

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**April 6, 2016**

### **Call to order:**

President Spoon called the April 6, 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:

Derek Dennis, Walgreens  
Ryan Walker, Walgreens  
Matthew Green, Wal-Mart  
Nancy T. Williams, SWOSU College of Pharmacy  
Jill Shadid, OU College of Pharmacy  
Travis Tate, Health Choice  
Joe Tinervia, Tulsa Job Corps Center

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

Motion was made by Stephen Dudley and seconded by Dr. Justin Wilson to approve the February 24, 2016 minutes. Motion passed on roll call vote.

Motion was made by Stephen Dudley, and seconded by Dr. Kyle Whitehead to approve expense claims #5532-#5575, #H0330094-#H0330098, #H0332644-#H0332648, the March payroll, expenses of the Executive Director and the February and March 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 Stephen Dudley and seconded by Dr. Justin Wilson to approve the cancellation lists 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 1st quarter list of CE programs that had been submitted and approved by the CE Committee in March 2016.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

### **National Association of Boards of Pharmacy (NABP) Meeting:**

The Board discussed the scheduling conflict of Dr. Spoon which would not allow him to attend the NABP meeting as the official voting representative. It was determined that a new appointment for the official voting representative would need to be made.

Motion was made by Dr. Greg Adams and seconded by Stephen Dudley to appoint Board Member Dr. Mark St. Cyr to take the place of Dr. Jim Spoon as the official voting delegate at the upcoming NABP meeting. Dr. John Foust would remain the alternate voting delegate and is also a member of the NABP Executive Committee and will attend the meeting in that position. Motion passed on roll call vote.

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

After a brief discussion, the Board set Wednesday, August 3, 2016 as the next scheduled Board meeting.

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

#### **Building report:**

The Director reported that the initial bid meeting was held this week and only one construction contractor was present. OMES is scheduling another pre-bid meeting to allow additional contractors to attend.

#### **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. Previous continuing education events sponsored by the Board have drawn over 250 registrants.

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

The Director stated that he is working on 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 before the implementation date. He noted that he would be working with NABP on a speaker.

#### **Legislation:**

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

#### **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-five (25) Reciprocity applicants. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

Jenny Alfonso .....FL	Heidi Dufrene .....LA	Arthur Schneider .....MI
Carrie Belsom .....LA	Michelle Dunkeson.....NE	Robin Thompson.....TX
Mark Carlson.....OH	Pralhad Gawde .....OR	Scott Tucker .....NY
Gregory Cerio .....FL	James Hennig .....NJ	Brenna Veres .....SC
Mary Clark.....TX	Sara Beth Howes .....GA	Curtis Waldvogel .....IL
Joshua Cooke .....TX	Allison Koch .....NY	Jerome Wexler .....NY
Jacob Creel.....AL	Brandee Lam .....FL	Cory Wiggins.....AL
Allison Croft.....PA	Yvette Marquez.....NM	
Jason Davis .....AZ	Nicholas Nguyen.....TX	

**OSBP vs. Angela Roebuck, Technician #15464 – Case No. 1397:**

The Board was called to order by President Spoon to hear the case of Angela Roebuck. Ms. Roebuck 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. The Pharmacist in Charge (PIC) where Ms. Roebuck was employed received several complaints from patients that their medications were short. After reviewing surveillance, it was determined that Ms. Roebuck had been involved in the sale of the medications that were short. Ms. Roebuck was interviewed and admitted to diverting medication over a period of three months. Ms. Roebuck exited the interview without writing a voluntary statement.

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

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. Melanie Hudson, Technician #19224 – Case No. 1399:**

The Board was called to order by President Spoon to hear the case of Melanie Hudson. Ms. Hudson was not present. Registration Secretary Rhonda Jenkins testified that she had been properly notified. George Schaefer, Asset Protection for Walgreens, testified for the Board. Assistant Attorney General Brinda White prosecuted for the Board.

Ms. White presented the Board with the Complaint for review. In a voluntary written statement, Ms. Hudson admitted to stealing merchandise and a small amount of controlled dangerous substance (CDS). Ms. Hudson was terminated from Walgreens pharmacy for theft.

Motion was made by Dr. Justin Wilson and seconded by Stephen Dudley that based on the clear and convincing evidence presented, Ms. Hudson 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 Melanie Hudson be revoked. Motion passed on roll call vote.

**OSBP vs. Macy Haworth, Technician #19039 – Case No. 1398:**

The Board was called to order by President Spoon to hear the case of Macy Haworth. Ms. Haworth 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. During a report received by CVS Region Diversion Manager, it was determined that the pharmacy had existing shortages on CDS. The PIC was directed to begin daily counts for the weekly reconciliations. The next report showed shortages on additional drugs. Ms. Haworth admitted in an interview to the theft of CDS from the pharmacy. Ms. Haworth was terminated from CVS Pharmacy for theft of CDS.

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

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

**OSBP vs CVS Pharmacy No 06009, #1-5380 – Case No. 1402:**

The Board was called to order by President Spoon to hear the case of CVS Pharmacy No. 06009. Rob Lawrence, District Supervisor, Adam Alonzo, District Manager and PIC Jeff Golla were 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 establish and maintain effective controls against the diversion of prescription 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, CVS Pharmacy would agree to the following: The Respondent admits to guilt on all five (5) counts. The Respondent would agree to pay a fine of \$2,400.00 per count for a total fine of \$12,000.00. The fine is due on April 6, 2016.

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 Butler, D.Ph. #12107 – Case No. 1396:**

The Board was called to order by President Spoon to hear the case of Teresa Butler. Ms. Butler was present with Counsel Malinda Matlock.

Assistant Attorney General Brinda White presented the Board with the Complaint for review. Ms. Butler was charged with multiple violations of state and federal regulations and rules, including failing as pharmacy manager to be or as the pharmacy 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 safe keeping of pharmaceuticals that satisfy Board requirements.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Butler would agree to the following: Ms. Butler would admit to guilt on Counts I-III and Count V. Count IV would be dismissed. Ms. Butler agrees to pay a fine of \$750.00 per count on Counts I-III and Count V for a total of \$3,000.00. The fine is due on April 6, 2016. Ms. Butler agrees to 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 of CE. All 15 hours of required CE shall be live during 2016 and 2017.

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

**OSBP vs RX Shoppe, #45-7418 – Case No. 1395:**

The Board was called to order by President Spoon to hear the case of RX Shoppe. PIC Teresa Butler was present along with Counsel Malinda Matlock.

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 as pharmacy manager to be or as the pharmacy 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 safe keeping of pharmaceuticals that satisfy Board requirements.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, RX Shoppe would agree to the following: The Respondent would admit guilt on Counts I-III and Count V. Count IV would be dismissed. The Respondent would be placed on probation for one (1) year until April 6, 2017. Respondent would agree to pay \$1,500.00 per count on Counts I-III and Count V for a total fine of \$6,000.00 which is due on April 6, 2016. Motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to accept the Agreed Order. Motion passed on roll call vote.

**Tim Anderson, D.Ph. of McBride Orthopedic Hospital to appear before the Board:**

Tim Anderson, D.Ph. of McBride Orthopedic Hospital appeared before the Board to request approval of a pilot program. He works in a hospital pharmacy that has a retail pharmacy. The pharmacy fills prescriptions for their employees. Dr. Anderson's request was that the Board would allow the retail pharmacy to fill and leave prescriptions for the night time employees in the in-patient pharmacy. There would be no controlled prescriptions requested and the medication would stay within the hospital pharmacy staff.

After a brief discussion, it was determined that DEA does not allow CDS patient specific prescriptions to be transferred from one pharmacy to another in this manner. In addition, Dr. Spoon stated that the Board has a Pilot Program Committee that is currently working on regulations and/or rules which might apply to this situation and the Board should wait to consider the Committee recommendations.

Motion was made by Stephen Dudley and seconded by Dr. Mark St. Cyr to deny the request of McBride Orthopedic Hospital.

**Patrick Hogan of Parata Systems, LLC to appear before the Board:**

Patrick Hogan and Heather Hudson both of Parata Systems, LLC appeared before the Board to request approval of a pilot program.

The Parata system has previously been approved as a pilot program for long term care patients. The request is for the system to be allowed to be used in a retail pharmacy to help patients manage medication compliance. When compliance increases, patient re-admissions to hospitals goes down which is a vital part of taking better care of patients.

Motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to extend the current pilot program to retail pharmacies with this request being an extension of that program, with the stipulation that the medications are labeled correctly on each individual pouch. Motion passed on roll call vote.

**President Spoon adjourned the Board meeting:**

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson to adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 11:50 a.m.