

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

November 29, 2017

Call to order:

President Whitehead called the November 29, 2017 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:

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

Board of Pharmacy:

Chelsea Church, Executive Director
Cindy Fain, Chief Compliance Officer
Gary LaRue, Senior Compliance Officer
Melissa Reichert, Compliance Officer
Brinda White, Assistant Attorney General
Rhonda Jenkins, Executive Secretary

Guests:

Robyn Janaway, Wal-Mart
Stacy Post, Wal-Mart
Anthony Chung, Wal-Mart
Derek Dennis, Walgreens
Rahi Bigdely, CVS
John Rocchio, CVS
Jill Shadid, OU College of Pharmacy
Terry Cothran, OU College of Pharmacy
Nancy Williams, SWOSU College of Pharmacy
Debra Billingsley, OPHA
Burl Beasley, OK Health Care Authority
Gara Wilsie, Remedi
Rich Palombo, Express Scripts

Approval of minutes and claims:

A motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to approve the October 4, 2017 minutes. Motion passed on roll call vote.

A motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve expense claims #6031-#6080, #H0368915, #H0370431-#H0370436, #H0370749, #H0372027-#H0372032, October and November payroll and the expenses of the Executive Director. Motion passed on roll call vote.

A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr to approve the October 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 lists of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board sets future Board meetings:

Due to a conflict with a previously scheduled meeting, the Board scheduled Tuesday March 6, 2018 to replace the February 28, 2018 meeting. The January 17, 2018 and the April 18, 2018 meeting will remain the same.

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 on September 29, 2017.

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

Executive Director gives Agency report:

Building Report:

Executive Director Chelsea Church reported that she and Assistant Attorney General Brinda White met with the State Architect Paul Haley, the State's attorney and 2 representatives from Terracon on November 7th. She noted that Terracon had reviewed the original plans and specifications by Krittenbrink but there is a lot of information that is still needed to complete their findings. The request has been sent to both Krittenbrink and Diversified and they must submit the information to Terracon by November 27th. Terracon will review the documents and ask for any other information that is needed. Terracon will be working diligently on the report and have some answers so that forensic testing can be done to determine what products were used and installed. The next meeting with Terracon is scheduled for December 12th.

NCPA Meeting:

The Director stated that Dr. Justin Wilson attended the NCPA meeting that was held in Orlando FL, October 14-18, 2017. Dr. Wilson gave a brief report on the meeting.

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

Director Church reported that she attended the NABP District 6, 7 & 8 meeting that was held in San Antonio, TX, October 8-11, 2017. She gave a brief report on the meeting.

MALTAGON Meeting:

The Director reported that she and Dr. Greg Adams attended MALTAGON which was held in Charleston, SC on October 22-25, 2018. Dr. Adams gave a brief report on the meeting.

NASCA State Conference:

The Director reported that Senior Compliance Officer Betty Beil, and Compliance Officers Jeremy Davis and Keevie Ridener attended the NASCSA State Conference in San Antonio on October 16-20, 2018. Compliance Officers Jeremy Davis and Keevie Ridener were not present to give a report due to being at NABP for training so Dr. Church gave a brief report.

OK Commission on Opioid Abuse:

Director Church reported that the commission meets monthly to discuss various aspects of prescription drug abuse. She noted that the meeting in September focused on law enforcement with the meeting in October dealing with education and training that occurs throughout the state. She stated that she presented the Road to Nowhere II video to the committee and explained how we use the video as a tool for school-aged students. The meeting in November was held in Tulsa with several practitioners present at the meeting.

Legislative Update:

Director Church asked Board lobbyist Jimmy Durant to provide an update on the pending issues with the upcoming special session.

P-4 Students:

The Director noted that the Board will have an Intern from OU College of Pharmacy on rotation during January and one Intern from SWOSU College of Pharmacy on rotation in February.

Board interviews Reciprocity applicants:

The Board was called to order to interview nine (9) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

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| Michelle Byrne.....PA | Jeff Muehlbauer VA |
| Juan Carlos De Leon..... TX | Jennifer Otto..... TX |
| Brenda Fletcher.....AZ | Catherine Pisano..... TX |
| Angela Foley TX | Guzel Zolkornyaeva NJ |
| Joshua Meeks GA | |

OSBP vs. Alishia Nuckolls, Technician #21320 – Case No. 1480:

The Board was called to order by President Whitehead to hear the case of Alishia Nuckolls. Ms. Nuckolls was not present. Registration Secretary Rhonda Jenkins testified that she had been properly notified. Walgreens Asset Protection Manager Mike Shaeffer and Compliance Officer Melissa Reichert both testified for the Board.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Shaeffer was notified by the Walgreens District Manager of some negative adjustment trends that were occurring at this particular Walgreens. Mr. Shaeffer contacted the store manager to discuss these concerns further. The Pharmacist in Charge, (PIC) had been completing the end of month counts when she noticed several negative adjustments. After researching further, it was discovered that these prescriptions had been filled by Ms. Nuckolls. Ms. Nuckolls had quit the week prior to these shortages being identified. Mr. Shaeffer contacted Ms. Nuckolls to meet with her to discuss the situation which she declined. Mr. Shaeffer then reviewed the CCTV and noticed that on multiple occasions while Ms. Nuckolls was filling the identified prescriptions, she picked up from the fill counter what appeared to be pills and then put her hand in her smock pocket.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Nuckolls 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 Alishia Nuckolls be revoked. Motion passed on roll call vote.

OSBP vs. Lisa Bennett (aka Lisa Waymon), Technician #19621 – Case No. 1477:

The Board was called to order by President Whitehead to hear the case of Lisa Bennett. Ms. Bennett was not present. Registration Secretary Rhonda Jenkins testified that she had been properly notified. Walgreens Asset Protection Manager Mike Shaeffer testified for the Board.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Shaeffer reviewed exception reports for Walgreens and observed that this store was experiencing cash shortages. After reviewing the electronic journal and surveillance, he observed Ms. Bennett ringing up gift card sales with no customers present and cashing them out without putting money in the register. Mr. Shaeffer interviewed Ms. Bennett who in a voluntary statement admitted to causing a total loss of approximately \$6000-\$7000. Ms. Bennett was terminated from Walgreens for fraud.

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

Motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr that the technician permit of Lisa Bennett be revoked. Motion passed on roll call vote.

OSBP vs. Bryan Cassil, Technician #22928 – Case No. 1481:

The Board was called to order by President Whitehead to hear the case of Bryan Cassil. Mr. Cassil was not present but it was determined that he had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. A drug screen was collected from Mr. Cassil which tested positive for Marijuana. Mr. Cassil was terminated for failing a drug test.

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

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

OSBP vs. Catlyn Larsen, Technician #14387 – Case No. 1484:

The Board was called to order by President Whitehead to hear the case of Catlyn Larsen. Ms. Larsen 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. Ms. Larsen was interviewed by the pharmacy PIC and the Human Relations Director after obtaining information about her possible substance abuse. Ms. Larsen verbally confessed that she was huffing compressed air that is used to clean computer keyboards. She also confessed that she was huffing at another employees' home and that one incident resulted in a police involved incident. Ms. Larsen voluntarily entered into rehabilitation at Integris. Executive Director Chelsea Church approved Ms. Larsen to join Oklahoma Pharmacists Helping Pharmacists (OPHP) as a self-referral. After 3 months, the Board received notice from OPHP Director Kevin Rich that Ms. Larsen was discharged against medical advice from the rehabilitation center and did not complete treatment. He noted that she had breached her verbal agreement with OPHP.

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

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

OSBP vs. Trever Blanco, Technician #22589 – Case No. 1485:

The Board was called to order by President Whitehead to hear the case of Trever Blanco. Mr. Blanco was not present but it was determined that he had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Asset Protection Manager Mike Shaeffer was informed that the PIC of the pharmacy had some concerns after performing counts on various drugs and noticed that there were some variances. Mr. Shaeffer recommended that she complete regular counts on high risk drugs and cross reference the variances with fill times to determine any correlations. Mr. Shaeffer re-visited the store to investigate the concern further. He interviewed Mr. Blanco who admitted in a voluntary written statement to stealing controlled dangerous substances (CDS) from the pharmacy. Mr. Blanco was terminated from Walgreens for theft of CDS. While waiting for the police to arrive, Mr. Blanco was observed grabbing something out of his pocket. When asked, Mr. Blanco said it was Ibuprofen and an Adderall pill. He stated that he got the Adderall from pharmacy technician, Rebecca Lindsey and that she had a prescription for it.

Ms. White then presented the Board with an Agreed Order that had been signed by Mr. Blanco. By signing the Agreed Order, Mr. Blanco admits to guilt on all counts and accepts revocation of his 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. Rebecca Lindsey, Technician #19775 – Case No. 1486:

The Board was called to order by President Whitehead to hear the case of Rebecca Lindsey. Ms. Lindsey 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. During an interview with pharmacy technician Trever Blanco, Mr. Blanco admitted that Ms. Lindsey had provided him with her prescription Adderall on a couple occasions. Mr. Blanco had one of her pills on him at the time of the interview. Mr. Shaeffer and the pharmacy PIC interviewed Ms. Lindsey. During the interview, Ms. Lindsey admitted that she had provided Mr. Blanco with her prescription Adderall pills on a couple occasions. She admitted that she knew it was illegal but did it anyway. Ms. Lindsey also stated that she rang herself up multiple times for self-service merchandise. At the end of the interview, Ms. Lindsey completed a voluntary written statement detailing the discussion. Ms. Lindsey was placed on suspension until the case could be further reviewed. After the facts were reviewed, Ms. Lindsey was terminated.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Lindsey. By signing the Agreed Order, Ms. Lindsey admits to 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. Kevin Dominguez, Technician #18966 – Case No. 1487:

The Board was called to order by President Whitehead to hear the case of Kevin Dominguez. Mr. Dominguez was not present. Registration Secretary Rhonda Jenkins testified that he had been properly notified. Chief Compliance Officer Cindy Fain testified for the Board.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. The Board had received a complaint that Mr. Dominguez was forging prescriptions for himself. A review of Mr. Dominguez records on the Prescription Monitoring Program (PMP) revealed three prescriptions that appeared to be questionable. The three prescriptions were from two different physicians. Each physician wrote an affidavit stating that the prescriptions were forged and that they did not authorize these prescriptions.

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

OSBP vs. Alyssa Cox, Technician #17854 – Case No. 1483:

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

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Cox worked full time at Dennis' Express Pharmacy and part time at Ralph's Family Pharmacy. Ms. Cox was terminated from Dennis' Express Pharmacy for theft of CDS and testing positive for Morphine on a drug test. Ms. Cox signed a written confession stating that she did test positive for the morphine but that she does not take responsibility for the missing drugs. Individuals at Ralph's Family Pharmacy became aware of a large loss of drugs and cash. The pharmacy video showed Ms. Cox stealing over \$1100.00 in cash from the registers and the cash office and a bottle of Dextroamphetamine-Amphetamine Salts. She put the bottle in her pants and then left the pharmacy.

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

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to accept the agreed order. Motion passed on roll call vote.

OSBP vs. Ylan Pham, Technician #14968 – Case No. 1482:

The Board was called to order by President Whitehead to hear the case of Ylan Pham. Ms.

Pham was not present. Registration Secretary Rhonda Jenkins testified that she had been properly notified. Ralph Abercrombie, Owner and PIC of Ralph's Family Pharmacy, testified for the Board along with Senior Compliance Officer Gary LaRue.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. The pharmacy submitted a DEA 106 to the Board which showed a large amount of drug loss. The pharmacy also suffered a cash loss. These losses were attributed to theft by another technician, however, the pharmacy PIC did not think that that one person could have diverted all of the drugs. He noticed that losses occurred when that technician was not employed by the pharmacy. Ms. Pham came to work without being scheduled to work. The PIC had inventoried the Oxycodone 30mg tablets the night before. After Ms. Pham left the pharmacy, the PIC discovered that 200 tablets of Oxycodone 30mg were missing. The PIC scheduled every employee to be drug tested. Every employee tested negative except Ms. Pham. She tested positive for Amphetamines, Benzodiazepines, Oxycodone and Marijuana. In a recorded interview, Ms. Pham maintained that she was innocent and possibly was framed for the CDS losses. She also stated that the reason she tested positive was due to peer pressure.

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams that the technician permit of Ylan Pham be revoked. Motion passed on roll call vote.

OSBP vs. Ralph's Family Pharmacy, Inc. #1-6280 – Case No. 1488:

The Board was called to order by President Whitehead to hear the case of Ralph's Family Pharmacy. PIC and owner Ralph Abercrombie was present with his wife, Valorie, and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ralph's Family Pharmacy 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 of rules.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ralph's Family Pharmacy would agree to the following: Ralph's Family Pharmacy neither admits nor denies guilt on Counts 1 through V. The pharmacy would agree to pay a fine of \$714.25 per count on Counts VI and VII for a total fine of \$1428.50 and is due November 29, 2017.

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

OSBP vs. Ralph L. Abercrombie, D.Ph. #9832 – Case No. 1489:

The Board was called to order by President Whitehead to hear the case of Ralph Abercrombie. Mr. Abercrombie was present with his wife, Valorie, and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Abercrombie 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 of rules.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Abercrombie would agree to the following: Mr. Abercrombie neither admits nor denies guilt on all six counts. Mr. Abercrombie agrees to pay a fine of \$714.30 per count on Counts I through V for a total fine of \$3, 571.50 which is due November 29, 2017. Mr. Abercrombie shall attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2018 for a total of twenty-three (23) hours of CE during this calendar year. All 15 hours of required CE that Mr. Abercrombie must have to renew his license shall be live during the calendar year of 2018.

Motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to accept the Agreed

Order. Motion passed on roll call vote.

OSBP vs. Pharmcore, Inc., dba Hallandale Pharmacy, #99-8005 – Case No.1479:

The Board was called to order by President Whitehead to hear the case of Hallandale Pharmacy. Representatives from Hallandale Pharmacy were not present but it was determined that they had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Hallandale Pharmacy was charged with multiple violations of state and federal regulations and rules including failing as a non-resident pharmacy to make application and receive an annual non-resident pharmacy license at a fee set by the Board.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Hallandale Pharmacy would agree to the following: Hallandale Pharmacy admits to guilt on all three hundred seventy four (374) counts. The pharmacy agrees to pay a fine of \$100.00 per count for a total fine of \$37,400.00. The first payment of \$10,000.00 shall be paid on or before November 29, 2017. Beginning January 1, 2018 the pharmacy shall pay \$2740.00 per month for ten months with the total fine being paid on or before October 1, 2018.

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

Terry Simonson, Director of Governmental Affairs of Tulsa County appears before the Board:

Tulsa County Director of Governmental Affairs Terry Simonson, appeared before the Board to request support of the Board on the mission of the Tulsa County Opioid Task Force.

Mr. Simonson explained that a Bill has been drawn up to require mandatory e-prescribing of CDS prescriptions. He explained that there is a lot of support for the Bill. He did express concern about potential push back from some practitioners related to the cost expense of the e-prescribing software. The Board thanked Mr. Simonson for his time and presentation and agreed that they would review the bill and get back with him with any questions.

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.

Board recessed for lunch

Candice Vaughn of Rubin White Health Clinic appears before the Board:

The Board was called to order to discuss a pilot program with Candice Vaughn, D.Ph. and Ross Green, D.Ph. of Rubin White Health Clinic and Travis Freeze, D.Ph., Director of Pharmacy for the Chickasaw Nation. Dr. Vaughn explained to the Board that in 2006 a verbal approval was given by then Director, Bryan Potter, to allow Rubin White Health Clinic to have a pilot project which allows them to deliver patient-specific prescriptions to their other pharmacies throughout the state. Because of some changes in the law, it was determined that they do not meet the criteria for a pilot program and it would require changing regulations. Therefore, they cannot continue to function under a pilot program. Dr. Vaughn stated that they had some suggestions for wording of a statute change.

After a brief discussion, Dr. Jim Spoon stated that he didn't feel that there was a need to change the law for the number of prescriptions they handle in this circumstance. He didn't feel that it was a big enough problem and that there are other options for the individuals to receive their scripts such as mailing or picking it up at the clinic. The Board agreed with Dr. Spoon.

OSBP vs. St. Francis Hospital Inc. dba St. Francis Hospital-Cancer Center Pharmacy, #2-6630 – Case No 1490:

The Board was called to order by President Whitehead to hear the case of St. Francis Hospital-Cancer Center Pharmacy. PIC Kevin Doherty was present as representative for the hospital along with Counsel. Assistant Attorney General Brinda White presented the Board with the Complaint for review. St. Francis Hospital-Cancer Center Pharmacy was charged with multiple violations of state and federal regulations and rules including failing to have a pharmacy manager who was responsible for all aspects of the operation related to the practice of pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, St. Francis Hospital-Cancer Center pharmacy would agree to the following: St. Francis Hospital-Cancer Center Pharmacy admits to guilt on Count II and neither admits nor denies guilt on the remaining counts. The pharmacy agrees to pay a fine of \$1250.00 per count for a total fine of \$5,000.00 which is due November 29, 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.

OSBP vs. Kevin Michael Doherty, D.Ph. #15976 – Case No. 1491:

The Board was called to order by President Whitehead to hear the case of Kevin Doherty. Mr. Doherty was present with Counsel.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Mr. Doherty was charged with multiple violations of state and federal regulations and rules which included failing to be a pharmacy manager who is responsible for all aspects of the operation related to the practice of pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Doherty would agree to the following: Mr. Doherty admits guilt on Count II and neither admits nor denies guilt on the remaining counts. Mr. Doherty agrees to pay a fine of \$1250.00 per count for a total fine of \$5,000.00 which is due November 29, 2017. Mr. Doherty shall attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2018 for a total of twenty-three (23) hours of CE during this calendar year.

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. Sarah Martin, D.Ph. #13361 – Case No. 1492:

The Board was called to order by President Whitehead to hear the case of Sarah Martin. Ms. Martin was present with her husband, Chad, and chose to appear without Counsel.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Martin was charged with multiple violations of state and federal regulations and rules including failing to participate in a rehabilitation program for the impaired as required by the Board.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Martin would agree to the following: Ms. Martin admits to guilt on all seven (7) counts. Her license is indefinitely suspended

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

Retail Remote Medication Order Processing (RMOP) Chairman Steve Pryor appears before the Board for presentation of RMOP rules:

The Board was called to order to hear a report from the RMOP Chairman Steve Pryor, D.Ph. Dr. Pryor reviewed some of the main points for a Retail RMOP. He stated that a Retail RMOP pharmacy must be licensed in Oklahoma and have an Oklahoma-licensed PIC. If the pharmacy is a non-resident RMOP, staff pharmacists must be licensed and in good-standing with the residing state of practice. If policy and procedures are in place, an Oklahoma-licensed pharmacist may perform the RMOP duties from their home if they reside in Oklahoma.

The Retail RMOP pharmacy may utilize auxiliary personnel for data entry under the direct supervision of a pharmacist. The pharmacist must approve the data entry before submitting to the dispensing pharmacy. The verifying pharmacy must have access to the original prescription, drug

order, or electronic data. Patients must be notified that data processing may be outsourced to another pharmacy and provide the address and other information to the patient.

The intent of allowing a Retail RMOP pharmacy to process orders is to improve patient care by freeing up time for a pharmacist to counsel or provide immunizations. The ultimate goal is patient safety.

Motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to accept the Retail RMOP draft rules with modification for further review at the January meeting. Motion failed with Dr. Greg Adams, Dr. Justin Wilson and Dr. Jim Spoon voting "No".

Customized Adherence Medication Package (CAMP) Chairman Rodney Skinner appears before the Board for presentation of the CAMP rules:

The Board was called to order to hear a report from CAMP Chairman Rodney Skinner, D.Ph. Dr. Skinner reviewed the rules that the committee had worked on for the past year. Dr. Skinner explained that the committee had been formed to replace the current approved pilot programs. The rules were formed to provide safety standards to enable customized adherence medication packaging. Specific packaging and labeling requirements were established.

After a brief discussion with Dr. Skinner, a motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to move forward with the CAMP rules. Motion passed on roll call vote.

Automation Chairman Rodney Skinner appears before the Board for presentation of the Automation rules:

The Board was called to order to hear a report from Automation Chairman Rodney Skinner, D.Ph. Dr. Skinner reviewed rules that the committee had proposed. The purpose of the rules is to establish standards for automated dispensing systems. Due to advancements in technology, automation is becoming much more common in the pharmacy setting. The committee drafted a new definition section related to automation. The rules require specific policies and procedures related to the automation to be established and maintained in the pharmacy. The rules also address medication stocking, pharmacist verification, and prepacking requirements.

After a brief discussion with Dr. Skinner, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve the draft of automation rules. Motion passed on roll call vote.

USP<800> Chairman Eric Winegardner appears before the Board for presentation of the USP<800> rules:

The Board was called to order to hear a report from USP<800> Chairman Eric Winegardner, D.Ph. Mr. Winegardner reviewed rules that the committee had been working on.

After a discussion with the Board, it was determined that the committee will meet again to review sub-committee rules and changes. No action was taken.

Board votes to approve, disapprove or amend current rules:

The Board was called to order to hear a report from Office Manager Mary Ann Terral. Ms. Terral reported on some of the wording changes and language clean up to the current rules.

After a brief discussion, a motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve the current rules with changes. Motion passed on roll call vote.

Board reviews Statute changes and discuss possible recommendations for the lobbyist or legislature:

The Board was called to order to hear a report from Office Manager Mary Ann Terral. Ms. Terral asked the Board if there was anything that they would like to see changed or added regarding the statutes. It was decided to provide wording which would allow Indian Health Services (IHS) to continue delivery services to the statutes.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve the statute changes. Motion passed on roll call vote.

Board votes to approve or disapprove beginning the rulemaking process by filing Notice of Rulemaking Intent:

After reviewing and discussing the rules and statute changes and additions, a motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to move forward with the Notice of Rulemaking. Motion passed on roll call vote.

President Whitehead adjourned the Board meeting:

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to adjourn the Board meeting. Motion passed on roll call vote. President Whitehead adjourned the Board meeting at 5:00 p.m.