

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

January 17, 2018

#### Call to order:

President Whitehead called the January 17, 2018 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m. with a roll call vote. 4 of 6 members were present.

#### Those present were:

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

\*\* Greg Adams and Jim Spoon were unable to attend\*\*

Board of Pharmacy: Chelsea Church, Executive Director  
Cindy Fain, Chief Compliance Officer  
Gary LaRue, Senior Compliance Officer  
Melissa Reichert, Compliance Officer  
Jeremy Davis, Compliance Officer  
Keevie Ridener, Compliance Officer  
Brinda White, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

Guests Shannon Griggs, Wal-Mart  
Becca Segrest, Cardinal Health  
Jill Shadid, OU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Nancy Williams, SWOSU College of Pharmacy  
Randy Curry, SWOSU College of Pharmacy  
Travis Tate, HealthChoice  
Jaime Mayorga, Intern

#### Approval of minutes and claims:

A motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to approve the November 29, 2017 minutes. Motion passed on roll call vote.

A motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve expense claims #6081-#61220, #H0372861, #H0373756-#H0373761, December payroll, the expenses of the Executive Director and the November and December leave report of the Executive Director. Motion passed on roll call vote.

#### Cancellation of Pharmacist, Pharmacies, Facilities, and Technicians:

After a review of the cancellation lists presented, a motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr 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 4<sup>th</sup> quarter list of CE programs that had been submitted and approved by the CE Committee on December 9, 2017.

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

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**Board reviews request from Terry Simonson:**

The Board reviewed a request from Terry Simonson, Director of Governmental Affairs of Tulsa County. Mr. Simonson had made a presentation to the Board at the November meeting requesting the Boards' support on the mission of the Tulsa County Opioid Task Force regarding mandatory e-prescribing of CDS prescriptions.

After a brief discussion with the Executive Director, the Board agreed that they would agree to endorse the concept of e-prescribing but they cannot endorse a specific measure until they see the legislation.

**Board sets future Board meetings:**

The Board scheduled Wednesday June 13, 2018 as a Board meeting.

**Executive Director gives Agency report:**

**Building Report:**

Executive Director, Chelsea Church, reported that Terracon is still in the process of reviewing the documents from Krittenbrink and Diversified and that we hope to have their report within the month and then begin forensic testing. It is possible that we may be looking at litigation to get the building fixed. She reported that she and the Assistant Attorney General are looking at options.

Director Church noted that the staff attended an Active Shooter training session last month. She stated that after the training we realize that the building should be much more secure and stated that she is in the process of getting bids for limited building access capabilities, alarm system, mylar security film for glass entry areas, solid wood doors and other security details.

**Spring Critical Mission Meetings:**

Director Church reminded the Board of some spring critical mission meetings that will be coming up that she and some Board members will be attending. APHA will be March 16-19, 2018 in Nashville, TN; OSHP Annual Meeting will be April 13, 2018 in Oklahoma City; NABP Meeting will be May 5-8, 2018 in Denver, CO and the ASHP Annual Meeting will be June 2-6, 2018 in Denver, CO. Dr. Justin Wilson and Stephen Dudley will be attending the NABP meeting in Denver, CO.

**MHSAS-OSBP Opioid Continuing Education:**

Director Church stated that the Board will be having a continuing education conference titled "The Opioid Epidemic: What Pharmacists Need to Know". She noted that we are receiving some funding from Mental Health and Substance Abuse Services (MHSAS) to provide a 6-hour CE conference in both Oklahoma City and Tulsa. The speakers include Dr. Jason Beaman, a physician and faculty member of OSU-Tulsa Medical School to discuss the pathophysiology of addiction and treatment options; Jessica Hawkins from MHSAS to discuss naloxone and the outreach programs; Burl Beasley, a pharmacist from Oklahoma Health Care Authority to discuss how the Healthcare Authority is fighting the opioid epidemic in Oklahoma; and Dr. Church to discuss the Boards perspective of addiction and diversion. The Tulsa conference is scheduled for Friday March 9, 2018 at the Schusterman Center and the OKC conference is scheduled for March 30<sup>th</sup> at the Moore Norman Technology Center in Moore. Registration will begin at 8:00 am. Presentations will be from 9:00 am to 12:00 pm, then break for lunch from 12:00 p.m.-1:30 p.m. and return for presentations from 1:30 p.m.-4:30 p.m.

**OK Commission on Opioid Abuse:**

Director Church reported that the commission met on December 19, 2017 and again on January 11, 2018 to finalize the recommendations and rule/statutory changes. She noted that it is the recommendation of the committee to have mandatory e-prescribing of CDS medications. Another

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mandate will be at least a one-hour CE requirement for prescribers and pharmacists about addiction and diversion. The last commission meeting will be on January 23, 2018 for a press conference, committee dinner and public talk by the author of the book, *Dreamland*, Mr. Sam Quinones. This will be held at the OK History Center Chesapeake Room.

**Employee Recognition Dinner:**

Director Church noted that she would like to host an employee recognition dinner sometime in February. She stated that she would keep the Board informed.

**Strategic Planning Retreat:**

Director Church noted that she has been in contact with a facility in Tulsa to possibly schedule a strategic planning retreat. She stated that she is still looking for facilitators and would keep the Board informed.

**TALKOM:**

Director Church stated that she is planning to have the TALKOM meeting the last week of April or possibly the first week of May.

**Staff Changes:**

Director Church stated that Susan Dozal will be retiring next month after 27 years of working for the Board. Her last day will be February 2, 2018. She stated that Ms. Dozal has been an asset to the Board and will be greatly missed.

**Legislative Update:**

Director Church asked Board lobbyist, Jimmy Durant, to provide an update on the pending issues with legislation.

**P-4 Students:**

The Director noted that there are students from both the University of Oklahoma and Southwestern Oklahoma State University Colleges of Pharmacy attending the Board meeting. All students will attend a Board meeting during their final year of college.

**Board interviews Reciprocity applicants:**

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

**Reciprocities:**

Lewis Belcher	IN	Jennifer Hunt	GA
Heather Dilmore	AL	Tyler Micsky	AZ
Nhu Mai Ha	OR	Donna Smith	GA
Michael Hearn	TX	Shannon Williams	OH
Joshua Heiblum	FL		

**OSBP vs. Brittney Anduze, Technician #10478, Case No. 1493:**

The Board was called to order by President Whitehead to hear the case of Brittney Anduze. Ms. Anduze 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. A Walgreens co-worker observed Ms. Anduze putting cosmetic products into her purse at Walgreens. Mike Shaeffer interviewed Ms. Anduze with the pharmacy manager present. Ms. Anduze admitted in a voluntary statement to stealing merchandise totaling a value of approximately \$52.83. Ms. Anduze was terminated from Walgreens for theft of merchandise.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that

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based on the clear and convincing evidence presented, Ms. Anduze 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 Brittney Anduze be revoked. Motion passed on roll call vote.

**OSBP vs. Shayla Howard, Technician #22789, Case No. 1494:**

The Board was called to order by President Whitehead to hear the case of Shayla Howard. Ms. Howard was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Walgreens Asset Protection Manager Susan Factor testified for the Board.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Walgreens store manager contacted Ms. Factor and reported that he had observed small cash shortages due to employee theft. A review of surveillance by Ms. Factor showed that when Ms. Howard was working in the photo department processing a "no sale" transaction, she leaned over the till and then placed her hand into her pocket as she walked away from the register. Ms. Factor interviewed Ms. Howard with the store manager present. Ms. Howard admitted to theft of cash both verbally and in a voluntary written statement. Ms. Howard was terminated from Walgreens for theft.

Motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr that based on the clear and convincing evidence presented, Ms. Howard 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 Shayla Howard be revoked. Motion passed on roll call vote.

**OSBP vs. Terrie Kriley, Technician #22928, Case No. 1481:**

The Board was called to order by President Whitehead to hear the case of Terrie Kriley. Ms. Kriley 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. Due to a pattern of small negative adjustments on controlled dangerous substances (CDS), drug counts were initiated. Video surveillance showed Ms. Kriley filling a Hydrocodone prescription, leaving some tablets in the tray, pouring the pills from the tray into her hand and then placing her hand in her smock pocket. In an interview by the store manager and loss prevention, Ms. Kriley admitted both verbally and in a written voluntary statement to theft over a two month period of various strengths of Hydrocodone and Oxycodone. Ms. Kriley was terminated for Walgreens for theft of CDS.

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

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

**OSBP vs. Robert Murdock, Technician #22924, Case No. 1496:**

The Board was called to order by President Whitehead to hear the case of Robert Murdock. Mr. Murdock was not present. Registration Secretary, Rhonda Jenkins testified that he had been properly notified. Wal-Mart Asset Protection Manager Ron Larkin testified for the Board.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. The pharmacy manager reviewed video tape of activities to determine if a patient had picked up that patient's Alprazolam 1mg prescription. The manager noticed two associates at the pharmacy register during the time frame the prescription was sold. The video showed an associate ringing up the prescription and Mr. Murdock paying for it. Both individuals were interviewed by the pharmacy manager and Mr. Larkin. Mr. Murdock stated that he purchased the prescription and when asked if he knew the patient he stated that he did not but that he felt sorry for the man because he could not pay for it. The manager turned the investigation over to Market Asset Protection Manager, Becky Berry and Mr. Larkin. Ms. Berry and Mr. Larkin interviewed both

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associates again. The associate who rang up the prescription alleged that Mr. Murdock told him he felt sorry for the customer and that he was going to pay for it and provide it to the customer. During the interview, Mr. Murdock admitted that he did not know the customer and that the customer had called earlier in the day and asked that the prescription be put "on hold". Mr. Murdock instead released the prescription to fill, purchased it and took it home. He stated that he removed the customer's label from the vial. Mr. Murdock wrote a voluntary statement admitting to the theft.

Motion was made by Dr. Mark St.Cyr and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Mr. Murdock be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Mark St.Cyr and seconded by Stephen Dudley that the technician permit of Robert Murdock be revoked. Motion passed on roll call vote.

**OSBP vs. Victoria Moore, Technician #23454, Case No. 1499:**

The Board was called to order by President Whitehead to hear the case of Victoria Moore. Ms. Moore 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. Asset Protection Manager, Mike Schaeffer was informed by the store manager that he had observed some cash shortages occurring on the pharmacy registers. He stated that the shortages started occurring in late October, which is when Ms. Moore started working in the pharmacy. Mr. Schaeffer interviewed Ms. Moore with the store manager present. Ms. Moore admitted in a voluntary written statement to stealing cash from the registers in the pharmacy. Ms. Moore was terminated for theft.

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

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

**OSBP vs. Absolute Veterinary Compounding Pharmacy, #99-7495, Case No. 1498:**

The Board was called to order by President Whitehead to hear the case of Absolute Veterinary Compounding Pharmacy. PIC and owner, Tim Hayes and owner Michael Russin were present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Absolute Veterinary Compounding Pharmacy 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, Absolute Veterinary Compounding Pharmacy would agree to the following: Absolute Veterinary Compounding Pharmacy neither admits nor denies guilt on all four (4) counts. The pharmacy would agree to probation for one (1) year until January 17, 2019. The pharmacy agrees to pay a fine of \$1000.00 per count for a total fine of \$4000.00 which is due January 17, 2018.

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

**Board discusses request from NexGen Compounding Pharmacy:**

The Board was called to order to hear the request of NexGen Compounding Pharmacy. NexGen Compounding Pharmacy owner(s) Tim Hays, D.Ph. and Michael Russin were present for questions.

After a brief discussion a motion was made by Dr. Justin Wilson and seconded by Dr. Mark St.Cyr to accept the new license application pending inspection by the Oklahoma Board inspectors. If the inspection passes, the Board would then grant a sterile compounding license. Motion passed on roll call vote.

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**OSBP vs. Kendra Wright, D.Ph. #14143, Case No. 1497:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Wright 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. Wright would agree to the following: Ms. Wright neither admits nor denies guilt on all four (4) counts. Ms. Wright's license would be placed on probation for one (1) year until January 17, 2019. Ms. Wright agrees to pay a fine of \$1000.00 per count for a total fine of \$4000.00 which is due January 17, 2018.

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.

**Board discusses request of Technician Kendall Brubaker:**

The Board was called to order by President Whitehead to hear the request of Kendall Brubaker. Mr. Brubaker is requesting that he be allowed to reinstate his technician permit. Mr. Brubaker had a contract with Oklahoma Pharmacist Helping Pharmacist (OPHP) which he has not fulfilled.

After a discussion with Mr. Brubaker, the Board agreed that he would need OPHP's full approval before the Board can act on his request.

Motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to continue his request until he has OPHP approval. Motion passed on roll call vote.

**President Whitehead adjourned the Board meeting:**

A motion was made by Stephen Dudley and seconded by Dr. Mark St.Cyr to adjourn the Board meeting. Motion passed on roll call vote. President Whitehead adjourned the Board meeting at 11:06 a.m.

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