**

The Director stated that at the February meeting, proposed rule changes will be presented for public comment. He noted that those rule changes are on the website.

**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 interviews Reciprocity applicants:**

The Board was called to order to interview nineteen (19) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Mark Allen..... MN	Sharon Hester.....TN	Tanya Schmidt.....ND
William Bailey..... MA	Katherine Hogan.....FL	John Staples.....OR
Dean Bartello..... IL	Jessica Liska.....AZ	Jeb Williamson.....WI
Darla Duree..... NE	John Milam.....KY	Lonnie Wollitz.....FL
Kristen Freyou..... AZ	Jennifer Moore-Flowers.....OH	
Guy Halle..... LA	Adam Myers.....LA	
Miranda Helmerichs..... KS	Anthony Ricciardone.....AL	

**OSBP vs. Rose Devers, Technician #11669 – Case No. 1380:**

The Board was called to order by President Spoon to hear the case of Rose Devers. Ms. Devers was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Steve Myers, Pharmacist in Charge (PIC) at Perkins Drug testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. An inventory was conducted by Cardinal Inventory Management (CIM) on Adderall XR 20mg and Adderall XR 30mg. PIC, Steve Myers conducted an inventory of these drugs and noted that the amounts of the drug on the shelf were not correct. After investigating further, it was determined that there was a shortage on these drugs. Dr. Myers began reviewing video and it was determined that Ms. Devers had picked up generic Adderall off of the shelf and walked to the back room out of sight of the camera; she then returned the medication to the shelf. This happened on several different occasions. Ms. Devers sent a text to Dr. Myers admitting that she only took Lomotil and returned it the next day. Ms. Devers employment was terminated from Perkins Drug for theft of Controlled Dangerous Substance (CDS).

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Devers 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 Rose Devers be revoked. Motion passed on roll call vote.

**OSBP vs. Dakota Goyer, Technician #19432 – Case No. 1378:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The pharmacy manager of Walgreens notified the District Manager (DM) that three of the pharmacy registers were short of cash. The DM then notified the Asset Protection Manager who then reviewed video for the pharmacy. It was determined that Ms. Goyer had been performing “no sales” on several registers’ with no customers present. After interviewing Ms. Goyer, she admitted to stealing money from the registers and to also stealing medications for herself and two friends. During the interview, she also admitted to stealing merchandise and that on three different occasions, she modified the price of insulin for a patient who could not afford his medication. Ms. Goyer was terminated from Walgreens for theft.

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

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

**OSBP vs. Lyndi Morris, Technician #17980 – Case No. 1381:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Osborn Drug instituted a new inventory management system which included random inventory counts. During one of the counts, it was determined that they were short on Oxycodone 10/325. The pharmacist conducted a CII audit and determined that they were short on other CDS. The pharmacy

held a store meeting to discuss the new procedures and instituting a company-wide employee drug test. PIC, Bill Osborn, D.Ph. received a phone call from Ms. Morris' sister asking if they could meet along with Ms. Morris and her boyfriend. During the meeting with Dr. Osborn, Ms. Morris admitted to stealing Hydrocodone and Oxycodone over a period of 6 months. She also admitted to taking a small amount of Phentermine and Adderall. She voluntarily agreed to a written statement. Ms. Morris was terminated from Osborn Drug for theft of CDS.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Morris. By signing the Agreed Order, Ms. Morris admits to guilt of all four (4) counts and accepts revocation of her 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. Zuleyma Ramirez, Technician #18748 – Case No. 1379:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. After being questioned about the DME daily department sales showing a negative balance, pharmacy manager Steve Pryor, began investigating ticket logs in the point of sale system. Dr. Pryor discovered that a blood pressure monitor had been returned several times and a cash refund was given. Upon further review, he noticed that the same clerk, Ms. Ramirez, had created all of the returns. Dr. Pryor reviewed video and found that Ms. Ramirez was taking cash from the register drawer when she created the return. Dr. Pryor estimated that around \$15,000 had been taken due to repeated returns. Dr. Pryor interviewed Ms. Ramirez. He gave her the option of admitting to the theft, provide restitution of the money within one week and be terminated. Ms. Ramirez paid the restitution and was terminated from Scheffe Prescription Shop for theft.

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

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 John Delano Ford, D.Ph. #13183 – Case No. 1382:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Ford was charged with multiple violations of state and federal regulations and rules, including serving as a pharmacy manager in more than one pharmacy at a time.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Ford would agree to the following: Mr. Ford admits to guilt on all seven (7) counts. Mr. Ford agrees to pay a fine of \$1000.00 per count on Counts I-V for a total of \$5000.00. The fine is due January 20, 2016. Mr. Ford 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 the calendar year of 2016. All 15 hours of required CE shall be live during 2016.

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 Walgreens Pharmacy, #09693 – Case No. 1361A:**

The Board was called to order by President Spoon to hear the case of Walgreens Pharmacy #09693. Ryan Walker, Healthcare Supervisor and Neshil Patel, PIC appeared with Counsel Larry Derryberry.

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 miss-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 been established.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Walgreens Pharmacy would agree to the following: The Respondent neither admits nor denies violating Counts 1-25. The Respondent's license is placed on probation for one (1) year until January 20, 2017. The Respondent would agree to pay a fine of \$1500.00 per count on Counts 1-11 and 25 for a total fine of \$18,000.00. The fine is due on February 20, 2016. Respondent shall review one hundred (100) prescriptions per day for errors as part of its error prevention program while on probation. All pharmacists currently employed or employed by Respondent between January 20, 2016 and January 20, 2017 shall successfully complete the community pharmacies' Risk Assessment for Medication Safety written by the Institute for Safe Medication Practices. The PIC shall 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.

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 The Apothecary Shoppe, LLC, #2-6500 – Case No. 1376:**

The Board was called to order by President Spoon to hear the case of The Apothecary Shoppe. There were no representatives present for The Apothecary Shoppe but it had been determined that they had been properly notified.

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 supervise all employees as they relate to the practice of pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, The Apothecary Shoppe would agree to the following: The Respondent admits to guilt on all one thousand eight hundred ninety two (1892) counts. The Respondent's license is placed on probation for five (5) year until January 20, 2021. The Respondent would agree to pay a fine of \$1000.00 per count on Counts 13-57 for a total fine of \$45,000.00. The fine is due on January 25, 2016.

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 Michael Brent Moore, D.Ph. #10778 – Case No. 1373:**

The Board was called to order by President Spoon to hear the case of Michael Brent Moore. Mr. Moore was present with Counsel Vicki Behenna.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Moore was charged with multiple violations of state and federal regulations and rules, including failing to establish and maintain effective controls against the diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by federal, state or local laws or rules.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Moore would agree to the following: Mr. Moore neither admits nor denies guilt on Counts 1-2 and Counts 6-303. Mr. Moore's pharmacist license is suspended for one hundred (100) days until April 29, 2016. Mr. Moore will then be placed on probation for ten (10) years until April 29, 2026. Mr. Moore agrees to not work as a PIC during the ten (10) years that he is on probation. After five (5) years, after April 29, 2016, Mr. Moore may petition the Board to remove the probation. Mr. Moore agrees to pay a fine of \$3000.00 per count on Counts 1-2, Counts 6-22, Counts 297-298, Counts 239-248 and Counts 300-303 for a total of \$105,000.00. A payment plan may be worked out however the fine is due by April 29, 2017. Mr. Ford will attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar years of 2016, 2017 and 2018 for a total of twenty-three (23) hours of CE during these calendar years. All 15 hours of required CE shall be live during 2016, 2017 and 2018.

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 Brent Moore Pharmacy Services, LLC, dba Select-Rx, #2-4610 – Case No. 1372:**

The Board was called to order by President Spoon to hear the case of Select Rx. Brent Moore, owner and PIC was present as representative of the pharmacy along with Counsel Vicki Behenna.

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 filling a prescription for a controlled dangerous substance that did not contain the name, address and Federal Drug Enforcement Administration registration number of the practitioner; the date of delivery of the prescription; the name, dosage and strength per dosage unit of the CDS, the name and address of the patient, the directions for use and any cautionary statements required; and if allowable, the number of times to be refilled.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Select Rx would agree to the following: The Respondent neither admits nor denies guilt on Counts 3-303.

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

**Karla Mansour, D.Ph. request to appear before the Board for reinstatement of her license:**

The Board was called to order by President Spoon to hear the request of Karla Mansour. Ms. Mansour was present and was requesting that she be allowed to reinstate her pharmacist license. OPHP Director, Kevin Rich testified that he had received a "Fit for Duty" on Ms. Mansour and that she had signed a contract with Oklahoma Pharmacist Helping Pharmacist (OPHP) in August 2015. He stated that she had been compliant and that he has no concerns with her working.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to grant the request for reinstatement. Motion passed on roll call vote.

**David Branscum request to appear before the Board to request approval to take the NAPLEX:**

The request of David Branscum was continued until the next meeting.

**President Spoon 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 Spoon adjourned the Board meeting at 12:10 p.m.