

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

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

November 28, 2018

#### Call to order:

President St. Cyr called the November 28, 2018 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 am with a roll call vote. 5 of the 6 members were present.

#### Those present were:

Board Members: Mark St.Cyr, President  
Stephen Dudley, Vice-President  
Jim Spoon, Member  
Kyle Whitehead, Member  
Justin Wilson, Member  
\*\*Member, Greg Adams was unable to attend\*\*

Board of Pharmacy: Dorothy Gourley, Director  
Betty Beil, Senior Compliance Officer  
Gary LaRue, Senior Compliance Officer  
Jeremy Davis, Compliance Officer  
Marjan Fardadfar, Compliance Officer  
Keevie Ridener, Compliance Officer  
John Settle, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

Guests Shannon Griggs, Wal-Mart  
Jill Shadid, OU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Nancy Williams, SWOSU College of Pharmacy  
Travis Tate, HealthChoice  
Rich Palombo, Express Scripts  
Jeremy Bymaster, Hillcrest Medical Center  
Keith Madison, Mercy Hospital  
David Oakley, LegisOK  
Ayla Obid, Intern

#### Approval of minutes and claims:

A motion was made by Stephen Dudley and seconded by Dr. Jim Spoon to approve the September 26, 2018 minutes. Motion passed on roll call vote.

A motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to approve the amended minutes of the March 6, 2018 Board meeting. Motion passed on roll call vote.

A motion was made by Dr. Jim Spoon and seconded by Dr. Kyle Whitehead to approve the expense claims #6355-#6401, #H0391404, #H0390224, #H0390954, #H0391403-#H0391407, #H091505, #H0392371, #H0392374-#H0392378, #H0393397, October payroll, and the September and October 2018 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 list previously viewed, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley 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 meetings:**

The Board set Wednesday March 6, 2019 as a Board meeting date. The next scheduled date will be Wednesday January 16, 2019.

**Board welcomes 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.

**Board discusses Pain Management CE:**

The Board Director discussed the pain management modules that the Board of Pharmacy had helped to fund. She explained that the previous Director, John Foust was involved in this project and that he had asked to make 1 hour of CE on Pain Management mandatory for pharmacist. The Board asked for more information about the project before placing a link on our website to the courses. The Director suggested to them that we provide the course for free to pharmacists but that she will obtain more information for the Board to review.

**Board discusses Probation issues:**

Executive Director, Dorothy Gourley discussed with the Board a possible issue with new pharmacy license applications. She reported that there have been a few instances that when a new license is issued, all of the actions taken by the Board on the previous license number are not carried over to the new license. In some cases, the staff has suspected that this tactic may be used to circumvent the normal process of asking the Board to lift the probation or serving the duration of the probationary period listed in the Agreed/Final Order of a case. It would be possible for the pharmacy owner to transfer ownership to a relative, a friend or a trusted individual simply to obtain a new license number. Director Gourley stated that she had spoken to the Assistant Attorney General, John Settle and he stated that it would be possible to make the transfer contingent upon compliance with some or all of the items required for the previous license under probation or any other contingencies consistent with our mission of protecting the health of the public.

After a brief discussion of the information presented, the Board agreed that this action be left to the discretion of the Executive Director.

**Legislative Update:**

Executive Director, Dorothy Gourley asked the Board lobbyist, Jimmy Durant to report on issues at the Capital. Below are some of the topics discussed:

1. Elections were November 6, 2018. 75% of legislators have 4 years or less experience.
2. Deadline for Bill filing is December 8, 2018.
3. FTE bill has been filed-if passed the Board would be allowed 10-15 FTE's.
4. Met with the Senate for non-appropriated agencies about the building issues.
5. Medical Marijuana applications are being issued. To date there have been 22,810 applications submitted with 17,140 being approved.
6. SQ788 issues from the business side may impact the Pharmacy Board.
  - A) Wording---"any agency including another agency in their rules must contact that Board within 30 days"
  - B) Joint Committee doesn't want to over step what the people voted for.

**Executive Director gives Agency report:**

**Building Report:**

Executive Director, Dorothy Gourley reported to the Board that workmen arrived on Monday October 22<sup>nd</sup> to begin evaluating the building leaks. Attorney Erin Moore, was here with them to observe the progress. They began at the southeast corner of the building and moved around the outside perimeter of the south wall. They had initially reserved two days to complete the project however it took a couple of extra days to complete. She stated that she visited with the Terracon representative during

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the final days of completing the project. He stated that he has identified multiple problems causing the water leaks and that those problems will be detailed in an official report.

**Board Committees:**

Director Gourley reported that the hospital subcommittee of the technician review committee met on October 23<sup>rd</sup> and November 14<sup>th</sup>. She stated that the retail subcommittee met on October 31<sup>st</sup> and that the projected time for the two committees to reconvene is December 13<sup>th</sup>. She stated that at that time the committee will formulate their recommendations to present to the Board.

**Search Committee:**

Director Gourley reported that the first meeting of the Search Committee for the next Executive Director met on October 29, 2018 and that the application process has begun. She reported that applications are being received and secured until ready for review by the Committee.

**Meetings:**

Director Gourley stated that the staff and Board members attended several critical meetings in October. She reported that all of the compliance officers attended Maltagon and some stayed for the NABP District Meeting that was held in Kansas City. She noted that she and Dr. St.Cyr also attended both meetings. She also noted that sharing the Board's concerns with other states gives the opportunity to learn a variety of ways to address problems in this state. Some of the topics that were discussed included: Opioid Regulation for Pharmacists and Prescribers, Innovative Patient Care with Digital Medicine, and Future Trends and Technologies in Pharmacy. She noted that Board Members, Greg Adams, Jim Spoon and Justin Wilson attended the NCPA meeting and that Compliance Officer Melissa Reichert attended a CME event entitled "The Crossroads of Marijuana: Do It Right" which was sponsored by the Oklahoma State Medical Association. The Director noted that she and Mark St. Cyr will be attending the ASHP Midyear meeting the first week of December.

**Change in Reciprocity Process:**

Director Gourley stated that after completing the reciprocity interviews that have already been scheduled, the applicants will no longer interview during the Board meeting. The same process for doing the interviews in the office will continue, but those that have normally been scheduled for the Board meeting will be interviewed the day before the Board meeting. The Board President will see that there is at least one Board member present to make any decisions regarding reciprocity candidates.

**Possible changes in computer licensure program:**

Program Director, Brittany Parrott reported on a new system automation licensing program that Office of Management and Enterprise Services (OMES) has contracted. Ms. Parrott explained that if the Board chose to participate with this new program, that it would greatly reduce the issues that registrants have with the current online renewal system. She reported that it would not only benefit the registrants and new applicants but that it would benefit the staff in the amount of paperwork that the staff now has to handle and that it would help streamline the work flow. Ms. Parrott also explained that until OMES has an idea of how many agencies are willing to participate, she does not have an exact cost.

After a brief Q & A, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to move forward with a verbal commitment. Motion passed on roll call vote.

**Miscellaneous concerns on Non-Resident registrants:**

Director Gourley reported that she has some concerns with the non-resident license or renewal applications having disciplinary action in their resident state. She stated that she has talked to Assistant Attorney General, John Settle and that he

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stated that it is possible for us to make these licenses contingent on them complying with all the terms of their resident Board. She noted that our policy has been to license non-resident entities if they have a valid license from their Board of residence and have completed our non-resident application including reporting all disciplinary action. Some may have active license but are under probation, some are subject to very strict reporting or other terms to continue under probation with their Board. We could license them and expect the same criteria applied by their resident Board to be applied to the Oklahoma Board.

The next concern reported by the Board Director is the non-resident 503B facilities. When reviewing the application, she noted that we can only view the material requested and sent to us when they apply for a non-resident license or renewal. When a bad inspection report is received it is viewed with concern. If a denial to license or renew letter is sent to the applicant, they have the option to come before the Board to appeal the denial. If this is the case, we have a few other things that we can do such as ask that they pay for an inspection of our choice or we inspect them ourselves all at their expense. NABP does not inspect 503B facilities since their focus is strictly pharmacy compounding. A sterile compounding inspection either by NABP or by our own compliance officers could be used but would fall short of the testing, verifications and quality control required by cGMP. She noted that as we gain experience, we may be able to verify compliance for those of concern.

**Board interviews Reciprocity, Score Transfer and NAPLEX applicants:**

The Board was called to order to interview fifteen (15) Reciprocity applicants, one (1) Score Transfer applicant and one (1) NAPLEX applicant. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

**Reciprocities:**

Todd Ahlers	AZ	Brittney Lager	MO	Kiri Rolek	PA
Andrew Byrnes	OH	Cynthia Mate	TX	Michael Schmidt	NC
Mathew Cole	IN	Jellino McSween	FL	David Sorenson	WI
Jon Fields	OH	Greg O'Grady	IA	Larry Stephens	AL
Steven Gilbertson	MT	Derek Popken	NE	Jody Welchans	TX

**Score Transfer:**

William Betzner AR

**NAPLEX:**

Syed Nizami

**Kevin Rich of Oklahoma Pharmacists Helping Pharmacists (OPHP) gives Annual report:**

Kevin Rich D.Ph. presented the Board with an annual report from OPHP. He spoke on the leadership of the organization, and some of the issues and solutions that the organization has experienced. Mr. Rich also spoke on the support, involvement, and outreach opportunities that individuals have available to them.

The Board thanked Dr. Rich for his presentation, and commended him for his excellent work with the organization and the help OPHP provides to the profession.

**OSBP vs. Jill Harris, D.Ph. #13663, Case No. 1543:**

The Board was called to order by President St. Cyr to hear the case of Jill Harris. Ms. Harris was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. OPHP Director Kevin Rich testified for the Board.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Ms. Harris was charged with multiple violations of state and federal regulations and rules including violating a Board Order or Agreed Order. Ms. Harris had been sent an "Imminent Danger Suspension" letter notifying her that her license to practice pharmacy has been suspended indefinitely.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Harris be found guilty as charged. Motion passed on roll call vote.

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Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to continue with the indefinite suspension and that if she should choose to return to pharmacy, she would be required to come before the Board with a "Fit for Duty" and OPHP approval. At that time, the Board would put requirements for licensure in place. Motion passed on roll call vote.

**OSBP vs. R. Allen Martin, D.Ph. #7720, Case No. 1406 – request probation be lifted:**

The Board was called to order by President St. Cyr to hear the request of R. Allen Martin. Mr. Martin was present. Mr. Martin's request was that his probation be lifted. A previous Agreed Order, signed by Mr. Martin required a five year probation that would end June 15, 2021. Mr. Martin had served 2 ½ years of the probation.

After a brief discussion with Mr. Martin, a motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to deny Mr. Martin's request for probation. Motion passed on roll call vote.

**NAPLEX applicant Michael Beatt appears before the Board:**

The Board was called to order by President St. Cyr to hear the request of Michael Beatt. Mr. Beatt had taken and failed the NAPLEX 4 times and was requesting that the Board allow him a final attempt.

After a brief discussion with Mr. Beatt, a motion was made by Dr. Jim Spoon and seconded by Dr. Kyle Whitehead to grant Mr. Beatt permission to re-take the NAPLEX. Motion passed on roll call vote.

**Board discusses personnel issues, changes and salaries:**

A motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to go into Executive Session. Motion passed on roll call vote.

A motion was made by Stephen Dudley and seconded by Dr. Kyle Whitehead to return from Executive Session. Motion passed on roll call vote.

**President St.Cyr adjourned the Board meeting:**

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Jim Spoon to adjourn the Board meeting. Motion passed on roll call vote. President St. Cyr adjourned the Board meeting at 1:30 p.m.