

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**January 13, 2021**

#### **Call to order:**

President Spoon called the January 13, 2021 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:

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

##### Board of Pharmacy:

Marty Hendrick, Executive Director  
Gary LaRue, Deputy Director  
Melissa Jones, Compliance Officer  
Keevie Ridener, Compliance Officer  
Marjan Fardadfar, Compliance Officer  
Kim Hibbard, Compliance Officer  
Darrell Switzer, Compliance Officer  
John Settle, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

##### Guests

Derek Dennis, Walgreens  
Ryan Walker, Walgreen  
Jill Shadid, OU College of Pharmacy  
Devin Wilcox, OU College of Pharmacy  
Michyla Adams, OU College of Pharmacy  
Nancy Williams, SWOSU College of Pharmacy  
Debra Billingsley, OPhA  
David Smith, DPh  
Phi Bui, Intern

#### **Approval of minutes and claims:**

A motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to approve the November 18, 2020 minutes. Motion passed on roll call vote.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson to approve expense claims #7012-7048, #H0437234-#H0437236, #H0439195-#H0439200, the November and December payroll and the November and December 2020 leave reports of the Executive Director. Motion passed on roll call vote.

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

After a review of the cancellation list previously viewed, a motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams 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 4th quarter list of CE programs that had been submitted and approved by the CE Committee on December 11, 2020.

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A discussion was held on the Basic Life Support application presented. It was determined that this program could be a part of a pharmacist job if it was used for the purpose of obtaining an immunization permit in order to give immunizations at the pharmacy where they are employed.

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Kyle Whitehead to accept the approved list of CE programs that had been submitted with the exception of the Basic Life Support presented which will be discussed further at a later meeting. Motion passed on roll call vote.

**Presentation of “Years of Service” pin:**

President Spoon presented Business Manager Mary Ann Terral with a 35 years of service pin and Registration Secretary Rhonda Jenkins with a 25 years of service pin. President Spoon congratulated both of them on their service with the State of Oklahoma and thanked them for the work they do for the Board.

**Board reviews designation of Mission Critical Memberships:**

After a review of the updated list of Board designated Mission Critical Memberships, a motion was made by Dr. Greg Adams and seconded by Jason Willeford to approve the list of Mission Critical Memberships. Motion passed on roll call vote.

**Board reviews designation of Mission Critical Out of State Travel:**

After a review of the updated list of Board designated Mission Critical Out –of-State Travel, a motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to approve the list of Mission Critical Out-of-State Travel. Motion passed on roll call vote.

**Board sets future Board meeting(s):**

The Board set Wednesday May 19, 2021 as a scheduled Board meeting. The next scheduled Board meeting date is set for Wednesday March 10, 2021.

**P-4 Students:**

Due to the COVID-19 pandemic and the social distancing requirements set by the Governor, the P-4 students were not allowed to attend this meeting.

**Executive Director gives Agency report:**

**Building Update:**

Director Hendrick reported that the mediation for the building was completed on December 17<sup>th</sup>. He stated that Assistant Attorney General, Erin Moore will update the Board of the results when she attends the meeting later in the day.

**Website:**

Director Hendrick stated that the staff has provided a link in the COVID-19 section on the website with information in reference to technicians providing immunizations. The ACPE website outlines details about the PREP Act along with guidance and CE in reference to immunizations.

**Immunization Training:**

Director Hendrick noted that Southwestern Oklahoma State University College of Pharmacy (SWOSU) is providing a training event on Saturday February 13, 2021. The event is the APhA’s Pharmacy Board Immunization Delivery certificate training program. Due to social distancing the class size will be limited to 16 people.

**Virtual Events:**

Director Hendrick reported that he attended the MALTAGON virtual meeting on November 19, 2020. He stated that the meeting covered several

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topics including COVID-19 responses, PPE for Investigative/Inspection staff and Virtual inspections.

Director Hendrick also reported that Compliance Officer, Marjan Fardadard was a speaker at the first virtual OPhA Law Seminar that was held in December. Dr. Fardadard gave a brief report on her presentation.

**COVID-19:**

Director Hendrick reported that during the COVID-19 pandemic, the building has remained closed to the general public but staff and Compliance Officers are working in the office and inspecting. He noted that the Compliance Officers are taking precautions while doing inspections and avoiding fragile locations.

Director Hendrick also noted that in December two employees from the Vet Board tested positive. He stated that the building went through a deep cleaning after the positive test and restrictions were put in place on movement throughout the building.

**Student Meeting Requirement:**

Director Hendrick reported that in order for the students from OU and SWOSU to meet the requirement of attending one Board meeting, the staff have been allowing a limited number of students to attend a reciprocity type meeting. He stated that the students get to see past cases and engage in conversations on what they potentially could expect upon graduation. These meetings have been well received and the engagement of the students has made this a very positive experience.

**Terry Furrow, PIC of One Point Patient Care, LLC appears before Board to request permission to operate under a shared services model between pharmacies:**

The Board was called to order to hear the request of Terry Furrow of One Point Patient Care, LLC. Mr. Furrow appeared before the Board in November and was told that he would need to return at a later date with a request for approval of a specific pilot program. Mr. Furrow explained his request to the Board in that he is asking that the pharmacies be allowed to perform under shared services. He explained that the calls would come to the Oklahoma City pharmacy and from that point the staff would look at the location of the patient. They would then look to see where the closest pharmacy to the patient would be and send the prescription to that pharmacy for fill and pick up.

After a discussion with Mr. Furrow, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson to approve a Pilot Program for shared services for One Point Patient Care with an update to follow in 6 months. Motion passed on roll call vote with Dr. Justin Wilson voting "No".

**Jackie Travers, of Pharmacy Management Consultants appears before the Board to request that they be allowed to place information on the Board website:**

The Board was called to order to hear the request of Jackie Travers of Pharmacy Management Consultants. Ms. Travers explained that she serves on the Oklahoma Pediatric Psychotropic Medication Task Force which reviews and compiles information on best prescribing practices for psychotropic medications for pediatric patients. She stated that the necessity of this resource is evidenced by the fact that nearly 70% of pediatric antipsychotic medications are associated with quality of care concerns and that the vast majority of prescribers have limited training in child and/or adolescent psychiatry. Ms. Travers' request to the Board is that the Board place this resource on the "Related Link" page on the Board website.

The Board held a discussion with Ms. Travers and stated that the information that she provided was very informative but that they did not feel that adding a link to the webpage would be the most effective way. The Board agreed that possibly putting information in the newsletter with a link might be more effective.

Motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to publish the link to the information on the "Best Prescribing Practices for Psychotropic

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Medications for Pediatric Patients” in the newsletter. Motion passed on roll call vote with Jason Willeford abstaining.

**Board meets with Assistant Attorney General, Erin Moore and Assistant Attorney General Lauren Ray to discuss building issues:**

The Board was called to order by President Wilson to discuss building issues with Assistant Attorney General, Erin Moore and Assistant Attorney General, Lauren Ray.

Motion was made by Dr. Kyle Whitehead and seconded by Dr. Greg Adams to go into Executive Session to discuss the building litigation. Motion passed on roll call vote.

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to accept the settlement agreement for the building as agreed upon during litigation. Motion passed on roll call vote.

**OSBP vs. Revan, Inc., DBA, Revan Rx, #1-8423, Case No. 1610:**

The Board was called to order by President Spoon to hear the case of Revan Rx. Owner and Pharmacist in Charge (PIC) Jason Revel and Co-Owner and Pharmacy Technician Justin Evans were present and chose to appear without Council. Compliance Officer, Marjan Fardadfar was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. The pharmacy was charged with multiple violations of state and federal regulations and rules including violations of Drug Compounding Facilities; Hazardous drugs shall be prepared within a certified Biological Safety Cabinet. Hazardous drug compounding shall be prepared in compliance with applicable USP standards. When asepsis is not required, a Class 1 BSC, powder containment hood or an isolator intended for containment applications may be sufficient. Do not use a ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment unless the hazardous drug(s) in use will not volatilize while they are being handled or after they are captured by the HEPA filter.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Revan Rx would agree to the following: Revan Rx agrees to pay a fine of \$34,300.00 to be paid in 18 equal monthly installments of \$1,905.55 with the first payment due on January 13, 2021.

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

**OSBP vs. Jason Robert Revel, D.Ph. #17446, Case No. 1609:**

The Board was called to order by President Spoon to hear the case of Jason Robert Revel. Mr. Revel was present along with Pharmacy Technician Justin Evans and chose to appear without Council. Compliance Officer, Marjan Fardadfar was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. Mr. Revel was charged with multiple violations of state and federal regulations and rules including violations of the pharmacist responsibilities; The PIC has the responsibility to ensure that all compounders who compound pharmaceuticals meet all requirements for training, testing and education set forth in these regulations and contained in the regulation set forth in USP standards. Competency shall be demonstrated prior to preparing any products for patient use and evaluated at least annually.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Revel would agree to the following: Mr. Revel admits guilt on Counts 1 through 686. Mr. Revel will attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during that calendar years of 2021 and 2022 for a total of twenty three (23) hours of CE each year. All hours in 2021 and 2022 shall be live. During the years 2021 and 2022, Mr. Revel must obtain 8 of the required 15 hours in Non-Sterile Compounding. Mr. Revel agrees to pay a fine of \$34,300.00 to be paid in 18 equal monthly installments of \$1,905.55 with the first payment due on January 13, 2021.

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

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**Board Discusses Employee Evaluation and Possible Salary Adjustment:**

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to go into Executive Session to discuss the possible salary adjustment based on an employee's evaluation. Motion passed on roll call vote.

Motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford to return from Executive Session. Motion passed on roll call vote.

**President Spoon adjourned the Board meeting:**

A motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 11:23 a.m.

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