

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 23, 2020

Call to order:

President Adams called the September 23, 2020 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:34 am with a roll call vote. 5 of 6 members were present.

Those present were:

Board Members: Justin Wilson, President
Mark St. Cyr, Member
Kyle Whitehead, Member
Greg Adams, Member
Jason Willeford, Member

President Jim Spoon was unable to attend this meeting. Vice President Justin Wilson assumed the role as President

Board of Pharmacy: Marty Hendrick, Executive Director
Gary LaRue, Deputy Director
Melissa Reichert, Compliance Officer
Keevie Ridener, Compliance Officer
Marjan Fardadfard, 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
Nancy Williams, SWOSU College of Pharmacy
Robin Murphy, OK Dept. of Corrections
Debra Billingsley, OPhA
Shannon Griggs, Wal-Mart
Darriell Harris, Paragon
Jordan Lai, Intern
Jennie Nguyen, Intern

Approval of minutes and claims:

A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr to approve the July 15, 2020 minutes. Motion passed on roll call vote.

A motion was made by Jason Willeford and seconded by Dr. Kyle Whitehead to approve the expense claims #6911-6975, #H0429008-#H0429013, #H0430395-#H0430400, #H0431996-#H0432001, and the June, July, August and September payroll. Motion passed on roll call vote.

A motion was made by Dr. Mark St. Cyr and Dr. Greg Adams to approve the June, July and August 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. Kyle Whitehead and seconded by Jason Willeford to approve the cancellation list

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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 3rd quarter list of CE programs that had been submitted and approved by the CE Committee on September 10, 2020.

Motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr 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 November 18, 2020 as the next scheduled Board meeting.

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 has been rescheduled for December 17th and 18th. He stated that Assistant Attorney General, Erin Moore will give an update later in the afternoon portion of the meeting.

Travel:

Director Hendrick stated that due to Covid-19 out of state travel is still prohibited at this time. He reported that on September 21st & 22nd, he, Deputy Director Gary LaRue and the Compliance Officers participated in the FDA's Compounding Quality Center of Excellence Virtual Conference. He stated that the theme for the conference was "Working Together for Patient Safety" and covered many topics from outsourcing facilities to the reviewing of FDA 483 forms.

50 Year Reception:

Director Hendrick reported that the 50 year reception of the Oklahoma Board of Pharmacy had been cancelled for 2020. He noted that a letter was sent out along with a 50 year certificate to all recipients and that an article had been put in the NABP newsletter with the names of all recipients for formal recognition in an attempt to make up for cancelling the reception. He stated that the current plan is to host the 2020 recipients along with the 2021 recipients later in the 2021 year.

Pharmacy Robberies:

Director Hendrick reported that he and Deputy Director, Gary LaRue are currently working with DEA and OBNDD. He stated that the objective of these meetings is to provide ideas for better reporting of pharmacy robberies and burglaries. He noted that along with robberies and burglaries, they are also working towards solutions that might help pharmacies prevent these events.

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. He also noted that there have not been any complaints on the status of the building and that it will remain closed to the general public until it is deemed safe to fully reopen.

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OSBP vs. Steven Duncan, Technician #11006, Case No. 1598:

The Board was called to order by President Wilson to hear the case of Steven Duncan. Mr. Duncan 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. Compliance Officer Keevie Ridener received a call from a Special Agent from the VA Office of Inspector General explaining that Mr. Duncan had been interviewed and admitted to theft of controlled dangerous substance (CDS) from the Tulsa VA Clinic Pharmacy. In a voluntary written statement, Mr. Duncan stated that over a three year period, he had taken Hydrocodone, Oxycodone IR and Vyvanse 30mg and 40mg capsules. He stated that he was in charge of everything in the Tulsa VA vault and that he knew how to manipulate the system. Mr. Duncan was terminated for theft.

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

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

OSBP vs Bethany Roughface, Technician #6491, Case No. 1599:

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

Mr. Settle presented the Board with the Complaint for review. The Board received an email notifying that Ms. Roughface had been terminated from White Eagle Health Center for testing positive for methamphetamine. After the drug screen was administered, Ms. Roughface did not return to the pharmacy but was notified of the positive results. Ms. Roughface initially denied the use of methamphetamine but then later apologized and stated that this had been her first encounter.

Motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr that based on the clear and convincing evidence presented, Ms. Roughface be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr that the technician permit of Bethany Roughface be revoked. Motion passed on roll call vote.

OSBP vs Alexa Wells, Technician #12770, Case No. 1600:

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

Mr. Settle presented the Board with the Complaint for review. Compliance Officer, Kim Hibbard received a phone call from the owner of Osborn Drugs regarding the termination of Alexa Wells. It was brought to the attention of the pharmacy staff that Ms. Wells had been charged with a DUI which resulted in a criminal misdemeanor. After further review, it was determined that Ms. Wells had a criminal misdemeanor case that included a charge of Possession of CDS which had not been disclosed to the Board when she renewed her permit during the year of the charge. Ms. Wells was terminated for not disclosing a criminal misdemeanor charge.

Motion was made by Dr. Kyle Whitehead and seconded by Jason Willeford that based on the clear and convincing evidence presented, Ms. Wells be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Kyle Whitehead and seconded by Dr. Greg Adams that the technician permit of Alexa Wells be revoked. Motion passed on roll call vote.

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OSBP vs. Clark Edward Phillips, D.Ph. #10018, Case No. 1601:

The Board was called to order by President Wilson to hear the case of Clark Phillips. Mr. Phillips was present and chose to appear without Counsel. Compliance Officer, Kim Hibbard was present for any questions of the Board.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Mr. Phillips was charged with multiple violations of state and federal regulations and rules including failure by the licensed pharmacy and pharmacist manager (PIC) to provide adequate supervision; and/or failure of a pharmacist to adequately supervise a technician.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Phillips would agree to the following: Mr. Phillips admits guilt on Counts 1 through 45. Mr. Phillips will attend a one day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar years of 2021 and 2022 for a total of twenty-three (23) hours of CE each year. All hours of required CE in 2021 & 2022 shall be live. Mr. Phillips agrees to pay a fine of \$24,600.00 which shall be paid in 12 equal monthly installments of \$2050.00 with the first payment due on September 23, 2020. If Mr. Phillips chooses to sell his pharmacy, Westville Prescription Center, the remaining balance of the fine and the live CE requirement will be immediately stayed. The sale of the pharmacy must be to an unrelated individual or entity or it may be the sale of the pharmacy's prescription files and the closing of Westville Prescription Center, Inc.,

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

OSBP vs. Westville Prescription Center, Inc., #46-4221, Case No. 1602:

The Board was called to order by President Wilson to hear the case of Westville Prescription Center, Inc. Pharmacy owner and Pharmacist in Charge (PIC) Clark Phillips was present and chose to appear without Counsel. Compliance Officer, Kim Hibbard was present for any questions of the Board.

Assistant Attorney General, John Settle presented the Board with the Complaint for review. Westville Prescription Center, Inc. was charged with multiple violations of state and federal regulations and rules including pharmacy responsibilities; the pharmacy and the PIC are responsible to establish and maintain effective controls against prescription errors or misfills.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Westville Prescription Center, Inc. would agree to the following: Westville Prescription Center, Inc. admits guilt on Counts 1 through 41. Respondent agrees to pay a fine of \$20,400.00 which shall be paid in 12 equal monthly installments of \$1700.00 with the first payment due on September 23, 2020. If the pharmacy is sold, the remaining balance of the fine will be immediately stayed. The sale of the pharmacy must be to an unrelated individual or entity to owner Clark Phillips or the sale of the pharmacy's prescription files and the closing of Westville Prescription Center, Inc.,

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

OSBP vs. Douglas Allan Harrell, D.Ph. #11700, Case No. 963 – request early release of probation:

The Board was called to order by President Wilson to hear the request of Douglas Harrell. Mr. Harrell was present. Pharmacy Board Director, Marty Hendrick and Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich testified on behalf of Mr. Harrell.

After a discussion with Mr. Rich and Mr. Harrell, a motion was made by Dr. Greg Adams and seconded by Jason Willeford that based on the recommendation of OPHP, the request of Douglas Harrell be approved and that his license be returned to good standing. Motion passed on roll call vote.

OSBP vs. Eric Sean Chandler, D.Ph. #15347, Case No. 1288 – request for reinstatement of his license:

The Board was called to order by President Wilson to hear the request of Eric Chandler. Mr. Chandler was present. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich testified on behalf of Mr. Chandler.

After a discussion with Mr. Rich and Mr. Chandler, it was determined that Mr.

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Chandler had not yet received a "Fit for Duty". A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr that the request of Eric Chandler be denied until he can obtain a "Fit for Duty". Once he has a "Fit for Duty", he may then request to reappear before the Board. Motion passed on roll call vote.

OSBP vs. John Ward Suggs, D.Ph. #10786, Case No. 988 – request probation be lifted:

The Board was called to order by President Wilson to hear the request of John Suggs. Mr. Suggs was present. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich testified on behalf of Mr. Suggs.

After a discussion with Mr. Rich and Mr. Suggs, a motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford that based on the recommendation of OPHP, the request of Mr. Suggs be approved. Motion passed on roll call vote with Dr. Kyle Whitehead voting "No".

OSBP vs. Stacie M. Miller, D.Ph. #13125, Case No. 1266 – request for preceptor license:

The request of Stacie Miller was continued until the next meeting.

OSBP vs Mindy Winters, Technician #22082, Case No. 1555 – request reconsideration of revocation of technician permit:

The Board was called to order by President Wilson to hear the request of Mindy Winters. Ms. Winters was present. Ms. Winters appeared before the Board on April 17, 2019 in response to a Complaint that had been filed against her for theft of merchandise. At that time, the Board chose to revoke her technician permit. Ms. Winters is now requesting that the Board reconsider their decision of revocation. She stated that she had made a mistake and has since grown up and would like to return to pharmacy.

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

A 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 Wilson stated that if Ms. Winters chooses to pursue her technician career, she can submit her application to the Board for review and possible approval.

Board discusses Pay for Performance 2021 and 2022 Plan:

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to go into Executive Session. Motion passed on roll call vote.

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

Katie Stinchcomb, D.Ph. of Asteres appears before the Board to discuss ScriptCenter kiosks and lockers for the pickup of finished prescriptions:

The Board was called to order by President Wilson to hear the presentation and request of Asteres. Katie Stinchcomb, D.Ph. and Vice President of Sales, Jeff Pinson were present to discuss the possibility of having kiosks and lockers placed in different areas which would be used for the pickup of finished prescriptions.

Mr. Pinson explained that this option would only be utilized for finished prescriptions. He noted that consultation is required by way of video or by a tele-consult conference and that in order to pick up the prescription, a signature, a photo ID and a 2-access authentication number would be required. When the prescription is picked up, the machine will capture the picture of the person picking up the prescription. He stated that they are asking to be an automated system and not a pick up station.

After further discussion, the Board stated that at this time, there is nothing that would allow this due to the process would violate statutes. President Wilson thanked them for their time and presentation.

NAPLEX applicant Annie Pham appears before the Board to request to retake the NAPLEX:

The Board was called to order by President Wilson to hear the request of Annie Pham. Ms. Pham had taken and failed the NAPLEX 4 times and was requesting that the Board allow her a final attempt. Ms. Pham explained to the Board that she has

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taken 3 months off of work in order to study, work with a tutor and to take a NAPLEX class.

A motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr to grant Ms. Pham permission to re-take the NAPLEX. Motion passed on roll call vote.

NAPLEX applicant Felix Anyomi appears before the Board to request to retake the NAPLEX:

The Board was called to order by President Wilson to hear the request of Felix Anyomi. Mr. Anyomi was approved to submit his request in writing due to COVID-19. Mr. Anyomi had taken and failed the NAPLEX 4 times and was requesting that the Board allow him a final attempt. Mr. Anyomi submitted information on what he has been doing differently to prepare for the NAPLEX.

After a review and discussion by the Board, a motion was made by Dr. Greg Adams and seconded by Dr. Kyle Whitehead to grant Mr. Anyomi permission to re-take the NAPLEX. Motion passed on roll call vote.

Board meets with Assistant Attorney General, Erin Moore to discuss building issues:

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to go into Executive Session to discuss the building issues. Motion passed on roll call vote. President Wilson invited Executive Director, Mary Hendrick and Assistant Attorney General, John Settle to attend the meeting.

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

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams 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 Jason Willeford to return from Executive Session.

Motion was made by Jason Willeford and seconded by Dr. Kyle Whitehead to table the evaluation and salary adjustment to the next meeting. Motion passed on roll call vote.

President Wilson adjourned the Board meeting:

A motion was made by Jason Willeford and seconded by Dr. Kyle Whitehead to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 3:40 p.m.

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