Call to order:
President Wilson called the November 2, 2016 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:33 a.m. with a roll call vote. All members were present.

Those present were:

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

Board of Pharmacy: Cindy Fain, Chief Compliance Officer and Acting Executive Director
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: Ryan Walker, Walgreens
Derek Dennis, Walgreens
Robyn Janaway, Wal-Mart
Shannon Griggs, Wal-Mart
Nancy T. Williams, SWOSU College of Pharmacy
Terry Cothran, OU College of Pharmacy
Jill Shadid, OU College of Pharmacy
Travis Tate, HealthChoice
Debra Billingsley, OPHA
John Johnson, Omnicare
Kristi Rice, Guest
Billy Wilson, Guest
Kenneth Zielinski, Guest
Sam Clancy, Guest
Brian Wesley, Guest

Approval of minutes and claims:
Motion was made by Dr. Kyle Whitehead and seconded by Dr. Stephen Dudley to approve the September 28, 2016 minutes, expense claims #5725-5760, #H0344333-#H0344337, #H0345918-#H0345922, October payroll and any expenses of the Executive Director. Motion passed on roll call vote.

Motion was made by Dr. Stephen Dudley and seconded by Dr. Kyle Whitehead to approve the September and October 2016 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. Mark St. Cyr 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.

Board reviews duplicate certificate request for Phillip G. Parks, D.Ph.:

The Board was presented with a request that was received by Adrienne Black, the daughter of Phillip G. Parks. For sentimental reasons, Ms. Black was requesting that the Board grant a duplicate wall certificate for her deceased father whose certificate was destroyed in a fire of the family pharmacy.

Motion was made by Dr. Jim Spoon and seconded by Dr. Kyle Whitehead to grant the request of Adrienne Black on behalf of Phillip G. Parks. Motion passed on roll call vote.

Board reviews request from Cameron Rogers of Senior Care Pharmacy:

Dr. Cindy Fain presented the Board with a request from Cameron Rogers of Senior Care Pharmacy for an extension of their pilot program. Ms. Fain stated that this pharmacy still falls under the request for pilot program approval.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to extend the pilot program of Senior Care Pharmacy for 12 months unless new rules are approved before that time. Motion passed on roll call vote.

Board reviews request from John Johnson of Omnicare:

Dr. Cindy Fain presented the Board with a request from John Johnson of Omnicare for an extension of their pilot program. Mr. Johnson was present to answer any questions the Board may have of him. Ms. Fain stated that this pharmacy still falls under the request for pilot program approval.

Motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to extend the pilot program of Omnicare for 2 years unless new rules are approved before that time. Motion passed on roll call vote.

Board discusses USP 800 Implementation Letter:

Dr. Cindy Fain reviewed with the Board the information that she had obtained from several different Board of Pharmacies. She stated that none of the Board plan to delay the implementation of USP 800 for 5 years as requested in the letter previously submitted at the September Board meeting. Most feel that if the organizations feel this strongly, they should petition USP directly. Two have said that if a particular pharmacy is unable to meet all of the aspects of USP 800 by July 1, 2018 then they should submit a gap analysis to their Board with a specific plan of implementation requesting more time. Two Boards have plans to form task forces to review this in more detail but it could take up to a year.

The Board held a brief discussion and tabled the discussion,

Board sets future Board meeting:

The Board set a Board meeting date for Wednesday, March 29, 2017.

Executive Director gives Agency report:

Building Report:

The Acting Director reported that the wiring is complete, the roof drains and downspout piping are installed, drains have been tested and capped. The columns have been built and waiting for the next two steps. The roofers are fabricating metal. December 12th is the contract requirement for completion. They hope to be done by December 1st.
CE Audit Results:
The Acting Director noted that Susan Dozal has completed the annual continuing education audit. 43 pharmacists were audited; 37 responded in a timely manner; 2 were sent a second notice; 1 pharmacist moved and left no forwarding address. 5 pharmacists (12%) reported CE in the wrong calendar year (all or in part) and were required to complete the required penalty hours of 2 hours for each missing hour of the previous calendar year. 2 pharmacists had voluntarily met Board CE policy by completing 2 additional hours for missing CE prior to audit. 3 pharmacists failed to provide verification of all CE reported and were required to complete the required penalty hours of 2 hours for each missing hour.

Online Renewal Changes:
The Acting Director reported that the Board recently has one technician take over another technician's license renewal. She explained that they had the same name. The technician looked up her incorrect permit number online and signed up to renew online using her email address and password. She stated that we have several registrants with the same name and this was the first time that we realized that a registrant's account could be accessed if they had never used the website to renew their license.

Ms. Fain explained that in the past we did not want the SSN's to be part of the registration process. However as part of the security process, Oklahoma Interactive (OI) and the staff have decided to use the last 4 digits of the SSN as part of the verification process when a registrant sets up their account for the first time.

Pilot Program Committee Update:
The Acting Director stated that the Pilot Program Committee chaired by Steve Pryor met on October 13th to discuss rules for remote review of prescriptions for retail pharmacy. Ms. Fain noted that they will meet again on November 17th at 9:00 am.

District OPHA CE Meetings:
The Acting Director reported that the Oklahoma City's CE Meeting was held on Tuesday October 25th. There were 114 pharmacists in attendance. She stated that there was good interaction with those present and that we received good feedback. Tulsa's meeting will be on Thursday November 3rd. She noted that we only have enough room for 77 pharmacists and have a waiting list if there are any cancellations.

NABP Executive Officers Forum Meeting:
The Acting Director, Cindy Fain attended the NABP Executive Officers Forum and gave a brief report.

2016 Law book:
The Acting Director reported that the printed law books have been received and are being distributed at no charge by the compliance officers during inspections. They may be purchased in the office for $10. The electronic version is also on our website in a PDF format.

P-4 Students:
The Acting 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.

Discussion of CE requirement for “Reducing Prescription Drug Abuse in Oklahoma” and payment:
The Board held a brief discussion on the possibility of CE requirements and payment of “Reducing Prescription Drug Abuse in Oklahoma”. The Board tabled the discussion.
Board interviews Reciprocity, Score Transfer and NAPLEX applicants:
The Board was called to interview sixteen (16) Reciprocity, one (1) Score Transfer and one (1) NAPLEX applicant. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Reciprocity:
- Diana Atalla ....................... TX
- John Belobraydic .............. AZ
- Ricky Chambers ................ TN
- Elizabeth Duncan.............. MO
- Camerina Gamboa-Ettel ... NV
- David Jack ........................ PA
- David Jaspan...........PA
- Nichole Keller ............ NE
- Lora Kerr ................ FL
- Courtney Kret .......... TX
- Kirk Kwaczala........NY
- Ashley Loeffelholz ..IA
- Judith Meme ..............PA
- Celia Nguyen .......... IL
- Lori Valkowitz ........FL
- Shavonda Leakes...FL

Score Transfer:

NAPLEX:
- Anoie Gevergizian ............ AZ
- Ahmad Al-Shaer

OSBP vs. Sarah Van Horn, Technician #19902 – Case No. 1428:
The Board was called to order by President Wilson to hear the case of Sarah Van Horn. Ms. Horn was not present. Registration Secretary, Rhonda Jenkins testified that Ms. Van Horn had been properly notified. Former K-Mart Loss Prevention, Nicole Hargis testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Van Horn’s employment was not reported to the Board. Ms. Van Horn was being investigated after she was observed bringing merchandise from the floor into the pharmacy. On several occasions, Ms. Van Horn would select energy drinks, consume them in the pharmacy and pay for them later. Ms. Van Horn was observed switching price tags on different items and then purchasing them at the low price. During an interview with Asset Protection and Loss Prevention, Ms. Van Horn confessed to altering prices on merchandise, fraudulently obtaining merchandise and additionally confessed to taking prescription drugs from the pharmacy without a prescription. Ms. Van Horn was terminated from K-Mart for theft.

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

Motion was made by Dr. Kyle Whitehead and seconded by Dr. Jim Spoon that the technician permit of Sarah Van Horn be revoked. Motion passed on roll call vote.

OSBP vs. Verlinda Johnson, Technician #21186 – Case No. 1425:
The Board was called to order by President Wilson to hear the case of Verlinda Johnson. Ms. Johnson was not present. Registration Secretary, Rhonda Jenkins testified that Ms. Johnson had been properly notified. Holly Bourbo, CVS Regional Loss Prevention, testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Loss Prevention was contacted by the store manager about possible fraudulent refunds. Ms. Bourbo visited the store and was able to determine that Ms. Johnson had performed fraudulent refunds. Ms. Johnson was observed by CCTV completing the refunds without a customer being present and then placing the refund slip and cash in her pocket. Ms. Johnson admitted to doing the fraudulent refunds in the drive thru by using a management code which was given to her for a previous legitimate refund. She stated that she had fallen on hard times and needed the money for gas. Ms. Johnson was suspended pending case resolution. Ms. Johnson signed a promissory note and agreed to pay $682.04 in restitution.

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

Motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr that the technician permit of Verlinda Johnson be revoked. Motion passed on roll call vote.
Oklahoma Board of Examiners in Optometry Executive Director Russell Laverty appeared before the Board:

Oklahoma Board of Examiners in Optometry Executive Director Russell Laverty and Executive Director of the Association of Optometric Physicians Joel Robison appeared before the Board to address some concerns of the interpretation of Statute 353.29.2.

The Board of Optometry has received complaints from Oklahoma residents who receive ocular medical care from their optometrist in a neighboring state such as Kansas, Arkansas and Texas. The optometrists across state lines may write a prescription for treatment and when the patient takes it to their pharmacy in the city where they reside in Oklahoma, the prescription is denied because their optometrist is not certified by the Oklahoma Board of Optometry.

The Optometry Board feels that Section 353.29.2 is being interpreted to include all prescription drugs which may be prescribed by optometrists to treat ocular abnormalities as dangerous drugs. The Board of Optometry would like to suggest amending this section to allow Oklahoma pharmacists to fill prescriptions written by optometrists from neighboring states for those drugs which are commonly used to treat ocular abnormalities. This would not include controlled dangerous substances. (CDS) It was also suggested that pharmacists in Oklahoma fill optometrists’ prescriptions of CDS only if the optometrist is certified by the Oklahoma Board of Optometry.

A discussion was held on the comments presented. The Pharmacy Board would like for the Optometry Board to draft possible language to review with the Board attorney.

Kevin Rich of Oklahoma Pharmacists Helping Pharmacists (OPHP) gives Annual report:

Kevin Rich D.Ph. presented the Board with an annual report from OPHP. He spoke on the leadership of the organization, and some of the issues and solutions that the organization has experienced. Mr. Rich also spoke on the support, involvement and outreach opportunities that individuals have available to them.

The Board thanked Dr. Rich for his presentation, and commended him for his excellent work with the organization and the help OPHP provides to the profession.

OSBP vs G. Geoffrey Craig, D.Ph. #8755 – Case No. 646A – Request to work with a pharmacist prior to request for license to be placed on probation:

The Board was called to order by President Wilson to hear the request of G. Geoffrey Craig. Mr. Craig was present. OPhP Director, Kevin Rich was also present to speak on Mr. Craig’s behalf.

Mr. Craig had taken the PARE exam 3 times without success. After a review and brief discussion with Mr. Craig of his request, a motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to grant probation with the requirement that he obtain a graduate intern license and that he work 6 months or 1000 hours with another Oklahoma licensed pharmacist. The pharmacist that Mr. Craig would work with would be required to report his progress and hours worked to the Board. Mr. Craig is to renew his contract with OPHP for 5 years beginning the end date of the previous contract. Motion passed with Dr. Greg Adams voting “No”.

OSBP vs. Amy Acosta, D.Ph. #13644 – Case No. 1124 – Request for Preceptor License:

The Board was called to order to hear the request of Amy Acosta. Ms. Acosta was present to request that she be allowed to obtain a preceptor license. OPhP Director, Kevin Rich testified on Ms. Acosta’s behalf.

After a brief discussion with Ms. Acosta about her probation period, a motion was made by Dr. Kyle Whitehead and seconded by Stephen Dudley to grant the request of Ms. Acosta. Motion passed on roll call vote.

OSBP vs. Jill Harris, D.Ph. #13663 – Case No. 1436:

The Board was called to order to hear the case of Jill Harris. Ms. Harris was present with her husband Brock Harris. Ms. Harris chose to appear without counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Harris was charged with multiple violations of state and federal regulations and rules including
violating a voluntary or Board ordered rehabilitation program for the impaired contract, e.g. OPHP contract.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Harris will agree to the following: Ms. Harris admits to guilt on both counts. Her license will be suspended for ten (10) years and immediately stayed and would be placed on probation for ten (10) years until November 2, 2026. Ms. Harris would agree to enter into and abide by a ten (10) year contract with OPHP and to notify all future employers that she has a contract with OPHP. Ms. Harris would attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar years of 2017 and 2018 for a total of twenty-three (23) hours of CE during these calendar years. All 15 hours of required CE that Ms. Harris must have to renew her license shall be live during the calendar years 2017 and 2018.

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

OSBP vs. Danielle Adams, D.Ph. #14486 – Case No. 1429:

The Board was called to order to hear the case of Danielle Adams. Ms. Adams was present with her attorney Darren Derryberry.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Adams was charged with multiple violations of state and federal regulations and rules including violating a voluntary or Board ordered rehabilitation program for the impaired contract, e.g. OPHP contract.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Adams will agree to the following: Ms. Adams admits to guilt on both counts. Her license will be suspended for one (1) year. After November 2, 2017 and upon providing proof to the Board of one year of documented sobriety, Ms. Adams may petition the Board and request probation. Ms. Adams agrees to extend her contract with OPHP until November 2, 2026. Ms. Adams agrees to obtain live CE for the calendar years of 2016 through 2026.

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

OSBP vs Walgreens #10836, #14-7114 – Case No. 1432:

The Board was called to order by President Wilson to hear the case of Walgreens Pharmacy #10836. District Manager, Ryan Walker was present as representative for the pharmacy along with Attorney Don Nevard.

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 incorrectly filling or misfilling 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, the Respondent will agree to the following: The Respondent neither admits nor denies guilt on all nine (9) counts. The Respondent would be placed on probation for one (1) year until November 2, 2017. Probation will not prevent Respondent from serving as a training area and having pharmacy students. The Respondent would agree to pay a fine of $1500.00 per count for a total fine of $6000.00 which is due on November 2, 2016. The Respondent agrees to review fifty (50) prescriptions per day for errors as part of its error prevention program while it is on probation. All pharmacists and technicians currently employed or employed by Respondent between November 2, 2016 and November 2, 2017 shall successfully complete the community pharmacies’ Risk Assessment for Medication Safety written by the Institute for Safe Medication Practices.

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

OSBP vs. Alexis Nguyen, D.Ph. #16318 – Case No. 1431:

The Board was called to order to hear the case of Alexis Nguyen. Ms. Nguyen was present with her husband Thang Luong. Ms. Nguyen was present with attorney Tim Harmon.
Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Nguyen was charged with multiple violations of state and federal regulations and rules including incorrectly filling or misfilling 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, Ms. Nguyen will agree to the following: Ms. Nguyen neither admits nor denies guilt on all nine (9) counts. Ms. Nguyen agrees to a fine of $1,000.00 per count on Counts 1 and 2 for a total of $2,000.00 which is due on November 2, 2016. Ms. Nguyen would attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar years of 2017 and 2018 for a total of twenty-three (23) hours of CE during these calendar years. All 15 hours of required CE that Ms. Nguyen must have to renew her license shall be live during the calendar years 2017 and 2018. Ms. Nguyen shall attend error prevention classes of no less than three (3) hours duration during the calendar years of 2017 and 2018. These error prevention hours will count toward the fifteen (15) hours of required CE for these years.

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

OSBP vs Prescriptions Compounding Pharmacy, #2-5915 – Case No. 1430:
The Board was called to order by President Wilson to hear the case of Prescriptions Compounding Pharmacy. Previous pharmacy owner, Caleb Meacham was present as representative for the pharmacy. Mr. Meacham was accompanied by attorney Stacey Brklacich.

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 violating any provision of the Oklahoma Pharmacy Act or any other applicable state or federal law.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, the Respondent will agree to the following: The Respondent admits to guilt on all eight hundred sixty nine (869) counts. The Respondent would agree to pay a fine of $1000.00 per count on Counts 1-10 for a total fine of $10,000.00. The Respondent will pay $1,000.00 per month for ten (10) months.

Motion was made by Dr. Jim Spoon and seconded by Dr. Greg Adams 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 to hear the case of Michael Brent Moore. Mr. Moore was present and chose to appear without counsel. Senior Compliance Officer, Betty Beil testified for the Board. Assistant Attorney General, Brinda White, prosecuted for the Board.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Moore and Select Rx came before the Board on January 20, 2016, entered into an Agreed Order and acknowledged that they must comply with the terms and conditions of the Agreed Order(s) or further discipline would be imposed on them. Mr. Moore had a payment plan established for the fine owed from the January 20, 2016 Agreed Order of which two payments were made. As of October 15, 2016 Mr. Moore owes $88,848 in unpaid fines.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Mr. Moore be found guilty as charged.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley that Mr. Moore pay the remaining balance of the Board Order by April 29, 2017. Motion passed on roll call vote with Dr. Mark St. Cyr voting “No”.

OSBP vs Select HME, #9-D-777 – Case No. 1434:
The Board was called to order by President Wilson to hear the case of Select HME. Facility owner Brent Moore was present as representative for the pharmacy 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 failing to conform to the Compressed Medical Gases Guidelines published by the Department of Health and Human Services, Food and Drug Administration.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, the Respondent will agree to the following: The Respondent admits to guilt on all eight (8) counts. The Respondent would agree to pay a fine of $250.00 per count for a total fine of $2,000.00. The fine is due November 2, 2016. The Respondents agrees to no longer transfill medical grade gases.

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

**OSBP vs. Bobby Gee, D.Ph. #8191 – Case No. 1417 and Pharmacy Consultant Services Inc. d/b/a Turner Drug, #47-6211 – Case NO 1418: Request for additional time to sell pharmacy:**

The Board was called to order to hear the request of Bobby Gee and Turner Drug. Attorney Brad Miller was present as representative of both Mr. Gee and Turner Drug.

Mr. Gee and Turner Drug came before the Board on June 15, 2016 and entered into an Agreed Order. The pharmacist license of Mr. Gee was revoked effective the date of the sale of Turner Drug or at the latest, one hundred twenty days (120) from the date of the Agreed Order. Mr. Gee agreed to have the contract for the sale of the pharmacy signed within 120 days from the date of the Agreed Order.

After a lengthy discussion with Mr. Miller about the sale of the pharmacy, a motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to grant the request for additional time. The Respondent shall execute a contract for the sale of the pharmacy and close the sale by January 20, 2017. Failure to abide by any of the terms of the Order could result in suspension or revocation of the license of the pharmacy or in any other disciplinary action against the Respondent. Motion passed on roll call vote.

**President Wilson adjourned the Board meeting:**

Motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 3:45 p.m.