

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

March 29, 2017

Call to order:

President Wilson called the March 29, 2017 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:

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 Interim 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
Olivia Ochoa, Walgreens
Trisha Henson, Freeland Brown
Jill Shadid, OU College of Pharmacy
Christy Cox, SWOSU College of Pharmacy
Travis Tate, HealthChoice
Becca Segrest, Cardinal Health NPS
Debra Billingsley, OPHA
Matthew Green, Intern
Kari Gibson, Technician

Approval of minutes and claims:

A motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve the January 25, 2017 minutes. Motion passed on roll call vote.

A motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to approve expense claims #5836-5888, #H0352002-#H0352007, #H0354030-#H0354035, February and March payroll, expenses of the Executive Director and the January and February 2017 leave report of the Executive Director. Motion passed on roll call vote.

Recognition of John A. Foust, Executive Director Emeritus:

President Justin Wilson took a moment to explain that this is the first meeting held since the passing of Executive Director Emeritus, John A. Foust. He asked that Dr. Foust be recognized with a

moment of silence.

Cancellation of Pharmacists, Pharmacies, Facilities, and Technicians:

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

Presentation of “Years of Service” pin:

President Wilson presented a 5 year service pin to Compliance Officer Chelsea Church. President Wilson congratulated Ms. Church on her service with the State of Oklahoma and the work she does for the Board.

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 1st quarter list of CE programs that had been submitted and approved by the CE Committee in March 2017.

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

Board sets future Board meeting:

The Board set the Board meeting dates through the end of the year. Those dates are: Wednesday, August 30, 2017; Wednesday, October 4, 2017; and Wednesday, November 29, 2017.

Board discusses proposed amendment by the Optometry Board to Title 353.29.2:

Assistant Attorney General, Brinda White explained to the Board that the Optometry Board had sent her some new language proposing to amend our statutes regarding prescriptions written by out of state optometrists. Ms. White explained that it was too late for this to be heard by the legislature this year.

After a brief discussion, the Board chose to table this discussion until next legislative session.

Board discusses proposed Oklahoma Pharmacy Education Foundation (OPEF) Agreement:

Oklahoma Pharmacist Association (OPhA) Director, Debra Billingsley reported to the Board that in the past they had an agreement with the Board of \$2500 which allowed OPhA to hold CE programs for pharmacists. She explained that the agreement had expired and she was requesting that another agreement be approved for \$9,000.

Some projects planned include working in conjunction with DCCCA, Inc. on opioid abuse education. DCCCA, Inc. works with 12 to 25 year olds to prevent non-medical use of prescription drugs. Other projects are planned as well. Ms. Billingsley will take each CE program to the OPEF Committee for approval.

Motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to approve the agreement for \$9,000 and then re-visit if necessary. Motion passed on roll call vote with Dr. Mark St.Cyr abstaining.

Board discusses the formation of Rules Committees and appoints a Chairman for each committee:

President Wilson stated that he had spoken to and appointed the following individuals as chairman for each committee: USP 800: Eric Winegardner; Co-Mingling Packaging and Automation: Rodney Skinner; and Retail RMOP: Steve Pryor. President Wilson stated that each individual was grateful and excited to serve.

Executive Director gives Agency report:

Building Report:

Executive Director, Cindy Fain reported that the stone for erosion control has been completely installed along with steps on the west end. She stated that we have additional

outdoor tables, benches and trash cans. She also noted that the surveillance cameras have been installed and are operational.

The staff is working up an estimate for a covered parkway with solar panels but it is not likely to start until the 2018 fiscal year. Director Fain also noted that the staff has checked into the repair of the wall around the trash bin. After it failed the first time, it was repaired exactly per manufacturer's recommendations with the representative onsite. The company has now gone out of business and nobody is taking responsibility. Most likely, it will have to be demolished and rebuilt properly.

Director Fain reported that the staff is working with Terracon to finalize the bid to test for water leakage around our windows. They plan to test one window in the Board room and one window in the NW corner office. Terracon has asked that we remove all interior and exterior obstacles for 12 inches around each window including sheetrock. Diversified will be sending a bid soon and testing is expected to commence soon afterward.

NABP Recognition Resolution:

A resolution has been sent to NABP for John A. Foust, Executive Director Emeritus, to be formally recognized at the NABP Annual Meeting in May 2017.

ASHP Mid-Year Meeting:

Director Fain reminded the Board that the ASHP Mid-Year Meeting will be December 3-7, 2017 in Orlando, FL and that a representative from the Board would need to attend.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to nominate hospital pharmacist, Dr. Mark St.Cyr to represent the Board at the meeting. Motion passed on roll call vote.

NABP-AACP District 6-7-8 Annual Meeting:

Director Fain stated that the NABP-AACP District 6-7-8 Annual Meeting will be October 8-11, 2017 in San Antonio, TX. She stated that the Executive Director primarily attends this meeting.

NCPA Annual Convention:

Director Fain noted that the NCPA Annual Convention will be held in Orlando, FL, October 14-18, 2017 and that Dr. Justin Wilson will attend.

MALTAGON:

Director Fain reported that MALTAGON will be hosted by North Carolina this year. It will be held in Charlotte, NC, October 22-25. Dr. Greg Adams and the Executive Director will attend this meeting.

APHA Annual Meeting:

Director Fain gave a brief report on the APHA Annual Meeting that she recently attended in San Francisco, CA on March 24-27, 2017.

P-4 Students:

Director Fain 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 twenty-five (25) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Carl Black..... KS	Jack McGuire.....KY	Derek Sapone..... VA
Joseph Christian OH	Joan MorilloTX	Eric Smith MA
Joseph Eiler KY	Corey Noel.....CT	Lakeashia Snedcor TX
Amy Engle..... IA	Lauren Pickering.....TN	Thomas Steele.....NY
Ron Ferguson OH	Glen Pigulski.....TX	Stephanie Tristano..... IN
Karmen Foster TX	Eric Renker.....FL	Tracey Tucker..... GA
Christopher Helms..... TN	Brett RiddleTX	John Williams.....AZ
Sarah Kester TX	Vivian Ripak.....FL	
Patricia Majchrowski.... IL	Denise Roque.....KS	

OSBP vs. Kyala Gross, Technician #21425 – Case No. 1456:

The Board was called to order by President Wilson to hear the case of Kyala Gross. Ms. Gross 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. A staff pharmacist noticed #2 Hydrocodone 10/325mg tablets under the scale in the dispensing area. He placed them on top of the scale and then completed another task. When he returned, he noticed the pills were missing. He then notified the store manager. After a review of security cameras, it was determined that Ms. Gross was around the scale after the pills were placed there. Ms. Gross was interviewed by Michael Schaeffer, Asset Protection Manager for Walgreens. In a written voluntary statement, Ms. Gross admitted to stealing Hydrocodone tablets. Ms. Gross was terminated from Walgreens for theft of Controlled Dangerous Substance (CDS).

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Gross. By signing the Agreed Order, Ms. Gross admits guilt on all 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. Stacy McCage, Technician #17955 – Case No. 1459:

The Board was called to order by President Wilson to hear the case of Stacy McCage. Ms. McCage 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 reviewing reports from the pharmacy, Asset Protection Manager, Mike Schaeffer identified negative adjustments on Hydrocodone pills. This shortage was brought to the attention of the store manager and the pharmacist in charge (PIC). The PIC conducted a hand count and confirmed that the counts in the system were accurate. The PIC was then directed to complete regular counts on all strengths of Hydrocodone and update the on hands in the system. After beginning the regular counts, the variances temporarily stopped. After a review of the security cameras in the pharmacy, it appeared that Ms. McCage would fill a Hydrocodone prescription, pour it into the vial and then keep her fingers clenched and walk away from the counter. On the third fill, Mr. Schaeffer observed Ms. McCage live on camera attempt the same thing. Mr. Schaeffer immediately went to the pharmacy and introduced himself to Ms. McCage. As Mr. Schaeffer attempted to shake her hand, Ms. McCage reached out with her left hand. At this point, Mr. Schaeffer could partially see the pills in her right hand.

Ms. McCage was escorted to the office where she admitted to stealing the pills. Ms. McCage was terminated from Walgreens for theft of CDS.

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

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. Samantha McCracken, Technician #21549 – Case No. 1457:

The Board was called to order by President Wilson to hear the case of Samantha McCracken. Ms. McCracken was not present. Registration Secretary Rhonda Jenkins testified that Ms.

McCracken had been properly notified. Mike Schaeffer, Asset Protection Manager for Walgreens, testified for the Board. Assistant Attorney General Brinda White prosecuted for the Board.

Mike Schaeffer, Asset Protection Manager for Walgreens, reviewed an exception report from the pharmacy and noticed negative adjustments on Alprazolam 2mg. Mr. Schaeffer then visited the pharmacy and confirmed the negative adjustments were accurate. While discussing the inventory adjustments with the PIC, he stated that the negative adjustments stopped after Ms. McCracken was transferred out of the pharmacy to the front end. Mr. Schaeffer interviewed Ms. McCracken. In a written voluntary statement, Ms. McCracken admitted to consuming food and drinks without paying for them. Later in the interview she admitted to stealing Alprazolam 2mg from the pharmacy. Ms. McCracken was terminated for theft of CDS and merchandise.

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

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

OSBP vs. Misty Stevens, Technician #20051 – Case No. 1458:

The Board was called to order by President Wilson to hear the case of Misty Stevens. Ms. Stevens 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. Pyramid Store Manager received a phone call from an unknown male. The caller claimed the Ms. Stevens was stealing drugs from the pharmacy and selling them.

The store manager contacted the PIC and he began pulling inventory reports to verify the information. The individual called back and said the story wasn't true. The PIC received another call from the unknown male stating that Ms. Stevens was stealing Oxycodone and selling them. The individual was able to give the PIC the name of the drug and the NDC number. The PIC then checked the computer history for that NDC code and found that the on-hand inventory had been adjusted by Ms. Stevens. The PIC then contacted Pharmacy Manager, Tom Trussell. When interviewed, Ms. Stevens denied ever stealing any drugs or adjusting the CII inventory in the computer. Through security cameras, Mr. Trussell observed Ms. Stevens entering the pharmacy without a pharmacist on duty approximately 45 minutes prior to opening. She was observed removing an item from the CII storage area. Ms. Stevens was terminated due to theft of CDS.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Stevens. By signing the Agreed Order, Ms. Stevens neither admits nor denies guilt on all counts but accepts revocation of her permit.

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. Drugs & Things, Inc. d/b/a Noble Pharmacy, #7-2595 – Case No. 1443:

The Board was called to order by President Wilson to hear the case of Noble Pharmacy. Pharmacy owner and PIC, Gary Todd was present as representative for the pharmacy along with Attorney Doug Rice.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Noble Pharmacy was charged with multiple violations of state and federal regulations and rules including failing to comply with all applicable federal, state and local law and regulation concerning pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Noble Pharmacy would agree to the following: Noble Pharmacy admits to guilt on Counts 1-217, Counts 218-273 are dismissed. The pharmacy is placed on probation for five (5) years until March 29, 2022. The pharmacy agrees to pay a fine of \$150.00 per count on Counts 1-217 for a total fine of \$32,500 which is due March 29, 2017. All products with expired beyond use dates (BUDs) from the pharmacy shall be removed before April 29, 2017. The pharmacy shall be in full compliance with USP 797 by May 29, 2017. Until then, the pharmacy shall use BUDs for high-risk sterile compounded products.

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. Gary Todd, D.Ph. #9812 – Case No. 1444:

The Board was called to order by President Wilson to hear the case of Gary Todd. Mr. Todd was present with Attorney Doug Rice.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Todd 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. Todd would agree to the following: Mr. Todd admits to guilt on Counts 274-285. Mr. Todd will be placed on probation for 5 years until March 29, 2022. Mr. Todd agrees to pay a fine of \$150.00 per count for a total of \$1800.00 which is due March 29, 2017. Mr. Todd shall remove all drugs with expired beyond use dates (BUDs) from the pharmacy before April 29, 2017 and shall be in full compliance with USP 797 by May 29, 2017. Until he is in full compliance, Mr. Todd shall use BUDs for high-risk sterile compounded products. Mr. Todd agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2017 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE to renew his license must be live during the calendar year of 2017.

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. Kim Nguyen, D.Ph. #15778 – Case No. 1445:

The Board was called to order by President Wilson to hear the case of Kim Nguyen. Ms. Nguyen was present with Attorney Doug Rice.

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 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, Ms. Nguyen would agree to the following: Ms. Nguyen admits to guilt on Counts 1-7 and 10-11. Counts 8 and 9 are dismissed. Ms. Nguyen will be placed on probation for 2 years until March 29, 2019. Ms. Nguyen agrees to pay a fine of \$100.00 per count for a total of \$900.00 which is due March 29, 2017. Ms. Nguyen shall attend USP 797 training before September 29, 2017. Ms. Nguyen agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2017 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE to renew her license must be live during the calendar year of 2017.

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. Madison Properties, LLC d/b/a Apotheke, #2-7630 – Case No. 1449:

The Board was called to order by President Wilson to hear the case of Apotheke. Pharmacy owner and PIC, Caleb Meacham was present as representative for the pharmacy along with Attorney Stacy Brklacich.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Apotheke 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, Apotheke would agree to the following: Apotheke admits to guilt on Counts 2-12 and 16-57. The pharmacy neither admits nor denies guilt on the remainder of the counts. Respondents shall sell and transfer title to Respondents' pharmacy on or before September 29, 2017.

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

OSBP vs. Caleb Meacham, D.Ph. #14927 – Case No. 1450:

The Board was called to order by President Wilson to hear the case of Caleb Meacham. Mr. Meacham was present along with Attorney Stacy Brklacich.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Meacham 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, Mr. Meacham would agree to the following: Mr. Meacham admits to guilt on Counts 2-12 and 16-57. Mr. Meacham neither admits nor denies guilt on the remainder of the counts. His pharmacist license is hereby suspended from May 1 through May 31, 2017. On June 1, 2017 his suspension is lifted and his license will be placed on probation for five (5) years until June 1, 2022. While on probation, Mr. Meacham shall not work as a PIC. The PIC shall work in the pharmacy at least twenty (20) hours per week. As of June 1, 2017 Mr. Meacham shall not do either sterile or nonsterile compounding until June 1, 2018. After that date, Mr. Meacham can request Board staff approve him to compound. This approval is dependent on him successfully completing at least fifteen (15) hours of Board approved USP 795 compounding training and at least fifteen (15) hours of Board approved USP 797 compounding training. Mr. Meacham agrees to take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE) before July 25, 2017. Mr. Meacham agrees to pay a fine of \$1000.00 per count on Counts 1-15 for a total fine of \$15,000.00. Payments must be complete by March 29, 2018. He agrees to sell and transfer title to Apotheke on or before September 29, 2017. He will not have an ownership interest in either a pharmacy or an outsourcing facility while he is on probation, until June 1, 2022. Mr. Meacham agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2017 through 2022 for a total of twenty-three (23) hours of CE during these calendar year. All 15 hours of required CE to renew his license must be live during the calendar year of 2017 through 2022.

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. Suzette Chapple, D.Ph. #12434 – Case No. 1461:

The Board was called to order by President Wilson to hear the case of Suzette Chapple. Ms. Chapple was present with her husband, James Chapple and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Chapple was charged with multiple violations of state and federal regulations and rules including misfilling a prescription in a manner that departs from the standards of care ordinarily exercised by a pharmacist 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. Chapple would agree to the following: Ms. Chapple would admit to guilt on all four (4) counts. Her license would be placed on probation for three (3) years until March 28, 2020. Ms. Chapple would agree to a fine of \$500 per count for a total of \$2,000.00 which is due on or before April 7, 2017. Ms. Chapple shall successfully complete at least fifteen (15) hours of Board approved USP 797 compounding training before September 29, 2017. Ms. Chapple agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2017 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE to renew her license must be live during the calendar year of 2017.

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. Thomas Banes, Intern #7452 – Case No. 1105 – Requesting modification of Final Order:

The Board was called to order to hear the request of Intern Thomas Banes. Mr. Banes was present and chose to appear without Counsel. OPHP Director Kevin Rich was present and spoke on behalf of Mr. Banes.

Mr. Banes' request was to ask that his previous order with the Board be modified in order for him to complete his required rotations with OU College of Pharmacy. These rotations may require

him to have access to controlled substances. The previous order stated that Mr. Banes was not to have access to controlled substances and that he shall obtain Board permission to take the NAPLEX.

After a brief discussion, a motion was made by Dr. Greg Adams and seconded by Stephen Dudley to remove paragraphs 3, 4 and 5 of the March 7, 2012 Final Order allowing Mr. Banes to have access to CDS and to take the NAPLEX. He is to continue with his ten-year contract with OPHP and shall notify all future employers of such contract. Motion passed on roll call vote.

OSBP vs. Katherine Kroener, D.Ph #14268 – Case No. 1324 – Requesting reinstatement of pharmacist license:

The Board was called to order to hear the request of Katherine Kroener. Ms. Kroener was present and chose to appear without Counsel.

Ms. Kroener's request to the Board was to ask for reinstatement of her pharmacist license so that she may reciprocate to Colorado where she now lives. In February 25, 2015, Ms. Kroener appeared before the Board and her license was suspended indefinitely and she had steps to complete before asking for reinstatement.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to grant her request to reinstate her pharmacist license with her license being placed on probation for the term of her OPHP contract. If she enters into a peer assistance program in Colorado, she shall continue to abide by her OPHP contract and notify all future employers of such contract. Kevin Rich shall then become Ms. Kroener's secondary monitor. Motion passed on roll call vote.

Board recessed for lunch

Board discusses request from David Warden of the VA Hospital:

The Executive Director reviewed a request from David Warden with the Board. Mr. Warden was requesting that the interns that work for the VA hospital(s) be allowed to obtain hours while working. The Director explained that the VA hospital(s) have chosen to no longer hold a license with the Board.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to deny the request to allow hours to count toward licensure if the pharmacy is not licensed by the Board. Motion passed on roll call vote.

Representatives with MedCraft LLC d/b/a Sterile Pharmacy and Specialty Compounding (SPSC) appear before the Board:

President Wilson called the Board to order to hear the request of MedCraft. Matthew Davidson and Gregory Berenato appeared as representatives for the pharmacy to request approval of an outsourcing facility license.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve the license application with the pharmacy sending their policy and procedures to the inspector before their first inspection. Motion passed on roll call vote.

NAPLEX applicant Kenneth White appears before the Board:

The Board was called to order by President Wilson to hear the request of Kenneth White. Mr. White had taken and failed the NAPLEX 3 times and was requesting that the Board allow him a 4th attempt.

After a brief discussion with Mr. White, a motion was made by Dr. Kyle Whitehead and seconded by Dr. Mark St.Cyr to allow Mr. White to take the NAPLEX the maximum amount of times if necessary. Motion passed on roll call vote.

Admission of Bradley W. Howard to practice in the following cases:

OSBP vs Amerita Inc., #2-7746, Case No. 1453

OSBP vs. Cindy K. Leonard, D.Ph. #15141, Case No. 1454

OSBP vs. Pascaline Nwokoma, D.Ph. #16869, Case No. 1455

Assistant Attorney General, Brinda White explained to the Board that the Bradley W. Howard is

a licensed attorney in the state of Texas but is not licensed in the state of Oklahoma. She explained that Mr. Howard had gone through the proper steps in order to represent the respondents of the cases the Board was about to hear.

Motion was made by Dr. Jim Spoon and seconded by Dr. Greg Adams to approve Mr. Howard to practice during the cases. Motion passed on roll call vote.

OSBP vs Amerita Inc. #2-7746 – Case No. 1453:

The Board was called to order to hear the case of Amerita Inc. Kathleen Costello and Ken Long were present as representatives for the pharmacy along with Attorney Bradley W. Howard.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Amerita was charged with multiple violations of state and federal regulations and rules including failing to comply with all aspects of USP Compounding Standards and Oklahoma Administrative Code, Title 535.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Amerita will agree to the following: Amerita admits to guilt on eighteen (18) counts and pleads nolo contendere to six (6) counts. The pharmacy is placed on probation for five (5) years until March 29, 2022. All pharmacists and pharmacy technicians currently employed by or hired by Amerita before March 29, 2017 shall be trained in sterile compounding by a Board approved entity with documented expertise in providing sterile compounding training. This training must consist of at least fifteen (15) hours in sterile compounding. Pharmacists and technicians currently employed by Amerita shall complete their training by September 29, 2017. Those hired after March 29, 2017 shall complete their training before they begin sterile compounding. Every three (3) months of the first year and every six (6) months of the remaining four (4) years that Amerita is on probation, all employees doing sterile compounding shall pass fingertip glove tests, media fill tests and initial competency tests. At all times during the compounding process a pharmacist must be garbed and present inside the sterile compounding room. All sterile compounding lab areas shall be ISO certified biannually. Amerita will agree to a fine of \$1500.00 per count for a total fine of \$36,000.00 which is due on March 29, 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. Cindy Leonard, D.Ph. #15141 – Case No. 1454:

The Board was called to order to hear the case of Cindy Leonard. Ms. Leonard was present with Attorney Bradley Howard.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Leonard was charged with multiple violations of state and federal regulations and rules including failing to comply with all aspects of USP Compounding Standards and Oklahoma Administrative Code 535.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Leonard will agree to the following: Ms. Leonard admits to guilt on all four (4) counts. Ms. Leonard's license will be placed on probation for three (3) years until March 29, 2020. Ms. Leonard will agree to pay a fine of \$500.00 per count for a total of \$2,000.00 which is due March 29, 2017. Ms. Leonard agrees to successfully complete at least fifteen (15) hours of Board approved USP 797 compounding training before September 29, 2017. Ms. Leonard would 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 2017 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE that Ms. Leonard must have to renew her license shall be live during the time she is on probation.

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. Pascaline Nwokoma, D.Ph. #16869 – Case No. 1455:

The Board was called to order to hear the case of Pascaline Nwokoma. Ms. Nwokoma was not present but was represented by Attorney Bradley Howard.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Nwokoma was charged with multiple violations of state and federal regulations and rules including failing to establish and maintain effective controls against prescription errors or misfills.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Nwokoma will agree to the following: Ms. Nwokoma admits to guilt on all four (4) counts. Ms. Nwokoma's license will be placed on probation for three (3) years until March 29, 2020. Ms. Nwokoma will agree to pay a fine of \$500.00 per count for a total of \$2,000.00 which is due March 29, 2017. Ms. Nwokoma agrees to successfully complete at least fifteen (15) hours of Board approved USP 797 compounding training before September 29, 2017. Ms. Nwokoma would 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 2017 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE that Ms. Nwokoma must have to renew her license shall be live during the time she is on probation.

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. Thomas Hill, D.Ph. #11099 – Case No. 1460:

The Board was called to order to hear the case of Thomas Hill. Mr. Hill was present and chose to appear without Counsel.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Hill was charged with multiple violations of state and federal regulations and rules including making or filing a report or record that he knew or should have known to be false, intentionally or negligently failing to file a report or record required by federal, state or local laws or rules, willfully impeding or obstructing such filing, or inducing another person to do so.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Hill would agree to the following: Mr. Hill admits to guilt on three (3) counts. His license would be placed on probation for one year until March 29, 2018. Mr. Hill agrees to a fine of \$1000.00 per count on Count 1 for a total of \$1,000.00 which can be paid with two (2) payments of \$500.00 with the total due on or before May 1, 2017.

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 with Dr. Greg Adams voting "No".

Board show cause hearing on pharmacy license application for Southern Plains Vet Supply:

President Wilson called the Board to order to hear the show cause hearing for Southern Plains Vet Supply. D.Ph. and owner Pam Dixon was present as representative for the pharmacy. Assistant Attorney General Brinda White prosecuted for the Board.

The applicant had furnished the Kansas Board of Pharmacy "fictitious, false, misleading or fraudulent material" in its Application for Review of its Kansas Non-Resident Pharmacy License.

Ms. White presented the Board with an Agreed Order. If the Board accepts the Agreed Order and allows them to be licensed as a pharmacy, the Respondent will agree to five (5) years on probation.

After a brief discussion with Ms. Dixon, a motion was made by Stephen Dudley and seconded by Dr. Jim Spoon to accept the Agreed Order. Motion passed on roll call vote.

Board reviews and approves 2017 Draft Rule Revisions; Title 535, Chapters 1, 15, 20 and 25 as presented for Public Comment:

Office Manager Mary Ann Terral presented the Board with Title 535, Chapters 1, 15, 20 and 25 public comments that were received. The Board heard and reviewed any public concerns that were recognized.

After a brief discussion, a motion was made by Stephen Dudley and seconded by Dr. Greg Adams to approve Chapter 1, Administrative Operations as presented. Motion passed on roll call vote.

A discussion was held on some of the concerns with Chapter 15, Pharmacies. A motion was made by Dr. Greg Adams and seconded by Dr. Kyle Whitehead to approve with changes. Motion

passed on roll call vote.

A discussion was held on Chapter 20, Manufacturers, Repackagers, Outsourcing Facilities, Wholesalers, Third-Party Logistics Providers, and Medical Gas Suppliers and Distributors. A motion was made by Dr. Mark St. Cyr and seconded by Stephen Dudley to approve with Pharmacist in Charge (PIC) amendment. Motion passed on roll call vote.

A brief discussion was held on Chapter 25, Rules Affecting Various Registrants. A motion was made by Dr. Greg Adams and seconded by Dr. Kyle Whitehead to approve as presented. Motion passed on roll call vote.

Search Committee reports to the Board regarding hiring of Executive Director:

A motion was made by Dr. Greg Adams and seconded by Stephen Dudley that the Board go into Executive Session and once discussion is complete, adjourn the Board meeting. Motion passed on roll call vote.

President Wilson adjourned the Board meeting at 3:55 p.m.