

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**July 28, 2021**

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

President Spoon called the July 28, 2021 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:00 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 Jill Shadid, OU College of Pharmacy  
Debra Billingsley, OPhA  
Lorri Walmsley, Walgreens  
Dylan Hancin, Walgreens  
Cara Harbour, Walgreens  
Derek Dennis, Walgreens  
Ryan Walker, Walgreens  
John Rocchio, CVS Health  
Becca Segrest, Cardinal Nuclear  
Paul Haley, OMES/CAP  
Katy Feaver, LegisOK  
Damini Patel, Intern  
David Smith, Guest  
Cheryl Bryant, Guest

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

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Justin Wilson to approve the May 19, 2021 minutes. Motion passed on roll call vote.

A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr to approve expense claims #7130-7171, #H0447531- #H0447536, #H0449246 - #H0450859, the June and July 2021 payroll and the May and June 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.

ATTEST \_\_\_\_\_

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

President Spoon presented the Boards’ Customer Service Representative, Lynn Harrison with a 5 years of service pin. President Spoon congratulated Ms. Harrison on her service with the State of Oklahoma and thanked her for the work she does for the Board.

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

The Board set Wednesday November 3, 2021 as a scheduled Board meeting. The next Board meeting date is set for Wednesday September 22, 2021.

**Board discusses the formation of a committee to review and update rules on Pharmacy Emergency Medication Kits for the use in a facility:**

The Board was called to together to discuss the possibility of forming a committee to review Board rules 535:15-16 pertaining to Pharmacy Emergency Medication Kits for use in a facility.

After a brief discussion, a motion was made by Dr. Kyle Whitehead and seconded by Dr. Mark St. Cyr to form a committee to discuss possible changes to Board rules 535:15-16. Motion passed on roll call vote.

**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. Due to the COVID-19 pandemic and the social distancing requirements, the P-4 students had not been allowed to attend meetings.

**Executive Director gives Agency report:**

**Building Update:**

Director Hendrick reported that talks have moved forward with GH2 on repairs and design of the building. He stated that with the emergency declaration in place, the Board is now in position to move quickly once the designs have been finalized and approved. He reported that further discussions will be held later during the meeting.

**MOU:**

Director Hendrick reported that NABP still has not received a response from FDA on delaying MOU. He stated that he feels that as a Board we should wait until a later date before making any decisions. He reported that he had reached out to several states and that is the same information he has received from them.

**Travel:**

Director Hendrick stated that with travel being opened back up, he expects to be traveling during the late summer and fall. He reported that the OPhA conference will be held August 7<sup>th</sup> and 8<sup>th</sup> in Oklahoma City and that there should be a good turnout. He noted that the NABP District 6, 7 & 8 meeting will be held August 30<sup>th</sup> - September 1<sup>st</sup> in Carefree, Arizona and that he and Compliance Officer Darrell Switzer will be attending. He noted that NCPA will be having their conference October 9<sup>th</sup> – 12<sup>th</sup> in Charlotte, North Carolina, and that MALTAGON will be held October 17<sup>th</sup> – 20<sup>th</sup> in Gulf Shores, Alabama. He reminded the Board that if any member would like to attend one of these conferences, to reach out to the Director or the Board staff.

**NABP Appointment:**

Director Hendrick reported that he had been appointed by the president of NABP to the Task Force on Workplace Safety and Well-Being. He stated that the first meeting will be held November 18<sup>th</sup> – 19<sup>th</sup> at the NABP Headquarters in Chicago, Illinois. He stated that he feels that this opportunity reflects the positive work the Board has done in protecting the citizens of Oklahoma.

ATTEST \_\_\_\_\_

**Governors Summit:**

Director Hendrick reported that the Board of Pharmacy was one of the select agencies chosen to attend the Governor's Summit: Leading with Hope. He stated that the Summit was held on June 23<sup>rd</sup> at the Oklahoma History Center. The Director noted that the conference covered many topics but that the topic of Goal Setting – Personal & Professional Well-Being to be the most interesting and something that could correlate to the Board values.

**COVID-19:**

Director Hendrick announced that the Board building had officially reopened on July 1, 2021. He stated that we are now accepting the public without prior notice and clearance. He noted that this pandemic has been a learning process for everyone and that he will be monitoring the numbers closely in the event the building needs to be closed in the future. He noted that the Compliance Officers are conducting normal inspections and starting to incorporate hospitals and fragile sites back into their daily routine.

**Board discusses possible new addition to the Board of Pharmacy building:**

The Board was called to order to discuss the possible new addition to the Board building. A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to go into Executive Session. Motion passed on roll call vote. President Spoon asked that Dr. Hendrick and OMES/CAP representative, Paul Haley join them.

A 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.

**Presentation given by Office Manager, Mary Ann Terral on a possible new licensing program:**

The Board was called to order by President Spoon to listen to a presentation given by Mary Ann Terral on a possible new licensing program call Thentia. Ms. Terral reported to the Board that the staff would like to change the way that the application and licensing process is handled in house. She reported that the new Thentia system is now being used by several state agencies and those agencies are very happy with the way it works as opposed to the system through Oklahoma Interactive. She reviewed the way that the current system works and some of the problems that staff has with it on a daily basis. She then explained how the new system would work and how it would be beneficial not only to the staff but to the registrants with how quick the new system could be by the registrant uploading directly to the system all the required paper work. This would save time and money with staff not having to return large applications because they are incomplete or the staff having to refer back to an email chain on what documents are missing.

After a brief question and answer session the Board stated that this sounds like a good program and stated that staff could proceed.

**OSBP vs Emily Morris, Technician #18524, Case No. 1622:**

The Board was called to order by President Spoon to hear the case of Emily Morris. Ms. Morris was not present, but it had been determined that she had been properly notified. Compliance Officer (CO), Kim Hubbard testified for the Board. Assistant Attorney General John Settle prosecuted for the Board.

Mr. Settle presented the Board with the Complaint for review. CO, Kim Hubbard received a staff inquiry report from the Board office that indicated that Ms. Morris had been terminated from Integris Miami Hospital Pharmacy. CO Hubbard contacted the Director of Pharmacy who informed her that Ms. Morris was terminated for CDS pilferage. The Director of Pharmacy stated that Ms. Morris had admitted to the pilfering of Oxycodone from the closed door retail pharmacy located in the hospital. She stated that this was for her own personal use and that she wasn't selling it.

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

ATTEST \_\_\_\_\_

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 Holly Johnson, Intern #10155, Case No. 1621:**

The Board was called to order by President Spoon to hear the case of Holly Johnson. Ms. Johnson was not present, but it had been determined that she had been properly notified. Compliance Officer, Keevie Ridener testified for the Board. Assistant Attorney General John Settle prosecuted for the Board.

Mr. Settle presented the Board with the Complaint for review. Board staff was notified by Southwestern Oklahoma State University (SWOSU) that Ms. Johnson had withdrawn from the College of Pharmacy. Board staff also received a monthly compliance report from Oklahoma Pharmacist Helping Pharmacist (OPHP) that stated that Ms. Johnson's test was positive which is indicative of intentional alcohol exposure. When confronted, Ms. Johnson admitted to drinking champagne at a friend's funeral. Ms. Johnson also missed a drug screen which per OPHP policy is considered a positive screen. Ms. Johnson stated that she had decided to change her major and withdraw from SWOSU. She also requested that her OPHP case be closed.

Mr. Settle then presented the Board with an Agreed Order that had been signed by Ms. Johnson. By signing the Agreed Order, Ms. Johnson admits guilt on all counts and accepts revocation of her intern license. Ms. Johnson understands that she may not reapply for a pharmacy intern license until she has entered into a "Recovery Monitoring Agreement" with OPHP and has been determined to be "Fit for Duty"

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

**OSBP vs Russell Milton Cressley, Intern #8981, Case No. 1612:**

The Board was called to order by President Spoon to hear the case of Russell Cressley. Mr. Cressley was not present. Scott Anderson, Counsel for Mr. Cressley was present on his behalf. Deputy Director, Gary LaRue testified for the Board. Assistant Attorney General John Settle prosecuted for the Board.

Mr. Settle presented the Board with the Complaint for review. In July of 2017, Mr. Cressley was arrested at his home and transported to the Edmond Police Department and then to the Oklahoma County Jail on child pornography charges. Mr. Cressley had 4 felony charges involving child pornography. In March of 2021, Mr. Cressley entered a plea of guilty to 3 of the 4 counts with the 4<sup>th</sup> count being dismissed. Mr. Cressley was sentenced to 20 years in the custody of the Oklahoma Department of Corrections with all except the first 7 years suspended. The remaining 13 years of the 20 year sentence are to be served on probation.

Motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams that based on the clear and convincing evidence presented, Mr. Cressley be found guilty as charged. Motion passed on roll call vote with Dr. Mark St. Cyr voting "No"

Motion was made by Dr. Justin Wilson and seconded by Jason Willeford that the intern license of Russell Milton Cressley be revoked and that the Board will consider future application for an intern license only if the Respondent has successfully completed a "Fit for Duty" evaluation and entered into a recovery contract with OPHP. Motion passed on roll call vote with Dr. Mark St. Cyr voting "No".

**Walgreens Director of Pharmacy Affairs, Lorrie Walmsley appears before the Board to request a technician immunization administration pilot program:**

The Board was called to order by President Spoon to hear the request of Lorrie Walmsley of Walgreens. Derek Dennis, DPh joined Ms. Walmsley for the discussion. The request of Ms. Walmsley is to discuss the possibility of expanding the role of technician immunization administration to all adult vaccines. She explained that the goal of the program would be to safely improve vaccination rates for all ACIP recommended vaccines for Oklahomans and to enhance pharmacy workflow and patient experience by offering a seamless experience for patients who wish to receive multiple vaccinations. She stated that other surrounding states are moving to adopt rules to allow this.

After a lengthy discussion, a motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to deny the request for a pilot program. Motion

ATTEST \_\_\_\_\_

passed on roll call vote. The Board would like to see the staff form a committee to discussion technician changes to include vaccines.

**Board discusses yearly evaluation and possible salary adjustment of the Executive Director:**

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to go into Executive Session to discuss the yearly evaluation and possible salary adjustment of the Executive Director. Motion passed on roll call vote.

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

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to give the Executive Director a 4% raise effective July 1, 2021. Motion passed on roll call vote.

**Re-Organization of the Board:**

President Spoon opened the floor for re-organization of the officers of the Board.

A motion was made by Dr. Greg Adams and seconded by Dr. Kyle Whitehead to elect Dr. Justin Wilson as President and Jason Willeford as Vice President. Motion passed on roll call vote. At that point, Dr. Justin Wilson took over as President of the Board.

**President Wilson adjourned the Board meeting:**

A motion was made by Dr. Greg Adams and seconded by Dr. Jim Spoon to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 12:26 p.m.

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