

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**February 24, 2016**

### **Call to order:**

President Spoon called the February 24, 2016 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m. with a roll call vote. All members were present.

### **Those present were:**

#### Board Members:

Jim Spoon, President  
Justin Wilson, Vice-President  
Greg Adams, Member  
Mark St.Cyr, Member  
Kyle Whitehead, Member  
Stephen Dudley, Member

#### Board of Pharmacy:

John A. Foust, Executive Director  
Cindy Fain, Chief Compliance Officer  
Gary LaRue, Senior Compliance Officer  
Betty Beil, Senior Compliance Officer  
Chelsea Church, Compliance Officer  
Melissa Reichert, Compliance Officer  
Marty Hendrick, Compliance Officer  
Brinda White, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

#### Guests:

Laura Petty, Walgreens  
Olivia Ochoa, Walgreens  
Matthew Green, Wal-Mart  
Nancy T. Williams, SWOSU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Jill Shadid, OU College of Pharmacy  
Debra Billingsley, OPhA  
Jamie Bell, Intern  
Lucas Coody, Intern  
Tuong-Lan Nguyen, Guest  
Mark Fields, Guest  
Kari Gibson, Guest

### **Approval of minutes and claims:**

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve the January 20, 2016 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley, and seconded by Dr. Kyle Whitehead to approve expense claims #5488-#5531, #H0327797-#H0327801, February payroll, expenses of the Executive Director and the January 2016 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 Dr. Justin Wilson and seconded by Stephen Dudley to approve the cancellation lists of those that did not renew within the renewal time period. Motion passed on roll call vote.

### **Presentation of “Years of Service” pins:**

President Spoon presented a 20 year service pin to Registration Secretary, Rhonda Jenkins and a 30 year service pin to Business Manager, Mary Ann Terral. President Spoon congratulated each one on their service with the State of Oklahoma and the work they do for the Board.

### **Board reviews request from Derrick Jones of Family Discount Pharmacy:**

The Director presented the Board with a letter from Derrick Jones of Family Discount Pharmacy asking for an extension of their pilot program that had previously been approved. In the letter, Dr. Jones noted the advantages of the program and the zero error rate.

Motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to grant the extension for 2 years. Motion passed on roll call vote.

### **Board reviews request from Boyd Stephens of ACT Pharmacy:**

The Director presented the Board with a letter from Boyd Stephens of ACT Pharmacy asking for an extension of their pilot program that had previously been approved. In the letter, Dr. Stephens noted the procedures of the pharmacy and how this program has benefited the patients.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley to grant the extension for 2 years. Motion passed on roll call vote.

### **Board sets future Board meeting:**

After a brief discussion about the June 1, 2016 meeting date, the Board came to a consensus that due to other scheduling conflicts, the June meeting would need to be rescheduled to Wednesday, June 15, 2016.

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

#### **Building report:**

The Director reported that the final paperwork for the covered pedestrian walkway plans are at DCS Properties and Construction and that bids for the project should go out this month with the hope that construction can begin in April. The project should take about 6 months.

#### **NABP Annual meeting:**

The Director noted that it is likely that the Board will have approval to send only one, possibly two people to the NABP Annual Meeting, unless the expenses are paid personally. He noted that Dr. Jim Spoon is the Board delegate and that his expenses will be covered by NABP with the exception of the registration fee. The Director stated that he would be the alternate voting delegate and will also be the Executive Committee member for District 6.

#### **CE Safety Conference 2016:**

The Director noted that he and the staff are completing scheduling on the program in June on USP<797> as the major CE event this year. He stated that it will be held at the Jim Thorpe/Oklahoma Sports Event Center on North Lincoln and that the use of a speaker from Oklahoma will decrease the cost of the event substantially.

#### **CE Safety Conference 2017:**

The Director stated that he is considering having a speaker on USP<800> for the 2017 CE Conference. If things go as currently planned USP<800> will become effective in 2018. It will be very helpful to have a program on the chapter to bring pharmacists up to date. He noted that he would be working with NABP on a speaker.

#### **TALKOM Conference:**

The Director noted that the Board hosted the 2016 TALKOM Conference here in Oklahoma City in the Board room on February 16, 2016. He explained that TALKOM stands for Texas, Arkansas, Louisiana, Kansas, Oklahoma, Missouri, Mississippi and Tennessee.

Basically, it is the NABP District 6 plus Mississippi and Tennessee. Only Board staff members were allowed to attend. Topics included diversion, inspections and investigations. NABP Executive Director, Carmen Catizone was present. It was noted that Oklahoma will host again next year.

**Legislation:**

The Director noted that the Pharmacy Act clean-up bill being sponsored by Senator Rob Standridge has been filed. He noted that there were a few typographical errors and some citation numbering that needed to be corrected.

**Rules:**

The Director stated that the proposed rule changes will be presented for public comment in the afternoon session.

**Education:**

The Director stated that he felt there would probably be some discussion on how states plan to assure that out-of-state pharmacy inspectors are qualified to inspect sterile compounding pharmacies. Many states do not have pharmacists for inspectors and few have the same level of training that our pharmacist inspectors have received. While Oklahoma has always accepted an inspection done by any state board, some states are becoming less accepting. He noted that he was not sure how this will impact the inspection blueprint program.

**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.

**Board interviews Reciprocity applicants:**

The Board was called to order to interview twenty-four (24) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Samuel Awada..... MI	Matt Jarvis ..... MO	Erin Segó .....MS
Jessica DiLeo..... FL	Stephanus Le Roux ..... NV	Abeera Shahid .....NJ
Ian Essen..... PA	Bradley LeVay, III ..... MA	Lenard Shaw.....FL
Matthew Fessler..... MO	Benjamin May ..... TN	Aaron Stutzman .....NE
Vishal Gandhi..... LA	Hector Medrano ..... FL	Lawrence Tom .....TX
Russel Gilbert ..... TX	Linda Phillips..... AR	Brantley Wescott .....TN
Jeffery James..... TN	Jerry Plunk..... MS	Craig Woodruff .....FL
Robin James ..... TN	Adesh Pundir ..... TX	Paul Yamamoto.....WA

**OSBP vs. Amber Lowe, Technician #6254 – Case No. 1385:**

The Board was called to order by President Spoon to hear the case of Amber Lowe. Ms. Lowe was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Compliance Officer, Melissa Reichert testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. Pharmacist in Charge (PIC) Michael Meece contacted Compliance Officer Melissa Reichert notifying her that he was missing approximately 255 Zolpidem 10mg tablets and that a partially full stock bottle of Zolpidem was also missing from the pharmacy. After reviewing video from a hidden camera it was determined that Ms. Lowe had placed something down her shirt. In a voluntary written statement, Ms. Lowe confessed to stealing Zolpidem 10mg tables and to also stealing 3-1mg tablets of Clonazepam. Ms. Lowe was terminated from Clif's Pharmacy for theft of Controlled Dangerous Substance (CDS).

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

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the technician permit of Amber Lowe be revoked. Motion passed on roll call vote.

**OSBP vs. Victoria Rushing, Technician #19676 – Case No. 1388:**

The Board was called to order by President Spoon to hear the case of Victoria Rushing. Ms. Rushing was present and chose to appear without Counsel. Chief Compliance Officer, Cindy Fain testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. In August 2014, Ms. Rushing was charged with the felony of domestic assault and battery. Ms. Rushing renewed her pharmacy technician permit in December 2014 and again in December 2015. On both renewals, Ms. Rushing marked “have not” to the question “I have or have not been the subject of a disciplinary action by another licensure board in this state or any other state, or been arrested, charged or convicted, or received a deferred sentence for any misdemeanor or felony offense since my last renewal or within the last 24 months.”

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

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson that the technician permit of Victoria Rushing be revoked. Motion passed on roll call vote.

**OSBP vs. Darren York, Technician #14199 – Case No. 1389:**

The Board was called to order by President Spoon to hear the case of Darren York. Mr. York was not present. Registration Secretary, Rhonda Jenkins testified that he had been properly notified. LuAnn Young, Pharmacy Director of AllianceHealth Midwest testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board. At this time, Dr. Mark St. Cyr recused himself from the hearing.

Ms. White presented the Board with the Complaint for review. A nurse anesthetist in the surgery unit at AllianceHealth Midwest found that the lid to some Hydromorphone 2mg/ml that he was preparing to use had been glued on. After obtaining another vial, it had been determined that it had also been tampered with. Mr. York did not show up for his next three shifts and would not return Ms. Young’s phone calls. AllianceHealth Midwest was testing all employees who had access to the surgery drugs. Through a text to Ms. Young, Mr. York resigned. AllianceHealth Midwest reviewed surveillance of Mr. York in the narcotic vault and saw that he, at different times, would pull something from the shelf and put it in his pocket.

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

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the technician permit of Darren York be revoked. Motion passed on roll call vote.

**OSBP vs. Danielle Noyes, Technician #20757 – Case No. 1386:**

The Board was called to order by President Spoon to hear the case of Danielle Noyes. Ms. Noyes was not present. Registration Secretary, Rhonda Jenkins testified that she had been properly notified. Shonda Wells, PIC of Walgreens, Ron Hackler, D.Ph. and John Mullenburg, D.Ph. all testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. After reviewing surveillance, it was determined that Ms. Noyes had performed a final check and verification on a prescription. Ms. Noyes was terminated from Walgreens pharmacy.

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

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that the technician permit of Danielle Noyes be revoked. Motion passed on roll call vote.

**OSBP vs. Ryan Pryor, Technician #18463 – Case No. 1387:**

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

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The pharmacy manager noted discrepancies of certain controlled substances' balance on hand as well as Mr. Pryor exhibiting concerning behavior at work. After interviewing Mr. Pryor he stated that he had been self-medicating to deal with stress. In a voluntary written statement, Mr. Pryor admitted that he had been ingesting Xanax while at work. Mr. Pryor was terminated from CVS pharmacy.

Ms. White then presented the Board with an Agreed Order that had been signed by Mr. Pryor. By signing the Agreed Order, Mr. Pryor admits to guilt of all five (5) counts and accepts revocation of his 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. Teresa Hamilton-Kenieutubbe, Technician #9484 – Case No. 1328:**

The Board was called to order by President Spoon to hear the case of Teresa Hamilton-Kenieutubbe. Ms. Hamilton-Kenieutubbe was present and chose to appear without Counsel. Chief Compliance Officer, Cindy Fain and Kay Vaughan, CVS District Manager both testified for the Board. Assistant Attorney General, Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. In April 2015, Ms. Hamilton-Kenieutubbe signed an Agreed Order with the Board that she agreed to attend a one-day (8 hour) law seminar during the calendar year 2015 and she was placed on probation for one year until April 22, 2016. During her one year probation, she was to directly notify all future employers that she was on probation until April 22, 2016. It was determined that Ms. Hamilton-Kenieutubbe did not attend the required law seminar nor did she notify her new employer of her probation.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Hamilton-Kenieutubbe be found guilty as charged. Motion passed on roll call vote.

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

**OSBP vs Larry Pope, D.Ph. #9733 – Case No. 1394:**

The Board was called to order by President Spoon to hear the case of Larry Pope. Mr. Pope was present along with Billy Johnson, CEO of Mary Hurley Hospital and Counsel, Erik Johnson.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Pope was charged with multiple violations of state and federal regulations and rules, including failing to establish and maintain effective controls against the diversion of prescription drugs and/or controlled dangerous drugs into other than legitimate medical, scientific or industrial channels as provided by federal, state or local laws or rules.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Pope would agree to the following: Mr. Pope admits to guilt on all eighteen (18) counts. Mr. Pope agrees to pay a fine of \$1000.00 on Count I for a total of \$1000.00. The fine is due February 24, 2016. Mr. Pope agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 and 2017 for a total of twenty-three (23) hours of CE during each of these calendar years. All 15 hours of required CE shall be live during 2016 and 2017.

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

**OSBP vs Mary Hurley Hospital, #74-4833 – Case No. 1393:**

The Board was called to order by President Spoon to hear the case of Mary Hurley Hospital. Billy Johnson, CEO and Larry Pope, D.Ph. of Mary Hurley Hospital were present with Counsel Erik

Johnson.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including failing to establish and maintain effective controls against the diversion of prescription drugs and/or controlled dangerous drugs into other than legitimate medical, scientific or industrial channels as provided by federal, state or local laws or rules.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mary Hurley Hospital Pharmacy would agree to the following: The Respondent admits to guilt on all twenty seven (27) counts. The Respondent's license is placed on probation for five (5) year until February 24, 2021. The Respondent would agree to pay a fine of \$2000.00 per count on Counts 1-5 for a total fine of \$10,000.00. The fine is due on February 24, 2016.

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

**OSBP vs Jamie McElvany-Both, D.Ph. #10822 – Case No. 1383:**

The Board was called to order by President Spoon to hear the case of Jamie McElvany-Both. Ms. McElvany-Both was present along with Linda Max, owner of City Drug and friend Steven McClure.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. McElvany-Both was charged with multiple violations of state and federal regulations and rules, including incorrectly filling or mis-filling a prescription or drug order which departs from the standards of care ordinarily exercised by a registrant with proof of actual injury not having to be established.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. McElvany-Both would agree to the following: Ms. McElvany-Both neither admits nor denies guilt on Count 1. She does admit guilt on Counts II-VI. Ms. McElvany-Both's pharmacist license is suspended. She shall enter into and abide by a contract with Oklahoma Pharmacist Helping Pharmacist (OPHP) and shall obtain a fit-for-duty evaluation from an OPHP approved provider. After Ms. McElvany-Both is found fit-for-duty, she may petition the Board and request that the suspension be stayed and that her license be placed on probation. Ms. McElvany-Both agrees to pay a fine of \$1000.00 per count on Counts II-IV for a total of \$3,000.00. The fine is due on February 24, 2016. Ms. McElvany-Both will attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar years of 2016 and 2017 for a total of twenty-three (23) hours. All 15 hours of required CE shall be live during 2016 and 2017. She must also attend at least three (3) hours of CE on error reduction during each of the calendar years of 2016 and 2017. This CE may be taken as a part of the required fifteen (15) hours of CE.

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

**OSBP vs City Drug Store, #39-7498 (formerly #39-122) – Case No. 1384:**

The Board was called to order by President Spoon to hear the case of City Drug Store. Linda Max, owner, and representative of the pharmacy, Jamie McElvany-Both, PIC of City Drug Store and Steven McClure were all present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including failing to obtain a new license after change of name, ownership and/or location.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, City Drug Store would agree to the following: The Respondent neither admits nor denies guilt on all six (6) counts. The Respondent's license is suspended. This suspension is immediately stayed and Respondent is hereby placed on probation for five (5) years until February 24, 2021. Respondent would agree to pay \$2500.00 per count on Counts I & II for a total fine of \$5,000.00 which is due on February 24, 2016. The Respondents PIC shall attend a one-day (8) hour law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 for a total of twenty-three (23) hours of CE.

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

**OSBP vs Claremore Compounding Center, #29-4671 – Case No. 1392:**

The Board was called to order by President Spoon to hear the case of Claremore Compounding Center. Owners Derek Sien, Mark Boyer and David Brim, D.Ph. appeared as representative for Claremore Compounding Center. PIC Darren Hightower was also present. All chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including failing to have a pharmacy manager who is responsible for all aspects of the operation related to the practice of pharmacy, including the establishment of policies and procedures for safekeeping of pharmaceuticals that satisfy Board requirements.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Claremore Compounding Center would agree to the following: The Respondent admits to guilt on Counts I-III, V & VI. Count IV is dismissed. The Respondent's license is placed on probation for six (6) months until August 24, 2016 and may still have interns. The Respondent would agree to pay a fine of \$600.00 per count on Counts I-III and Counts V & VI for a total fine of \$3000.00. The fine is due on February 24, 2016.

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

**OSBP vs Darren Andrew Hightower, D.Ph. #13228 – Case No. 1392:**

The Board was called to order by President Spoon to hear the case of Darren Hightower. Mr. Hightower was present along with owners Derek Sien, Mark Boyer and David Brim, D.Ph.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Hightower was charged with multiple violations of state and federal regulations and rules, including failing as pharmacy manager to be a pharmacy manager who is responsible for all aspects of the operation related to the practice of pharmacy including the establishment of policies and procedures for safekeeping of pharmaceuticals that satisfy Board requirements.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Hightower would agree to the following: Mr. Hightower admits to guilt on Counts I-III, V & VI. Count IV is dismissed. Mr. Hightower agrees to pay a fine of \$300.00 per count on Counts I-III, V & VI for a total of \$1500.00. The fine is due February 24, 2016. Mr. Hightower agrees to attend a one-day (8 hour) law seminar in addition to the required fifteen (15) hours of CE during the calendar year of 2016 for a total of twenty-three (23) hours. All 15 hours of required CE shall be live during the calendar year of 2016.

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

**OSBP vs APS Pharmacy, #99-7398 – Case No. 1390:**

The Board was called to order by President Spoon to hear the case of APS Pharmacy. Attorney Beau Patterson was present as representative for the pharmacy.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. The Respondent was charged with multiple violations of state and federal regulations and rules including selling at retail, or offering for sale, dangerous drugs, medicines, chemicals or poisons for the treatment of disease, excluding agricultural chemicals and drugs or accepting prescriptions for the same, without first procuring a license from the Board.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, APS Pharmacy would agree to the following: The Respondent admits to guilt on Counts 1, 2, 9 and 11. The Respondent does not dispute that the Board has found that it violated Count 4. The Respondent neither admits nor denies guilt on the remainder of the counts. The Respondent's license is placed on probation for three (3) years until February 24, 2019. The Respondent would agree to pay a fine of \$3000.00 per count on Counts 1, 2, 4, 9 and 11 for a total fine of \$15,000.00. The fine is due on February 24, 2016. The Respondent shall develop and implement a Plan of Correction. That Plan of Correction shall be submitted on or before March 24, 2016 to the Board's Executive Director for his approval.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to accept the Agreed Order. Motion passed with a 3-2 vote with Dr. Kyle Whitehead and Dr. Greg Adams voting "No".

**Katie White of TCGRx appears before the Board for approval for TCGRx packaging:**

The Board was called to order by President Spoon to hear the request of Katie White of TCGRx on a medication packaging program they wished to utilize.

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to approve the packaging of using the comingling guidelines previously established as a pilot program for one year with reporting back to the Board. Motion passed on roll call vote.

**David Branscum request to appear before the Board to request approval to take the NAPLEX:**

The Board was called to order to hear the request of David Branscum. Mr. Branscum was not present but was represented by his attorney, Greg Albert.

Assistant Attorney General, Brinda White had received information that could only be reviewed in Executive Session. Motion was made by Stephen Dudley and seconded by Dr. Greg Adams to go into Executive Session. Motion passed on roll call vote.

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to return from Executive Session. Motion passed on roll call vote.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to deny the request of David Branscum due to Mr. Branscum failing to supply the Board with the previously requested information. Motion passed on roll call vote.

**President Spoon adjourned the Board meeting:**

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 12:45 p.m.

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**February 24, 2016**

### **Call to order:**

President Spoon called the February 24, 2016 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 1:33 p.m. with a roll call vote. All members were present.

### **Those present were:**

#### Board Members:

Jim Spoon, President  
Justin Wilson, Vice-President  
Greg Adams, Member  
Mark St.Cyr, Member  
Kyle Whitehead, Member  
Stephen Dudley, Member

#### Board of Pharmacy:

John A. Foust, Executive Director  
Cindy Fain, Chief Compliance Officer  
Gary LaRue, Senior Compliance Officer  
Betty Beil, Senior Compliance Officer  
Chelsea Church, Compliance Officer  
Melissa Reichert, Compliance Officer  
Marty Hendrick, Compliance Officer  
Brinda White, Assistant Attorney General  
Rhonda Jenkins, Executive Secretary

#### Guests:

Laura Petty, Walgreens  
Olivia Ochoa, Walgreens  
Matthew Green, Wal-Mart  
Nancy T. Williams, SWOSU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Jill Shadid, OU College of Pharmacy  
Debra Billingsley, OPhA  
Jamie Bell, Intern  
Lucas Coody, Intern  
Tuong-Lan Nguyen, Guest  
Mark Fields, Guest  
Kari Gibson, Guest

### **Board holds Rule Hearing for public comment and the possibility of approving, disapproving or amending the 2016 Proposed Rule Revisions:**

The Board was called to order by President Spoon to review the proposed rules for the 2016 year and to hear any public comments presented. Executive Director, John Foust, Office Manager, Mary Ann Terral and Assistant Attorney General, Brinda White were all present. Ms. Terral began by going through each rule individually. The changes that were made are as follows:

**535:10-3-4 (a)** Dr. Jim Spoon felt that if the days 1 & 31 were added to say January 1 – December 31 it would read more clearly.

**535:15-7-3 (a)** Maria Maule of the Governor's office requested that we remove the unnecessary "or" after manufacturer and before repackager to be more clear.

**535:20-7-7.6.** The Board felt that based on the comments we received, that a major revision would be required. It would be too big of a change without new notice. This rule was withdrawn for the Board to work on. It will be worked up for new rule revision notice next year to allow public notice and comment.

**535:25-7-3 (c)** Dr. Justin Wilson felt that if the "CDS" was removed from after dangerous and moved to the end of the term in parenthesis to say "controlled dangerous substance (CDS)" it would make the rule more clear.

Dr. Foust explained the reason for some rule changes or additions, and answered questions from the Board and those in attendance. President Spoon then asked if there were any public comments that needs to be heard.

After a brief discussion, a motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to accept the proposed rules and rule changes as revised. Motion passed on roll call vote with all members voting "yes".

**President Adams adjourned the Rule Hearing:**

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to adjourn the Rule hearing. Motion passed on roll call vote. President Spoon adjourned the meeting at 2:00 p.m.