

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

**March 10, 2021**

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

President Spoon called the March 10, 2021 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:31 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  
Robin Murphy, Department of Corrections  
Darriell Harris, Paragon Healthcare  
Jill Shadid, OU College of Pharmacy  
Nancy Williams, SWOSU College of Pharmacy  
Debra Billingsley, OPhA  
Therese Twomey, Script2U  
Luke Martin, Script2U  
Levi Trimmell, Intern  
Margaret Pham, Intern  
Abigail Scott, Intern

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

A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to approve the January 13, 2021 minutes. Motion passed on roll call vote.

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Greg Adams to approve expense claims #7049-7085, #H0440574-#H0440578, #H0442533-#H0442538, the January payroll and the January and February 2021 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. 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.

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

The Board set Wednesday July 28, 2021 as a scheduled Board meeting. The next scheduled Board meeting date is set for Wednesday May 19, 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 complete and that the corrections to the building have begun. He reported that he is working with Paul Haley with the State of Oklahoma Architecture Department. He stated that the process will require a lot of work and patience but is now headed in the right direction.

**Travel:**

Director Hendrick stated that due to Covid-19 out of state travel is still prohibited. He reported that most of the Compliance Officers attended the virtual Toxicology Education Day that was held on December 19<sup>th</sup>. The program was presented by the University of Oklahoma and the Oklahoma Poison Control. He reported that the event covered numerous topics including riot control agents, toxicological causes for hyperthermia, medical marijuana, over-the-counter CBD products for chronic pain, aspirin overdose, and examining bites and stings.

Director Hendrick reported that he would be attending the APHA conference virtually March 12<sup>th</sup> through the 15<sup>th</sup>.

**Legislation:**

Director Hendrick reported that he is following several bills in both the House and Senate. Below are some of the bills in progress:

1. **SB779** – out of Committee and deals with abortion and regulation of doctors by the Board of Pharmacy
2. **SB782** – deals with E-Kits and the storing of controlled medication in kits at long-term care facilities.
3. **HB2649** – allows for the regulation of durable medical equipment to be under the Oklahoma Board of Pharmacy along with licensing privileges.
4. **HB1981** – is known as the Military Service Occupation, Education and Credentialing Act and changes the licensing process for some agencies to allow an easier licensing process.

**NAPLEX/MPJE:**

Director Hendrick stated that as of January 18, 2021, NABP will only report scores for the NAPLEX and MPJE as a pass or fail. NABP states that this will align them with the purpose of the exams to verify if the applicant has the basic knowledge set for entry-level pharmacy practice.

**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.

**Lonny Wilson:**

Director Hendrick reported that pharmacy lost a pioneer with the passing of Dr. Lonny Wilson. He stated that Dr. Wilson was a visionary in independent/community pharmacy and that he played an instrumental role in

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PPOK growing it from a small company to a company with a nationwide presence. He stated that Dr. Wilson served on many Boards and was the President of NCPA during 2011-2012. He noted that along with his service, he received many awards including the SWOSU College of Pharmacy Dean's Distinguished Service Award, the American Pharmacists Association Bowl of Hygiea, and the NCPA Calvin J. Anthony Lifetime Achievement Award. He stated that his legacy to the world of pharmacy will never be forgotten and those of us who got to know him will never forget his impact on the profession of pharmacy along with his service to the community and those around him.

**Resolution adopted by the Board for Lonny Wilson:**

Due to the passing of Dr. Lonny Wilson, the Board unanimously approved a Resolution for Dr. Wilson. President Spoon read the Resolution and directed staff to send a copy to the family.

**Resolution adopted by the Board for Charles "Ed" McFall:**

President Spoon reported that the pharmacy profession lost another pioneer, Dr. Charles "Ed" McFall. Due to the passing of Dr. McFall, the Board unanimously approved a Resolution in his honor. President Spoon read the Resolution and directed staff to send a copy to the family.

**OSBP vs Hunter Conklin, Technician #26544, Case No. 1611:**

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

Assistant Attorney General John Settle presented the Board with the Complaint for review. The Board of Pharmacy office received notification of the employment termination of Mr. Conklin due to theft of cash. Wal-Mart Asset Protection stated that they were alerted to the cash shortages and determined that one common associate was present for all the days with shortages. After review of video it was determined that Mr. Conklin took many denominations of money and pretended to put it in the drawer but would instead drop it on the floor. After the transaction was complete, he would bend down, pick up the money and place it in his left pocket. Mr. Conklin signed a voluntary statement admitting to stealing the money.

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

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

**OSBP vs. Colby Meece, Intern #9643, Case No. 1586 – request for reinstatement of intern license:**

The Board was called to order by President Spoon to hear the request of Colby Meece. Mr. Meece was present. Oklahoma Pharmacist Helping Pharmacist Director (OPHP) Kevin Rich was present to testify on behalf of Mr. Meece.

Mr. Meece has had previous Board action on his intern license. He is appearing to request that his intern license be reinstated. OPHP Director, Kevin Rich testified that Mr. Meece has a contract with OPHP and that he also has a "Fit for Duty".

Motion was made by Dr. Kyle Whitehead and seconded by Dr. Greg Adams that the suspension be lifted and his intern license be reinstated upon re-entry at a College of Pharmacy. Mr. Meece is to notify all preceptor(s) of his OPHP contract and continue to fulfill his 10 year contract with OPHP. Motion passed on roll call vote.

**Compliance Officer, Darrell Switzer discusses the FDA Memorandum of Understanding:**

The Board was called to order by President Spoon to hear a presentation by Compliance Officer (CO) Darrell Switzer on the FDA Memorandum of Understanding. CO Switzer attended the virtual FDA meeting and gave the Board a brief summary of the discussion topics.

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The Board discussed the topic but decided to table the issue until more information can be provided along with guidelines from other states.

**OSBP vs. Candace M. Gulisao, D.Ph. #14288, Case No. 1536 – request probation be lifted:**

The Board was called to order by President Spoon to hear the request of Candace Gulisao. Ms. Gulisao was present. OPHP Director, Kevin Rich testified on behalf of Ms. Gulisao.

After a discussion with Ms. Gulisao and Mr. Rich, a motion was made by Dr. Justin Wilson and seconded by Jason Willeford to hear the request of Ms. Gulisao and accept her request for probation. Ms. Gulisao shall follow OPHP to completion and that the Board receive a report from OPHP if Ms. Gulisao is not compliant. Motion passed on roll call vote.

**OSBP vs. Jyme Kay Wilson, D.Ph. #13212, Case No. 1308:**

The Board was called to order by President Spoon to hear the case of Jyme Kay Wilson. Ms. Wilson was not present. Registration Secretary, Rhonda Jenkins testified that Ms. Wilson had been properly notified. Compliance Officer, Keevie Ridener and OPHP Director Kevin Rich, both testified for the Board. Assistant Attorney General, John Settle prosecuted for the Board.

Assistant Attorney General, John Settle presented the Board with a Motion for Revocation. The Board of Pharmacy received the monthly compliance report from OPHP Director, Kevin Rich. The report stated the Ms. Wilson had stopped participating in the OPHP program. The report also stated that OPHP had spent a considerable amount of time reaching out to Ms. Wilson by telephone and email but to no avail.

A motion was made by Dr. Justin Wilson and seconded by Jason Willeford that based on the clear and convincing evidence presented, the pharmacist license of Ms. Wilson be revoked due to violation of her OPHP contract and multiple Board orders. Motion passed on roll call vote.

**OSBP vs. Gary Dean Young, D.Ph. #8360, Case No. 1511:**

The Board was called to order by President Spoon to hear the case of Gary Young. Mr. Young was not present. Registration Secretary, Rhonda Jenkins testified that Mr. Young had been properly notified. Compliance Officer, Keevie Ridener and OPHP Director Kevin Rich, both testified for the Board. Assistant Attorney General, John Settle prosecuted for the Board.

Assistant Attorney General, John Settle presented the Board with a Motion for Revocation. CO Keevie Ridener received a phone call from Kevin Rich stating that Mr. Young had not been returning any of his phone calls and that he was out of compliance with his OPHP contract. CO Ridener reached out to Mr. Young and left a message requesting a return call. Mr. Young returned the call to CO Ridener and stated that he didn't want to practice pharmacy anymore and therefore didn't want to participate in OPHP any longer.

A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr that based on the clear and convincing evidence presented, the pharmacist license of Mr. Young be revoked due to violation of his OPHP contract. Motion passed on roll call vote.

**Board breaks for lunch**

**Board reviews and approves 2021 Draft Rule Revisions; Title 535, Chapters 10, 15, 20 and 25 as presented for public comment:**

The Board was called to order by President Spoon to begin the rule review and public comment. Office Manager MaryAnn Terral presented the Board with Title 535, Chapters 10, 15, 20 and 25 public comments that were received. The Board heard and reviewed public concerns that were recognized.

After review, a motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to approve Chapter 10, Chapter 15, Chapter 20 and Chapter 25 proposed rules as discussed and revised. Motion passed on roll call vote

**President Spoon adjourned the Board meeting:**

A motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to

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adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 3:30 p.m.

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