

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 22, 2021

Call to order:

President Spoon called the September 22, 2021 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 9:02 am with a roll call vote. All 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
Kyle Whitehead, 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
Nancy Williams, SWOSU College of Pharmacy
Randy Curry, SWOSU College of Pharmacy
Debra Billingsley, OPhA
Ryan Walker, Walgreens
Derek Dennis, Walgreens
Diana Wenke, Walgreens
Christopher Brown, Norman Regional Health Systems
Brock Snelson, Norman Regional Health Systems
Miranda Brewer, Norman Regional Health Systems
Catherine Ronalder, Cardinal Health
Lucas Coody, Align Rx
Robin Murphy, ODOC
David Smith, Guest
Katherine Smith, Guest

Approval of minutes and claims:

Prior to a motion to approve the minutes, President Wilson noted that there were a couple of changes to be made. Registration Secretary Rhonda Jenkins noted that corrections had to be made to Compliance Officer (CO), Kim Hibbard's name. She noted that she had listed it as Hubbard instead of Hibbard. She also noted that Assistant Attorney General John Settle had added some wording to the case on Russell Cressley about the Respondent being properly notified. Dr. Mark St. Cyr stated that in the Russell Cressley hearing, he did not intend to vote "No" on the guilty vote and that he understands that the votes of the hearing cannot be amended.

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After hearing the corrections, a motion was made by Dr. Jim Spoon and seconded by Jason Willeford to approve the July 28, 2021 minutes with changes. Motion passed on roll call vote.

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Jim Spoon to approve expense claims #7172-7225, #H0453269- #H0453274, the August and September 2021 payroll, the July and August leave reports of the Executive Director and any expense claims 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 Jason Willeford 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.

Board sets future Board meeting(s):

The Board set Wednesday January 19, 2022 as a “regular” scheduled Board meeting. The next Board meeting date is set for Wednesday November 3, 2021.

Board reviews Audit Report:

Director Hendrick reported that the Board had recently gone through and completed an audit with the State Auditor’s office. He noted that the audit was for the period of January 1, 2019 through June 30, 2021. He was happy to report that the Board passed the audit with no discrepancies.

A1 Meeting Discussion:

Director Hendrick stated that Compliance Officers Marjan Fardadfar and Melissa Jones attended the A1 meeting that was held in Tulsa Oklahoma. He noted that A1 is a meeting for individuals that are CLEET certified. CO Melissa Jones gave a brief report on some of the topics that were discussed at the meeting.

Critical Point Discussion:

Director Hendrick stated that Compliance Officer Darrell Switzer attended the Critical Point meeting that was held virtually on July 12th-16th. CO Switzer gave a brief report on some of the topics that were discussed at the meeting.

NAPLEX/MPJE Fee Increase:

Director Hendrick reported that the Board received information from NABP of an examination fee increase for the NAPLEX and the MPJE. He reported that beginning March 1, 2022 the fee for the NAPLEX will change from \$575 to \$620 and the fee for the MPJE will change from \$250 to \$270. He noted that the NABP fees have not increased since 2016.

New Amendment to the COVID-19 Prep Act:

Director Hendrick reported that he received information from NABP that the HHS announced an amendment to the COVID-19 Prep Act. This amendment provides liability immunity to and expands the scope of authority for licensed pharmacists to order and administer COVID-19 therapeutics to populations authorized by the FDA. It would also authorize pharmacy technicians and pharmacy interns to administer COVID-19 therapeutics when certain criteria are met.

Issue Regarding PA’s Ability to Prescribe CII’s:

The Board was briefed by Director Hendrick that PA’s, at this time, cannot prescribe CII prescriptions. Dr. Hendrick stated that he anticipates they will be able to do this, in the near future and that the agency will notify pharmacist when it is allowed.

Professional Judgement-Right to Refuse Prescription:

Director Hendrick discussed with the Board the addition of language in the rule book for the right to refuse a prescription. The Board agrees that language should be

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added to allow pharmacist to refuse a prescription while using their professional judgement.

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:

MOU:

Director Hendrick reported that FDA has decided to delay the implementation of the compounding MOU. He noted that originally enforcement was scheduled to begin on October 27, 2021. He reported that the original date has been pushed for one year with enforcement beginning October 27, 2022.

Travel:

Director Hendrick stated that with the COVID numbers rising most meetings look to be changing to the virtual platform. He noted that ASHP has canceled their live meeting in Orlando and will now offer a virtual version in December. He reported that at this time MALTAGON is still scheduled for October 17th through October 20th in Gulf Shores, AL. NCPA will be holding their conference live in Charlotte, NC on October 9th-October 12th.

OPhA Convention:

Director Hendrick reported that OPhA held their annual convention and awards banquet at the Embassy Suites here in Oklahoma City. He stated that the one-day event had several speakers including Compliance Officer Kim Hibbard who gave the pharmacy law update. Director Hendrick reported that some of the topics included treatment options for opioid addiction, OPhA's legislative vision, a legislative panel and also pharmacist burnout. He noted that he presented the 50-year certificates and pins at the awards banquet. He also noted that Board member Greg Adams was presented with the Bowl of Hygeia.

NABP District 6, 7 & 8 Meeting:

The Director reported that he and Compliance Officer Darrell Switzer attended the NABP District Meetings that were held in Carefree, AZ on August 29th & 30th. He stated that the event covered numerous topics including perspectives on implementing standard of care regulatory model, hot topic discussions and pharmacy law update. At the end of the event, it was announced that the 2022 Conference will be held in Oklahoma City with the Oklahoma Board of Pharmacy being the host.

Website Update:

The Director noted that Board staff is currently working to update the website to provide a link to the FDA Purple Book database of licensed biological products. He noted that the update is required by SB-4 and will go into effect on November 1, 2021. The purpose of the bill is to provide a site where a pharmacist could go to find an appropriate substitute interchangeable biologic product.

COVID-19:

Director Hendrick announced that the Board building is currently open and that he is 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.

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Board discusses selection process for contract manager for Board building repair and re-construction:

The Board was called to order to discuss the selection process for a contract manager for the building repairs. Director Hendrick reported that there is a 3-member panel in place made up of Dr. Mark St. Cyr, Member Jason Willeford and Director Hendrick who will attend various meetings. Director Hendrick asked the Board if they want a full Board approval at each Board meeting or would the decisions made by the 3-man panel with reporting back to the Board be sufficient.

A motion was made by Dr. Jim Spoon and seconded by Dr. Kyle Whitehead that the Board give the authority to the panel. Motion passed on roll call vote.

OSBP vs Jonathan Mercer, Technician #16354, Case No. 1623:

The Board was called to order by President Wilson to hear the case of Jonathan Mercer. Mr. Mercer was not present, but it had been determined that he 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. The Board was notified by the Pharmacist in Charge (PIC) that an employee theft had occurred. The PIC noticed a discrepancy in the on-hand counts in late July and began to investigate the missing tablets. The pharmacy previously ordered 1000 count bottles of Zolpidem 10mg tablets but began ordering 100 count bottles and stored them in a secure locking location and began doing a nightly count. On August 2nd it was determined that they were 100 tablets short on the nightly count. The PIC began reviewing the security footage. It was determined that Mr. Mercer was responsible for the theft. Mr. Mercer was immediately terminated. It was also determined that Mr. Mercer had been using a pharmacist login computer to alter the computer-rx on hand amounts so that the shortage would not be noticed. CO Ridener contacted Mr. Mercer. Mr. Mercer stated that he had taken the Zolpidem for his own personal use.

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

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

Board discusses written request of NAPLEX applicant Felix Anyomi 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 5 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. Kyle Whitehead and seconded by Dr. Greg Adams to deny the request of Felix Anyomi to re-take the NAPLEX. Motion passed on roll call vote.

Intern G. Geoffrey Craig appears before the Board to discuss his Preceptor's Intern Progress Report submitted to the Board:

The Board was called to order by President Wilson to discuss the Preceptor's Intern Progress Report that was submitted by Mr. Craig's Preceptor Brant Alexander. In 2002, Mr. Craig's pharmacist license was suspended and placed on probation for 10 years. In 2003 the probation was revoked and placed on suspension until November of 2012. In 2004 the license was placed on probation again. The probation was revoked in 2005 and placed on suspension until the end of the original 10 year agreement. In 2012 the suspension was lifted but his license remained cancelled. In December 2012, Mr. Craig appeared before the Board to request to work with a pharmacist prior to requesting his license be placed on probation. The Board granted probation with the requirement that he obtain a graduate intern license and work 6 months or 1000 hours with another Oklahoma licensed pharmacist. Mr. Craig was granted a Graduate Intern License on December 14, 2016.

Mr. Craig worked as an intern at Sooner Discount Pharmacy under the supervision of DPh Brant Alexander. Mr. Alexander had submitted three Intern Report

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Forms that were concerning. The Board had questions for both Mr. Craig and Mr. Alexander.

After a discussion, a motion was made by Dr. Greg Adams and seconded by Dr. Mark St. Cyr to move Mr. Craig's pharmacist license to Senior Inactive. If he wishes to make any future changes to the license, he must appear before the Board. Motion passed on roll call vote.

Walgreens Director of Pharmacy Affairs, Lorrie Walmsley appears before the Board to request pilot program for Shared Services:

The Board was called to order by President Wilson to hear the request of Lorrie Walmsley of Walgreens. Matt Cook and Rick Fernandez joined Ms. Walmsley for the discussion. The request of Walgreens was to discuss the possibility of utilizing their current non-resident Oklahoma licensed shares services pharmacy and to implement shared services in a work at home environment for select pharmacist and technicians that are Oklahoma licensed and residing in Oklahoma. She noted that the objective of shared services is to support their team members by filling routine medications centrally, freeing up their capacity to use the time to focus on providing additional clinical activities aimed to increase patient outcomes and improve patient experience.

After a lengthy discussion, a motion was made by Dr. Mark St. Cyr to accept the pilot program request as presented with the understanding that they would need to comply with reporting as stated in the rules. Motion died due to no second motion.

More discussion was held. The Board discussed the possibility of approving a pilot program for Central Fill. A motion was made by Dr. Mark St. Cyr to approve a pilot program for Central Fill. The motion died due to no second motion.

A motion was made by Dr. Mark St. Cyr to approve a pilot program for Shared Services. Motion died due to no second motion.

President Wilson stated that the Board would not be moving forward with the Pilot Program request.

Board discusses the Oklahoma Call for Reproductive Justice, et al., v. John O'Connor, et al., Oklahoma County District Court Case No. CV-2021-2072.

Motion was made by Dr. Greg Adams and seconded by Jason Willeford to go into Executive Session to discuss the Oklahoma Call for Reproductive Justice District Court Case. Motion passed on roll call vote.

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Adams to return Executive Session. Motion passed on roll call vote. No action was taken while in Executive Session.

President Wilson adjourned the Board meeting:

A motion was made by Dr. Jim Spoon and seconded by Jason Willeford to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 1:40 p.m.

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