

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

June 17, 2015

### Call to order:

President Adams called the June 17, 2015 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:32 a.m. with a roll call vote. 5 of the 6 members were present.

### Those present were:

Board Members: Greg Adams, President  
Jim Spoon, Vice-President  
Dorothy Gourley, Member  
Justin Wilson, Member  
Stephen Dudley, Member

\*Kyle Whitehead was unable to attend this meeting

Board of Pharmacy: John A. Foust, Executive Director  
Cindy Hamilton, Compliance Officer  
Gary LaRue, Compliance Officer  
Betty Beil, Compliance Officer  
Chelsea Church, Compliance Officer  
Melissa Reichert, Compliance Officer  
Marty Hendrick, Compliance Officer  
Brinda White, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

Guests: Derek Dennis, Walgreens  
Ryan Walker, Walgreens  
Robyn Janaway, Wal-Mart  
Mark St. Cyr, OU Medical Center  
Nancy T. Williams, SWOSU College of Pharmacy  
Joe Tinervia, Tulsa Job Corp Center

### Approval of minutes and claims:

Motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to approve the April 22, 2015 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve expense claims #5187-5255, #H0309582-#H0309586, #H0311457-#H0311461, May 2015 payroll, expenses of the Executive Director and the April and May 2015 leave report of the Executive Director. Motion passed on roll call vote.

### Cancellation of Pharmacists, Pharmacies, Facilities, and Technicians:

After a review of the cancellation lists presented, a motion was made by Stephen Dudley and seconded by Dr. Dorothy Gourley 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:**

The Board set the next two Board dates for Wednesday, October 21, 2015 and Thursday, December 3, 2015.

### **Executive Director gives Agency report:**

#### **Building report:**

The Director reported that the landscaping was complete and is growing well. The Director also reported that he had met with Mark Krittenbrink to discuss ideas regarding the covered parking project and the south covered walkway project. Mr. Krittenbrink will develop some ideas for our consideration. The Board has encumbered some of our revolving account funds for these projects. The Director suggested that the Board President may wish to appoint a Board member to work with the Director to help develop the plans and oversee the covered parking and south walkway projects.

#### **ISMP Conference:**

The Director noted that Dr. Carmen Catizone, the Director of NABP is planning to attend the OKC ISMP Continuing Education Seminar that the Board is hosting in June. The Director indicated that he spoke with Dr. Catizone at a meeting, and Dr. Catizone said he would like to meet with past Executive Director Dr. Bryan Potter to tour the new building, and possibly give a short presentation during lunch at the OKC conference. Dr. Adams and Dr. Gourley have volunteered to host the OKC conference and Dr. Spoon has volunteered to host the Tulsa conference.

After the conference, the Director stated that he may consider asking Michael Cohen, President of ISMP to come to OKC for the next presentation. The registration for the Tulsa ISMP conference has not been as robust as anticipated so the Board may not offer a Tulsa site conference next year.

#### **P-4 Students:**

The Director noted that there are 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.

#### **Educational Outreach:**

The Director noted that he felt that our education outreach is helping in several ways but most notably the staff has noticed over the past year a significant decrease in the number of doses of controlled drugs which go missing before the pharmacy/pharmacist in charge discover the diversion issues. He stated that we often see cases where a thousand or so doses, sometimes even far less, are diverted before it is discovered.

#### **NABP Annual Meeting:**

The Director stated that he along with Dr. Gourley, Dr. Wilson and Dr. Spoon attended the NABP Annual Meeting in New Orleans in May. Dr. Gourley and Dr. Wilson both gave report of the different meeting topics that were discussed. The Director stated that he was elected to the District 6 position on the NABP Executive Committee. Dr. Spoon was the official voting delegate but had to leave early so Dr. Gourley assumed the responsibility of the voting delegate.

#### **ASHP Annual Meeting:**

Dr. Dorothy Gourley gave a brief report on the Annual American Society of Health-System Pharmacists (ASHP) meeting in Denver, Colorado that she attended.

#### **Concern on pharmacy robberies:**

The Director stated that as instructed by the Board, he mailed a letter regarding the

increasing problems of pharmacy robbery to the Director of the Oklahoma State Bureau of Investigation (OSBI). The letter included our offer to work with them in any way possible and asked if they had any recommendations. He stated that he had not received a reply back.

### **Legislation:**

The Director indicated that the Senate did not act on the omnibus rules bill before adjournment. He stated that last year, when the Senate did not complete action on the omnibus rules bill, the Governor approved the rules that were submitted. This year the Governor approved and signed the rules on June 8, 2015. The Board is planning to send letters to some of the registrant classes that will be affected by the new rules, including pharmacies with a parenteral permit who will no longer be allowed to compound sterile non-patient specific drugs for practitioners and facilities as this is prohibited by the Federal Drug Quality and Security Act of 2013.

The Director noted that the provisions of Senate Bill 787, which was passed by the Legislature and signed by the Governor will go into effect November 1, 2015. The Board plans to send a letter to all non-resident pharmacies informing them of the new requirements that every non-resident pharmacy designate an Oklahoma licensed pharmacist-in-charge. The Board staff is also working hard to develop the computer software needed to issue the two new classes of licenses, outsourcing facilities and third party logistics providers. He stated that we plan to begin issuing these new licenses on November 1, 2015.

### **District 6, 7 & 8 Meeting:**

The Director stated that the District 6, 7 & 8 meeting will be held in Incline Village on September 14-17, 2015. He encouraged the Board to make their lodging reservations as soon as the registration date opens if they are planning to attend because the site fills up quickly. He stated that the meeting starts immediately after the OPhA Annual meeting in Kansas City. OPhA is joining the Kansas and Missouri Pharmacist Associations at the Kansas City meeting. The Director requested that the Board members let him know if they plan to attend this meeting and any other upcoming meetings so that he can make sure there are sufficient funds available in the travel budget.

### **Surrounding Board meetings:**

The Director noted that he will be planning to attend the New Mexico Board of Pharmacy meeting in October and the North Carolina Board of Pharmacy meeting in the spring. He indicated that he plans to take a compliance officer with him to each of the meetings. He also stated that his additional travel and duties as the District 6 NABP Executive Committee Member will absorb some time so he will be working with different Board members and staff to represent the Board at some of the conferences where there are conflicts. This year Mark St.Cyr and Chelsea Church will be asked to attend the ASHP Midyear Clinical Meeting and the Board Member and Staff Conference also held at the ASHP meeting.

### **Advanced Training Seminar on Sterile Compounding:**

The Director stated that five of the pharmacist compliance officers will attend an advanced training seminar on sterile compounding inspection processes in Minnesota later this year. He emphasized how important it is to keep our staff up to date on the changing sterile compounding regulations.

### **NABP Inspections:**

The Director indicated that the NABP inspection blueprint project is continuing. He stated the he is hopeful that Oklahoma will be one of the first few states that implement the standardized inspection report and that our staff has had a great deal of input on the project. He stated that currently the staff is planning for the inspection report to be completed in electronic form on an electronic tablet type device such as an I-pad. Once completed, the form will be downloaded into the Board's files as well as being added to the NABP inspection

database. The NABP database which we already send our open record inspection reports to is a central repository for pharmacy inspection reports. All state boards may access the database to review inspection reports for any non-resident pharmacies they license without having to contact each individual state board. We are hopeful that by using a standardized inspection report, all state boards will reciprocally accept these standardized inspections to meet their non-resident pharmacy inspection requirements rather than requiring a NABP VPP inspection for non-resident pharmacy licensing.

**Board interviews Reciprocity applicants:**

The Board was called to order to interview nineteen (19) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Mina Banoub..... TN	Chad Griffin ..... TN	Joseph Owen ..... IN
Mydhili Beeram ..... MI	Sabeen Hasni ..... NJ	John Rolling ..... LA
Carmen Berg..... WA	Alexander Knoeferl ..... OR	Dionne Smith..... TX
Christopher Bunting ..... PA	Kristopher Le ..... FL	Marisa Todd ..... PA
Robert Chandler..... MO	Lin Leung..... NY	Stuart Tolman..... NJ
Mary Davis..... AL	Teresa Malanda..... NJ	
March Gasca..... OR	Ifunanya Okoli..... TX	

**OSBP vs. Amanda Burkhardt, Technician #13380 – Case No. 1336:**

The Board was called to order by President Adams to hear the case of Amanda Burkhardt. Ms. Burkhardt was not present but it was determined that she had been properly notified.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. After a suspicion of diversion of Controlled Dangerous Substance (CDS), Ms. Burkhardt declined to take a drug test which resulted in her immediate termination of employment with St. Francis Hospital Pharmacy. After further investigation, it was determined that some of Ms. Burkhardt's activity out of the CDS safe was diversion.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Burkhardt. By signing the Agreed Order, Ms. Burkhardt admits to guilt on all five (5) counts and accepts revocation of her technician permit.

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

**OSBP vs. Tiffany Houck, Technician #19943 – Case No. 1337:**

The Board was called to order by President Adams to hear the case of Tiffany Houck. Ms. Houck was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms Houck was observed on video surveillance attempting to divert a Buprenorphine tablet. An interview with Ms. Houck was conducted where she voluntarily admitted in a written statement to the theft of 20-30 generic Norco tablets. Ms. Houck was terminated from Wal-Mart Pharmacy for theft of a Controlled Dangerous Substance (CDS).

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Houck. By signing the Agreed Order, Ms. Houck neither admits nor denies guilt on all four (4) counts and accepts revocation of her technician permit.

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

**OSBP vs. Sarah Johnson, Technician #18715 – Case No. 1338:**

The Board was called to order by President Adams to hear the case of Sarah Johnson. Ms. Johnson was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms Johnson was interviewed by Walgreens Loss Prevention. Ms. Johnson stated that she had started taking pills for her own personal use. She admitted to taking between 1000-1500

Hydrocodone Tablets.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Johnson. By signing the Agreed Order, Ms. Johnson admits to guilt on four (4) counts and accepts revocation of her technician permit.

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

**OSBP vs. Hong Nguyen, Technician #19114 – Case No. 1339:**

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

Ms. White presented the Board with the Complaint for review. Mr. Nguyen was randomly selected by his employer to take a drug test. The results came back positive for a cocaine metabolite. Mr. Nguyen's employment was terminated from One Point Patient Care.

Ms. White then presented the Board with an Agreed Order that had been signed by Mr. Nguyen. By signing the Agreed Order, Mr. Nguyen admits to guilt on two (2) counts and accepts revocation of his technician permit.

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

**OSBP vs. Dani Slape, Technician #16605 – Case No. 1340:**

The Board was called to order by President Adams to hear the case of Dani Slape. Ms. Slape was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. It was noted on video surveillance that there was suspicious activity by Ms. Slape. Ms. Slape was confronted and she verbally admitted that she had taken drugs from one of the containers in the automation cabinet. Ms. Slape was terminated from M & D Star Drug for theft of CDS.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Slape. By signing the Agreed Order, Ms. Slape admits to guilt on all four (4) counts and accepts revocation of her technician permit.

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

**OSBP vs. Kirsten Blackford, Technician #17357 – Case No. 1341:**

The Board was called to order by President Adams to hear the case of Kirsten Blackford. Ms. Blackford was not present but it had been determined that she had been properly notified.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Blackford was interviewed by Walgreens Loss Prevention where she admitted in a voluntary written statement to stealing approximately 90 Hydrocodone and 50 Alprazolam, not for money, but to help a friend and co-worker who had become addicted to prescription medications. Ms. Blackford was terminated from Walgreens Pharmacy for theft of CDS.

Ms. White then presented the Board with an Agreed Order that had been signed by Ms. Blackford. By signing the Agreed Order, Ms. Blackford admits to guilt on all four (4) counts and accepts revocation of her technician permit.

Motion was made by Dr. Dorothy Gourley and seconded by Stephen Dudley to accept the Agreed Order. Motion passed on a roll call vote.

**OSBP vs Sarah Martin, D.Ph. #13361 – Case No. 13332:**

The Board was called to order by President Adams to hear the case of Dr. Sarah Martin. Dr. Martin was present along with her husband, Chad Martin and Counsel Libby Scott.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Martin was charged with multiple violations of state and federal regulations and rules including committing theft while practicing pharmacy. Ms. Martin gave a voluntary statement admitting to using approximately 20 vials of Propofol from the anesthetic boxes in the pharmacy. She stated that she had not taken or used any narcotics from the hospital. Ms. Martin was allowed to resign from her job

in lieu of termination due to diversion of a non-controlled substance for her own personal use.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order Ms. Martin would agree to the following: Ms. Martin would admit to guilt on all four (4) counts. Her license would be suspended indefinitely. Ms. Martin will enter into a ten (10) year contract with Oklahoma Pharmacist Helping Pharmacists (OPHP) and follow their recommendations for treatment. Ms. Martin may then petition the Board and ask for probation. Probation may be granted at the Board's discretion upon showing compliance with her OPHP contract.

Motion was made by Stephen Dudley and seconded by Dr. Dorothy Gourley to accept the Agreed Order. Motion passed on roll call vote.

**OSBP vs. Doug Sisemore, D.Ph. #9159 – Case No. 1156 – Request for Preceptor license:**

The Board was called to order by President Adams to hear the request of Doug Sisemore. Mr. Sisemore was present.

After a review and brief discussion with Mr. Sisemore of his past pharmacy history, a motion was made by Dr. Jim Spoon and seconded by Stephen Dudley to grant the request of Mr. Sisemore to be allowed a preceptor license. Motion passed on roll call vote with Dr. Dorothy Gourley voting "no".

**NAPLEX applicant, Danielle Eck appears before the Board:**

The Board was called to order by President Adams to hear the request of Danielle Eck. Ms. Eck had taken and failed the NAPLEX 3 times and was requesting that the Board allow her a 4<sup>th</sup> attempt.

After a brief discussion with Ms. Eck, a motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to allow Ms. Eck another opportunity to take the NAPLEX. Motion passed on roll call vote.

**Board discusses request from Fresenius Medical Care:**

The Board reviewed a letter from Fresenius Medical Care requesting that the Board consider expanding the group of drugs for a pilot program that was approved at the April 2015 Board meeting.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to deny the request to expand the list of drugs. Motion passed on roll call vote.

**President Adams adjourned the Board meeting:**

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to adjourn the Board meeting. Motion passed on roll call vote. President Adams adjourned the Board meeting at 11:51 a.m.