

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

March 30, 2022

Call to order:

President Wilson called the March 30, 2022 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:35 am with a roll call vote. 5 of 6 Board members were present.

Those present were:

Board Members: Justin Wilson, President
Jason Willeford, Vice-President
Greg Adams, Member
Mark St. Cyr, Member
Jim Spoon, Member
Member Kyle Whitehead was unable to attend this meeting

Board of Pharmacy: Marty Hendrick, Executive Director
Gary LaRue, Deputy Director
Melissa Jones, Compliance Officer
Keevie Ridener, Compliance Officer
Marjan Fardadfar, Compliance Officer
Darrell Switzer, Compliance Officer
John Settle, Assistant Attorney General
Rhonda Jenkins, Executive Secretary
Kristen Johnson, Programs Director

Guests Nancy Williams, SWOSU College of Pharmacy
Randy Curry, SWOSU College of Pharmacy
Susan Conway, OU College of Pharmacy
Jay Kinnard, OU Pharmacist Care Center
Renee Flood, CVS
Cheryl Bryant, CVS
Lauren Paul, CVS
Kaydee Judd, Walgreens
Shannon Griggs, Wal-Mart
James Jones, Wal-Mart
Robin Murphy, ODOC
Shonda Lassiter, Lassiter Drug
Ben J. Sims, Brookshire Grocery Co.
Bled Tanoe, D.Ph., Guest

Approval of minutes and claims:

A motion was made by Jason Willeford and seconded by Dr. Mark St. Cyr to approve the January 19, 2022 minutes. Motion passed on roll call vote.

A motion was made by Dr. Greg Adams and seconded by Dr. Jim Spoon to approve expense claims #7319-#7388, #H0461169- #H0462482, the January, February and March payroll, the January and February leave reports of the Executive Director and any expense claims of the 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 previously viewed, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon 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 1st quarter list of CE programs that had been submitted and approved by the CE Committee on March 25, 2022.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

Board sets future Board meeting(s):

The Board set Wednesday September 14, 2022 as the next scheduled Board meeting. The next Board meeting date is set for Wednesday June 22, 2022.

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.

Executive Director gives Agency report:

Building Information:

Director Hendrick reported that the 3 Boards have vacated the offices on Lincoln Blvd and have moved to our current location at 3812 N Santa Fe Ave. He reported that Lingo will provide an update on the building status during the meeting. He stated that during the move, we were able to purge a few things that we had been holding on to.

MOU:

Director Hendrick reported that the MOU is still not close to implementation. He stated that FDA will have to conduct a fiscal impact analysis before it can move forward and begin the process of being signed off by states and based on that information he does not foresee a need to make a decision for a minimum of 2 years.

Travel:

Director Hendrick reported that he and Compliance Officer (CO) Marjan Fardadfar traveled to San Antonio to attend the APhA Conference that was held March 17th through the 21st. He stated that the meeting covered a wide range of topics with work conditions and pharmacist well-being dominating a good portion of the agenda. He noted that NABP will be holding its annual convention May 18th through the 21st in Phoenix AZ and that he would be attending as the voting delegate along with serving on the resolution committee. He reported that Dr. Mark St. Cyr will be attending and will serve as the back-up voting delegate. He also noted that OPhA will be holding their annual conference August 20th at Omni hotel in Oklahoma City and that the Oklahoma Board plans to sponsor a booth for the meeting.

COVID-19:

Director Hendrick announced that the Board building is currently open and that he is still monitoring the pandemic and will update the status if needed to provide a safe work environment for the employees. He noted that the Compliance Officers are conducting normal inspections but have gone back to avoiding most hospitals and other fragile sites. He stated that the Covid-19 waiver is still in place.

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Alexandria Pilkington, DPh. appears before the Board to ask for approval of her reciprocity application:

The Board was called to order to hear the request of Alexandria Pilkington. Ms. Pilkington was present along with Oklahoma Pharmacist Helping Pharmacist (OPHP) Director Kevin Rich. Ms. Pilkington has a pharmacists' license in Oregon which has had action against due to theft of controlled dangerous substance (CDS) and a DUI. She has a contract with the Oregon Board of Pharmacy. She has since moved back to Oklahoma and is wanting to let her Oregon license go. She has entered into a contract with OPHP until September 27, 2026. She is requesting that she be allowed to reciprocate her license to Oklahoma.

After a discussion with Ms. Pilkington and Dr. Rich, as to whether Ms. Pilkington would be allowed to let her Oregon license go since she has a contract with them and if she did could OPHP mimic the Oregon contract. Dr. Rich stated that the contract she has with them mirrors the Oregon contract.

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to allow Ms. Pilkington to continue with her reciprocity application and take the Oklahoma Multi State Jurisprudence Exam (MPJE). Motion passed on roll call vote.

A motion was made by Jason Willeford and seconded by Dr. Greg Adams that they accept the OPHP contract as long as it mirrors the Oregon contract. Motion passed on roll call vote.

Eric Bowen, D.Ph. appears before the Board to discuss approval of a CE program submitted to the CE Committee:

The Board was called to order to hear the request of Eric Bowen. Mr. Bowen was present and had asked for approval from the CE Committee on the program "Society of Cannabis/Medical Cannabis Clinical Training". The CE Committee approved the program however the Board denied final approval until more information could be obtained. Mr. Bowen was present to discuss with the Board the reason he felt that the program would be adequate for pharmacist CE.

After a lengthy discussion with Mr. Bowen, a motion was made by Jason Willeford and seconded by Dr. Jim Spoon to table the discussion and to return the program back to the CE Committee for further review. Once the committee has reviewed the program further, they will then need to present more details before final approval will be given. Motion passed on roll call vote.

OSBP vs Kamryn Obreiter, Technician #19270, Case No. 1637:

The Board was called to order by President Wilson to hear the case of Kamryn Obreiter. Ms. Obreiter was not present. Registration Secretary, Rhonda Jenkins testified that Ms. Obreiter had been properly notified. Compliance Officer Darrell Switzer testified for the Board. Assistant Attorney General, John Settle prosecuted for the Board.

Mr. Settle presented the Board with the Complaint for review. CO Darrell Switzer received a phone call from the Pharmacist-In-Charge (PIC) and Owner of the pharmacy where Ms. Obreiter was employed. He stated that he had been using an inventory optimization program for the last couple of months and that the program would take random counts on every medication every 90 days. When the PIC completed the counts on Saturday, he noticed a discrepancy in the "on hands" count of Percocet. He updated the "on hands" and rechecked the Percocet again on Monday after closing. He then discovered that the "on hands" were different than his updated inventory on Saturday. After review of the video footage, it was revealed that Ms. Obreiter had printed a duplicate label for a valid prescription and would "double fill" the prescription. Once the prescription was filled, she would take multiple baskets with patient leaflets and the duplicate labeled prescription bottle down the aisle out of range of the cameras and place the bottle in the bottom pocket of her scrubs. The PIC confronted Ms. Obreiter about the possible diversion of narcotics from the pharmacy. In a written statement Ms. Obreiter admitted to taking multiple narcotics from the pharmacy for roughly 3 months.

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

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

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OSBP vs. Thackerville Pharmacy, #72-5917, Case No. 1635:

The Board was called to order by President Wilson to hear the case of Thackerville Pharmacy. Pharmacy Owner, Dana Sprott, N.P. and PIC Diane Rowe was present with Attorney Kim Stevens. Sr. Pharmacist Compliance Officer, Melissa Jones was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. Thackerville Pharmacy was charged with multiple violations of state and federal regulations and rules including: the pharmacy, pharmacist and/or PIC shall establish and maintain effective controls against the diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by federal, state or local laws or rules.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Thackerville Pharmacy would agree to the following: Respondent admits to guilt on all eight (8) counts. Thackerville Pharmacy would agree to pay \$40.00 per Count for a total of \$23,360.00 which is due on March 30, 2022. Respondent's owner, Dana Sprott, N.P. is prohibited from owning any pharmacy or pharmaceutical entity located within the State of Oklahoma until March 31, 2027. The pharmacy license of Thackerville pharmacy is immediately revoked.

A motion was made by Dr. Jim Spoon and seconded by Jason Willeford to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Diane Rowe, DPh #11910, Case No. 1636:

The Board was called to order by President Wilson to hear the case of Diane Rowe. Ms. Rowe (PIC) was present with Pharmacy Owner, Dana Sprott, N.P. and Attorney Kim Stevens. Sr. Pharmacist Compliance Officer, Melissa Jones was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. Ms. Rowe was charged with multiple violations of state and federal regulations and rules including valid patient prescriber relationship; The pharmacy and pharmacist shall not dispense a prescription drug if the pharmacist knows or should have known that the prescription was issued without a valid pre-existing patient-prescriber relationship.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Rowe would agree to the following: Ms. Rowe admits guilt to nine (9) counts. Ms. Rowe would agree to pay \$25.00 per count on Counts 1-86, Counts 99-183, Counts 196-280, Counts 293-377 and Counts 390-394 for a total of \$8,650.00 which may be paid in 10 installments with the first installment being due March 30, 2022. The total payment is due on or before March 30, 2023. Ms. Rowe agrees to attend live CE during the years of 2022, 2023 & 2024. Ms. Rowe is prohibited from serving as PIC of an Oklahoma pharmacy until March 30, 2027.

A motion was made by Jason Willeford and seconded Dr. Jim Spoon to accept the Agreed Order. Motion passed on roll call vote.

Representatives from Lingo appear before the Board:

The Board was called to order to hear the presentation from Lingo. Director Hendrick introduced Brett Moore, Project Manager and JP Craig, Integration Director. At this time, Director Hendrick turned the presentation over to JP Craig for a project update with a more detailed explanation and timeline. President Wilson thanked Lingo for the informative presentation and their time.

Randy Curry, D.Ph. of Southwestern Oklahoma State University (SWOSU) appears before the Board for a presentation on the "Effects of Temperature on Mail Order":

The Board was called to order for a presentation from SWOSU. Randy Curry began the presentation stating that the SWOSU College of Pharmacy NCPA Student Chapter had been doing a research project for the past year on the "Effects of Temperature on Mail Order" and that the students did a poster presentation of their data at the NCPA conference. He felt that this would be good for the students to present their findings to the Board for informational use only. Dr. Curry then turned the presentation over to the SWOSU Pharmacy Student & NCPA Student Chapter President, Jackson Beach.

Mr. Beach began his presentation stating that the goal of the study was to

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confirm if the drugs are subject to excessive heat and freezing temperatures during the mail-order pharmacy shipping process. He continued with explaining the current federal mail-order shipping regulations, how data was collected, the packing and shipping of simulated packages, how the temperature was tracked and their preliminary findings.

After a brief discussion, a motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to form a task force to evaluate and look at the possible proposal of rules for temperature excursions. Motion passed on roll call vote.

President Wilson thanked SWOSU for the presentation and for the time the students put into the study.

Board holds discussion on Pharmacist APhA Well-Being Index:

The Board was called to order to discuss the Pharmacist APhA Well-Being Index that is sent out each month. Director Hendrick asked the Board how they would like to proceed with the information.

A motion was made by Dr. Greg Adams to offer a link on the Board website or email directing individuals to the information. With no second offered, the motion failed.

After a lengthy discussion, the Board agreed to not "advertise" with a link but to send out another blast email on inadequate staffing.

Legislative Update:

Director Hendrick reported to the Board updates from the Capital. Dr. Hendrick reviewed the Bills and stated that he would continue to keep the Board updated.

President Wilson adjourned the Board meeting:

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 12:11 p.m.

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