

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

August 8, 2018

Call to order:

President Whitehead called the August 8, 2018 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 am 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
Stephen Dudley, Member
Jim Spoon, Member
Justin Wilson, Member

Board of Pharmacy: Gary LaRue, Senior Compliance Officer
Betty Beil, Senior Compliance Officer
Jeremy Davis, Compliance Officer
Melissa Reichert, Compliance Officer
Keevie Ridener, Compliance Officer
John Settle, Assistant Attorney General
Rhonda Jenkins, Executive Secretary

Guests Robyn Janaway, Wal-Mart
Shannon Griggs, Wal-Mart
Pam Alexander, Wal-Mart
Sherrie Francisco, Wal-Mart
Ryan Walker, Walgreens
Jill Shadid, OU College of Pharmacy
Robin Murphy, Dept. of Correction
Edna Patatanian, SWOSU College of Pharmacy
Travis Tate, HealthChoice
Scott Hughes, Hillcrest Medical Center-Tulsa
Chris Chesny, Journal Record
Michelle Dupuy, Guest
Alan Mason, Guest

Approval of minutes and claims:

A motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to approve the June 13, 2018 minutes. Motion passed on roll call vote.

A motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve the July 25, 2018 minutes. Motion passed on roll call vote.

A motion was made by Stephen Dudley and seconded by Dr. Jim Spoon to approve the expense claims #6264-#6325, #H0384301, #H0385020-#H0385024, #H0386127, #H0386965, #H0387602-#H0387603, #H0387876, June and July payroll, and the expenses of the former Executive Director. Motion passed on roll call vote.

A motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to approve the June and July leave report of the former Executive Director. Motion passed on roll call vote.

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Cancellation of Pharmacist, Pharmacies, Facilities, and Technicians:

After a review of the cancellation list presented, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve the cancellation list of those that did not renew within the renewal time period. Motion passed on roll call vote.

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 3rd quarter list of CE programs that had been submitted and approved by the CE Committee on June 15, 2018.

Motion was made by Dr. Jim Spoon 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.

Board sets future Board meetings:

The Board has scheduled January 16, 2019 as the regular scheduled meeting. The next two dates scheduled are Wednesday September 26, 2018 and Wednesday November 28, 2018.

Board welcomes P-4 Students:

The Board welcomed the 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 holds discussion on the selection and hiring of an Interim Executive Director:

A motion was made by Dr. Mark St.Cyr and seconded by Dr. Greg Adams to go into Executive Session to discuss the selection and hiring of an Interim Executive Director. Motion passed on roll call vote.

A motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to return from Executive Session. Motion passed on roll call vote.

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St.Cyr that the Board hire Dr. Dorothy Gourley as the Interim Executive Director with a start date of August 13, 2018. Motion passed on roll call vote

Board holds discussion regarding the search for a new Executive Director:

The Board held a brief discussion on what they would like to see done as the search for a new Director begins. It was the consensus of the Board to ask the new Interim Director to organize and set up a committee and to begin the search for those to serve on the committee. A discussion of progress will be held at the next Board meeting.

Board discusses the Fiscal Year 2019 Legal Services Contract between OSBP and the Office of the Attorney General:

The Board reviewed the pending contract between the Oklahoma State Board of Pharmacy and the Office of the Attorney General. Assistant Attorney General, John Settle, discussed with the Board the obligations of the contract. He stated that the contract was for \$108,000.00 for a 12-month/75% time contract.

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to accept the contract with the Office of the Attorney General. Motion passed on roll call vote.

Board interviews Reciprocity and Score Transfer applicants:

The Board was called to order to interview twelve (12) Reciprocity applicants and one (1) Score Transfer applicant. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Reciprocities:

Justin Aciri
Diana Campbell
Brandon Coggins

OH Truong Pham
TX Cesar Sison
AR Erik Sparks

Score Transfer:

VA Jason Flynn
IL
NV WI

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Michael Green	IA	Adam Stricklin	AR
Seth Green	UT	Thong Trao	MN
Dirk Harris	IN	Adam Kersten	NE

OSBP vs. Alicia P. Seifert, Technician #21022, Case No. 1521:

The Board was called to order by President Whitehead to hear the case of Alicia P. Seifert. Ms. Seifert was not present. Registration Secretary Rhonda Jenkins, testified she had been properly notified. Carl Deason, owner and Pharmacist in Charge (PIC) of Grove Drive-In Pharmacy testified by phone for the Board.

Assistant Attorney General John Settle presented the Board with the Complaint for review. The Board received notification that Ms. Seifert had been terminated for possession of paraphernalia.

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

OSBP vs. Brianna Clark, Technician #21144, Case No. 1533:

The Board was called to order by President Whitehead to hear the case of Brianna Clark. Ms. Clark was not present. Registration Secretary Rhonda Jenkins, testified she had been properly notified. Senior Compliance Officer, Betty Beil testified for the Board.

Assistant Attorney General John Settle presented the Board with the Complaint for review. Ms. Clark was terminated from Walgreens for testing positive for marijuana.

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon that the technician permit of Brianna Clark be revoked. Motion passed on roll call vote.

OSBP vs. Paula O'Connor, Technician #11882, Case No. 1534:

The Board was called to order by President Whitehead to hear the case of Paula O'Connor. Ms. O'Connor was not present. Registration Secretary Rhonda Jenkins, testified she had been properly notified. Amanda Brooks, Asset Protection Manager for Wal-Mart testified for the Board.

Assistant Attorney General John Settle presented the Board with the Complaint for review. The Board received notification from Wal-Mart that Ms. O'Connor was terminated for theft of cash from the register.

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

OSBP vs. Parks Drug #99-8151, Case No. 1518:

The Board was called to order by President Whitehead to hear the case of Parks Drug. John Bullard, owner and D.Ph. for Parks Drug and Tracie Westervelt, Pharmacist in Charge (PIC) for the Oklahoma license for Parks Drug, were present and chose to appear without Counsel.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Parks Drug was charged with multiple violations of state and federal regulations and rules including delivering or shipping prescriptions to Oklahoma citizens without having an Oklahoma pharmacy license.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Parks Drug would agree to the following: Parks Drug admits to guilt on all eleven thousand one hundred and thirty-two (11,132) counts. The pharmacy would agree to probation for five (5) years until August 7, 2023. They would agree to

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pay a fine of \$2.00 per count for a total of \$22, 264.00. The pharmacy will be allowed to make payments with \$4,264.00 being due on August 8, 2018 and \$1500.00 per month for 12 months beginning September 8, 2018 until paid in full.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to accept the Agreed Order as is. Motion passed on roll call vote with Dr. Greg Adams voting "No"

OSBP vs. Barry Smith, D.Ph. #11415, Case No. 1523:

The Board was called to order by President Whitehead to hear the case of Barry Smith. Mr. Smith was present with his wife Darla and Attorney Libby Scott.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Mr. Smith was charged with multiple violations of state and federal regulations and rules including committing theft while working as a registrant.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Smith would agree to the following: Mr. Smith neither admits nor denies guilt on all nine (9) counts. Mr. Smith's license would be suspended and placed on probation for ten (10) year until August 8, 2028. Mr. Smith must remain compliant with his Oklahoma Pharmacist Helping Pharmacist (OPHP) contract during his probation period. He must notify all future employers of his contract with OPHP. After August 30, 2023 Mr. Smith may petition the Board and request that his probation be lifted. Granting probation may be at the Board's discretion upon Mr. Smith showing compliance with his OPHP contract and that practicing would not put the public at risk. During probation, the Board may add to or modify any conditions of the probation that the Board determines necessary to protect the public. Termination of Mr. Smith's OPHP contract is cause for immediate suspension of his license and to require an appearance before the Board to show evidence that he has entered into and is compliant with all conditions of a "Recovery Monitoring Agreement" and that he has a "Fit for Duty" evaluation. Mr. Smith would agree to attend a one-day (8 hour) law seminar in addition to the required 15 hours of CE in the calendar year 2018 and 2019 for a total of 23 hours of CE each year. All CE required to renew his license shall be live during the calendar year of 2019 and 2020.

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. Candace M. Gulisao, D.Ph. #14288, Case No. 1536:

The Board was called to order by President Whitehead to hear the case of Candace M. Gulisao. Ms. Gulisao was present with Attorney Libby Scott.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Ms. Gulisao was charged with multiple violations of state and federal regulations and rules including knowingly or intentionally possessing a controlled dangerous substance (CDS) when such substance was not obtained directly or pursuant to a valid prescription or order from a practitioner.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Gulisao would agree to the following: Ms. Gulisao neither admits nor denies guilt on all fourteen (14) counts. Ms. Gulisao's license would be suspended and placed on probation for ten (10) year until August 8, 2028. Ms. Gulisao must remain compliant with her Oklahoma Pharmacist Helping Pharmacist (OPHP) contract during her probation period. She must notify all future employers of her contract with OPHP. After August 30, 2023 Ms. Gulisao may petition the Board and request that her probation be lifted. Granting probation may be at the Board's discretion upon Ms. Gulisao showing compliance with her OPHP contract and that practicing would not put the public at risk. During probation, the Board may add to or modify any conditions of the probation that the Board determines necessary to protect the public. Termination of Ms. Gulisao's OPHP contract is cause for immediate suspension of her license and to require an appearance before the Board to show evidence that she has entered into and is compliant with all conditions of a "Recovery Monitoring Agreement" and that she has a "Fit for Duty" evaluation. Ms. Gulisao would agree to attend a one-day (8 hour)

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law seminar in addition to the required 15 hours of CE in the calendar year 2018 and 2019 for a total of 23 hours of CE each year. All CE required to renew her license shall be live during the calendar year of 2019 and 2020.

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

OSBP vs. David Johnson, D.Ph. #13426, Case No. 1377 – request to remove probation:

The Board was called to order by President Whitehead to hear the request of David Johnson. Mr. Johnson was present. Mr. Johnsons' request is to ask the Board to allow probation be removed from his file due to third parties using probation as a reason to remove contracts from licensed facilities that employ pharmacist that are on probation. Mr. Johnson stated that he was willing to continue with the requirements of the probation and that he would not be a preceptor until such time as the original probation would be removed.

After a brief discussion, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the probation be lifted but that Mr. Johnson continue with the requirements of his original order and that he not be allowed a preceptor license for the remaining 2 ½ years left on his probation. He is to submit a copy of the report for 3rd party. Motion passed on roll call vote with Dr. Mark St.Cyr voting "No"

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

The Board was called to order by President Whitehead to hear the request of Danielle Adams. Ms. Adams was present. OPHP Director Kevin Rich testified on her behalf.

After a brief discussion with Ms. Adams and Mr. Rich on her progress, a motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to grant probation. Motion passed on roll call vote.

Cantrell Drug appears before the Board to discuss their renewal for their Outsourcing Facility:

The Board was called to order by President Whitehead to hear the request of Cantrell Drug. James McFarley, D.Ph. and CEO of Cantrell Drug was present. Mr. McFarley was requesting that the Outsourcing renewal application for Cantrell Drug be approved.

After a brief discussion with Mr. McFarley, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that after a review of the reports and the FDA inspection by the staff, if the staff feels that they are satisfactory, the license will be allowed to renew. Motion passed on roll call vote.

NAPLEX applicant Felix Anyomi appears before the Board:

The Board was called to order by President Whitehead to hear the request of Felix Anyomi. Mr. Anyomi 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. Anyomi, a motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to grant Mr. Anyomi permission to re-take the NAPLEX one more time. Motion passed on roll call vote.

Gary Young, D.Ph. #8360 request to appear before the Board:

The Board was called to order by President Whitehead to hear the request of Gary Young. After a discussion with Mr. Young, the Board referred him to the staff and the Interim Director to help him work up a request to officially present to the Board at a Board meeting. They also recommended that he needs to have an OPHP contract in place.

Board Lobbyist, Jimmy Durant reports to the Board:

The Board was called to order by President Whitehead to hear the legislative report from Board Lobbyist, Jimmy Durant. Mr. Durant discussed the pending issues in state legislation.

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Re-Organization of the Board:

President Whitehead opened the floor for re-organization of the officers of the Board. Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to elect Dr. Mark St.Cyr as President and Stephen Dudley as Vice-President. Motion passed on roll call vote. At that point, Dr. St.Cyr adjourned the Board as President.

President St.Cyr adjourned the Board meeting:

A motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to adjourn the Board meeting. Motion passed on roll call vote. President St. Cyr adjourned the Board meeting at 12:55 p.m.

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