

# MINUTES

## OKLAHOMA STATE BOARD OF PHARMACY

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

**June 15, 2016**

### **Call to order:**

President Spoon called the June 15, 2016 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 a.m. with a roll call vote. 4 of 6 members were present.

### **Those present were:**

Board Members: Jim Spoon, President  
Justin Wilson, Vice-President  
Greg Adams, Member  
Mark St. Cyr, Member

\*Kyle Whitehead and Stephen Dudley were unable to attend this meeting

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: Nnawdi Ezenyi, Wal-Mart  
Nancy T. Williams, SWOSU College of Pharmacy  
Jill Shadid, OU College of Pharmacy  
Terry Cothran, OU College of Pharmacy  
Travis Tate, Health Choice  
Debra Billingsley, OPhA  
Rich Palombo, Express Scripts  
Matt Dobson, Guest

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

Motion was made by Dr. Greg Adams and seconded by Dr. Justin Wilson to approve the April 6, 2016 minutes. Motion passed on roll call vote.

Motion was made by Dr. Justin Wilson, and seconded by Dr. Mark St. Cyr to approve expense claims #5576-#5634, #H0333941-#H0333945, #H0335899-#H0335903, the April and May payroll, expenses of the Executive Director and the April and May 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. Greg Adams 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.

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

President Spoon presented a 5 year service pin to Administrative Technician Erin Richardson. President Spoon congratulated Ms. Richardson on her service with the State of Oklahoma and the work she does for the Board.

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

After a brief discussion, the Board set Wednesday September 28, 2016 as the next scheduled Board meeting.

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

#### **Report from Steve Pryor:**

The Board heard a report from Pilot Program Chairman Steve Pryor. Dr. Pryor discussed some of the suggested changes to the law that the committee had recommended.

Motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to accept the report of the committee. Motion passed on roll call vote.

#### **Building report:**

The Director reported that Cimarron Valley Construction located in Edmond, which is a sister company to Diversified Construction that was the general contractor for the original building was awarded the low bid for the south covered walkway. Construction should be complete in 6 months.

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

Dr. Mark St. Cyr attended the NABP Annual Meeting which was held in San Diego, CA. Dr. St. Cyr gave a brief report on the meeting.

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

The Director noted that the major CE program that the Board will be hosting in June on USP<797> is almost full. He reminded everyone that it will be held at the Jim Thorpe/Oklahoma Sports Event Center on North Lincoln and that the Board will be covering the cost of lunch at the program. He also noted 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. He noted that if things go as currently planned, USP<800> will become effective in 2018 and he feels that 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 passed and was signed by the Governor. He stated that we will be including the new legislation in the lawbook that will be printed later this fall. An interim electronic lawbook in searchable PDF format is available on the website with changes as of November 1, 2015. He mentioned that we are still waiting the Governor’s action on the proposed rules.

#### **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.

**Pilot Programs:**

The Director stated that other legislative initiatives this year included allowances for the delivery of filled prescriptions to physician offices and clinics and that a number of pilot programs will be impacted by this legislation. He noted that he has identified those which will no longer require pilot program status and will bring them to the Board for review in August. If the Board concurs, we will send letters to those pharmacies which will no longer require a pilot program due to the changes in legislation.

**Road to Nowhere II:**

Assistant Attorney General, Brinda White gave a report.

**Building Cleaning:**

The Director noted that the exterior of the Board building had been cleaned in May.

**OPEF Sponsored CE:**

The Director stated that the OPEF-OSBP sponsored CE program held at the Board office in May was well attended and that we received many compliments and thanks for the Board’s help with the program. He stated that the Board will schedule additional events such as this.

**Presentation to Executive Director John Foust:**

President Spoon introduced the Veterinary Board of Medicine Director Cathy Kirkpatrick. Ms. Kirkpatrick presented Dr. Foust with an Honorary Doctor of Veterinary Medicine Certificate. Ms. Kirkpatrick expressed her gratitude for all that he has done for their agency.

**Board interviews Reciprocity and Score Transfer applicants:**

The Board was called to order to interview twenty-four (24) Reciprocity applicants and one (1) Score Transfer applicant. All applicants had taken and passed the Oklahoma Multi-State Jurisprudence Exam.

**Reciprocities:**

|                                  |                               |                           |
|----------------------------------|-------------------------------|---------------------------|
| Gregory Brooks..... MD           | Patrick Hagan ..... TX        | Lisbeth Schwebke ..... MA |
| Raghuveer Chintalapally ..... TX | Jeffrey Hopkins ..... KY      | Carly Setterlund..... MO  |
| Michael Eslick ..... SC          | Rebecca Jackson..... IA       | Mary Skinner ..... MS     |
| Marilyn Flynn..... MO            | Alan Kruger ..... NJ          | Melissa Smalley ..... TX  |
| Adam Furman ..... OR             | Richard McCormick..... WV     | Michael Sterling..... NV  |
| Omogbemile Garrett ..... TX      | Denise Morris..... AL         | Mykel Tidwell..... KY     |
| Liju George ..... FL             | John Raniero..... MO          | Brian Truax..... MN       |
| Kristen Goetz ..... AZ           | David Schoenbaechler ..... KY | Justin Weyer..... NE      |

**Score Transfer:**

Trang Van ..... LA

**OSBP vs. Jacob Grammer, Technician #20333 – Case No. 1409:**

The Board was called to order by President Spoon to hear the case of Jacob Grammer. Mr. Grammer 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. Pharmacy employees observed Mr. Grammer punching out medication from packaging and loading empty packets into the Pyxis machines. Pharmacy employees prepared a refill of Morphine Sulfate tablets to be loaded to one of the Pyxis machines. A staff pharmacist verified this refill prior to sending it to the floor. Immediately after Mr. Grammer took it to the floor the staff pharmacist checked the refill and found that three tablets were missing. Mr. Grammer was confronted about the suspicious events. In a voluntary written statement, Mr. Grammer confessed to stealing the

medication for personal use. Mr. Grammer was terminated from Hillcrest Medical Center for theft.

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

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

**OSBP vs. Chase Parsons, Technician #21032 – Case No. 1416:**

The Board was called to order by President Spoon to hear the case of Chase Parsons. Mr. Parsons was not present. Registration Secretary, Rhonda Jenkins testified that he had been properly notified. Kevin Grizzle, Regional Asset Protection Manager for Wal-Mart 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, Mr. Parsons admitted to stealing Alprazolam, Zolpidem, Carisoprodol and Tramadol for his own personal use. Mr. Parsons was terminated from Wal-Mart pharmacy for theft of Controlled Dangerous Substance (CDS).

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson that based on the clear and convincing evidence presented, Mr. Parsons be found guilty as charged. Motion passed on roll call vote.

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson that the technician permit of Chase Parsons be revoked. Motion passed on roll call vote.

**OSBP vs. Kourtney Crane, Technician #16479 – Case No. 1413:**

The Board was called to order by President Spoon to hear the case of Kourtney Crane. Ms. Crane 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) of Hillcrest Hospital South was notified by a technician that there may be a possible diversion of Hydrocodone 7.5/325. The package that contained the Hydrocodone looked like it had been ripped open and then resealed. After review of video, it was determined that Ms. Crane had tampered with the box and eventually removed 30 tablets. Ms. Crane was questioned by the head of HR and also the PIC. Ms. Crane admitted to taking the Hydrocodone for personal use. Ms. Crane was terminated from Hillcrest Hospital South for theft of CDS.

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

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

**OSBP vs Aaron Morrow, D.Ph. #16104 – Case No. 1403:**

The Board was called to order by President Spoon to hear the case of Aaron Morrow. Mr. Morrow was not present but was represented by his Attorney, Matt Dobson.

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 be a pharmacy manager who is a licensed pharmacist, is designated by his signature on the original pharmacy application as pharmacy manager and is responsible for all aspects of the operation related to the practice of pharmacy.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Morrow would agree to the following: Mr. Morrow admits to guilt on all ten (10) counts. The Respondent would agree to pay a fine of \$400.00 per count for a total fine of \$4,000.00. The fine is due on June 15, 2016.

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

**OSBP vs Martin-Tipton Pharmacy, #99-6012 – Case No. 1405:**

The Board was called to order by President Spoon to hear the case of Martin-Tipton. Attorney Kimberly Stevens 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 failing as a non-resident pharmacy to submit on initial licensure the name and license number of an Oklahoma licensed PIC who is responsible for the non-resident pharmacy's compliance with Oklahoma laws; the name of the Oklahoma licensed PIC shall be reported to the Board, in writing, with each renewal and/or within 10 days of any change of such PIC.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Martin-Tipton would agree to the following: The Respondent would admit guilt on all four (4) counts. Respondent would agree to pay \$1250.00 per count for a total fine of \$5,000.00 which is due on June 15, 2016. Respondent would agree to not ship into Oklahoma until an Oklahoma licensed PIC is hired.

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

**OSBP vs Wellston Clinic Pharmacy, #31-5799 – Case No. 1414:**

The Board was called to order by President Spoon to hear the case of Wellston Clinic Pharmacy. Kathy Dossey, owner and PIC was present as representative of 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 failing to ensure that the prescription drug or medication order, regardless of the means of transmission, has been issued for a legitimate medical purpose by an authorized prescriber acting in the usual course of the prescriber's professional practice.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Wellston Clinic Pharmacy would agree to the following: The Respondent would admit guilt on Counts 4-3004. Respondent would agree to pay \$10.00 per count for a total fine of \$10,000.00 which is due on June 15, 2016.

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

**OSBP vs Katherine Dossey, D.Ph. #10322 – Case No. 1415:**

The Board was called to order by President Spoon to hear the case of Katherine Dossey. Ms. Dossey was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Dossey was charged with multiple violations of state and federal regulations and rules including attempting diagnosis or treatment that might infringe upon the legally constituted right or obligation of any practitioner of the healing arts.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Dossey would agree to the following: Ms. Dossey admits to guilt on Counts 2 and Counts 4-3004. Counts 1 and 3 are dismissed. Ms. Dossey would agree to pay a fine of \$5.00 per count on Counts 1005-2004 for a total fine of \$5,000.00. The fine is due on June 15, 2016. Ms. Dossey 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 of CE during 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 Dr. Greg Adams to accept the Agreed Order. Motion passed on roll call vote.

**OSBP vs Daniel Kent, D.Ph. #15601 – Case No. 1410:**

The Board was called to order by President Spoon to hear the case of Daniel Kent. Mr. Kent was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Kent was charged with multiple violations of state and federal regulations and rules including

failing to have received registration for immunization with the Board prior to administering immunizations.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Kent would agree to the following: Mr. Kent admits to guilt on all three (3) counts. Mr. Kent would agree to pay a fine of \$500.00 per count for a total fine of \$1500.00. The fine is due on June 15, 2016. Mr. Kent will 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 during these calendar years. All 15 hours of required CE shall be live during 2016.

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

**OSBP vs Jane Reeves, D.Ph. #10905 – Case No. 1412:**

The Board was called to order by President Spoon to hear the case of Jane Reeves. Ms. Reeves was present and chose to appear without Counsel. Dan Barlow, Director of Pharmacy of Eastern Oklahoma Medical Center Pharmacy and Kevin Rich, Director of Oklahoma Pharmacist Helping Pharmacist (OPHP) testified for the Board along with Chief Compliance Officer Cindy Hamilton and Compliance Officer Melissa Reichert. Ms. Reeves testified on her own behalf. Assistant Attorney General, Brinda White prosecuted the case.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Ms. Reeves was charged with multiple violations of state and federal regulations and rules including violating a voluntary or Board ordered rehabilitation program for the impaired contract, e.g. an Oklahoma Pharmacist Helping Pharmacist contract.

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

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson that the pharmacist license of Ms. Reeves be suspended for ten (10) years until June 15, 2026. Ms. Reeves is to enter into and abide by a ten (10) year contract with OPHP. Ms. Reeves 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 of CE during these calendar years. All 15 hours of required CE shall be live during the time that she is on her ten (10) year contract with OPHP. After Ms. Reeves has received a fit-for-duty finding by an OPHP approved provider, she may ask to appear before the Board to ask that the suspension be lifted and that she be placed on probation. Motion passed on roll call vote.

**OSBP vs Stephen Summers, D.Ph. #10608 – Case No. 1411:**

The Board was called to order by President Spoon to hear the case of Stephen Summers. Mr. Summers was present and chose to appear without Counsel.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Summers was charged with multiple violations of state and federal regulations and rules including failing to keep every inventory and other record required to be kept by the Uniform Controlled Dangerous Substances Act and to have these records available for at least two (2) years from the date of such inventory or record for inspecting and copying by authorized peace officers or officers of agencies specifically directed to enforce the State of Oklahoma or the United States controlled dangerous substances laws.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Summers would agree to the following: Mr. Summers admits to guilt on all six (6) counts. Mr. Summers would agree to pay a fine of \$200.00 per count for a total fine of \$1200.00. The fine is due on June 15, 2016. Mr. Summers will 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 during this calendar year. All 15 hours of required CE needed to renew in 2017 shall be live.

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

**OSBP vs Turner Drug, #47-6211 – Case No. 1418:**

The Board was called to order by President Spoon to hear the case of Turner Drug. Bobby Gee, part owner and PIC of Turner Drug was present along with his wife, Vickie Gee who is also part owner and office manager and Attorney Charles Mashek.

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 sterile compounding preparation pharmacy permit as required of all pharmacies compounding sterile preparations.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Turner Drug would agree to the following: The Respondent would admit guilt on all counts except Counts 2 and 8501. Respondent would agree to pay \$8.82 per count for a total fine of \$75,027.00 which is due the date the pharmacy is sold or at the latest one hundred twenty days from the date of the Agreed Order.

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

**OSBP vs Bobby Gee, D.Ph. #8191 – Case No. 1417:**

The Board was called to order by President Spoon to hear the case of Bobby Gee. Bobby Gee, part owner and PIC of Turner Drug was present along with his wife, Vickie Gee who is also part owner and office manager and Attorney Charles Mashek.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Gee was charged with multiple violations of state and federal regulations and rules including failing to be familiar with all details of USP Compounding Standards and with patent regulations.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Gee would agree to the following: Mr. Gee admits to guilt on all counts except Counts 8520, 8522-8524. Mr. Gee would accept revocation of his pharmacist license effective the date of the sale of Turner Drug or at the latest one hundred twenty days (120) from the date of the Agreed Order. He would also agree to have a signed contract for the sale of Turner Drug within 120 days from the date of the Agreed Order.

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

**OSBP vs Marla Carter Pearce, D.Ph. #12835 – Case No. 860 – Request for Preceptor license:**

The Board was called to order by President Spoon to hear the request of Marla Carter Pearce. Ms Pearce was present. OPHP Director, Kevin Rich testified for Ms. Pearce.

After a discussion with Ms. Pearce, motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to grant the request of Ms. Pearce to obtain a preceptor license. Motion passed on roll call vote.

**OSBP vs. Jeffrey Zander, D.Ph. #9659 – Case No. 535 – Request to remove Probation:**

The Board was called to order by President Spoon to hear the request of Jeffrey Zander. Mr. Zander was present. OPHP Director, Kevin Rich testified for Mr. Zander.

After a discussion with Mr. Rich, motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams that based on the recommendation of OPHP, the request of Mr. Zander be approved. Motion passed on roll call vote.

**Louis Lonsbury of Mercy Hospital appears before the Board:**

The Board was called to order to hear the request of Louis Lonsbury. Mr. Lonsbury is an employee of Mercy Hospital and was present to request Board approval for their certified pharmacy technician training.

After a brief discussion with Mr. Lonsbury on their process of training, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson to accept the training as presented. Motion passed on roll call vote.

**OSBP vs Physician Preferred Medical, LLC, #1-6190 – Case No. 1407:**

The Board was called to order by President Spoon to hear the case of Physician Preferred Medical, LLC (PPM). Ryan Orton, primary owner of PPM, was present along with Attorneys Beau Patterson and Greg Frogge.

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 comply with all aspects of minimum current good compounding practices for the preparation of drug products.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, PPM would agree to the following: The Respondent would admit to guilt on Counts 448-531, 538-994, 1188-1634, 1799-1801, 1803-2090. The Respondent denies guilt on Counts 532-537, 996-1186, 1636-1795, 1798, 1802, 2091-2094. The Respondent neither admits nor denies guilt on the remaining counts. The Respondent agrees to revocation of its parenteral (sterile compounding) permit. The Respondent would be placed on probation for five (5) years until June 15, 2021. The Respondent agrees to pay a fine of \$72.09 per count for a total of \$125,000.00 which is due and payable in three installments, as follows: \$50,000 on June 15, 2016, 37,500 on September 15, 2016 and \$37,500 on December 15, 2016. Any application by any current or future member (owner) of PPM for any license issued by the Board filed before June 15, 2021 shall be made to the Board and decided by the Board. The Respondent's PIC shall attend a one-day (8 hour) law seminar during the years 2016 and 2017 in addition to the required fifteen (15) hours of CE.

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

**OSBP vs. Qualgen, LLC., #1-M-4255 / #1-B-4469 – Case No. 1408:**

The Board was called to order by President Spoon to hear the case of Qualgen, LLC. Shaun Riney, Managing Director for Qualgen was present along with Attorneys, Beau Patterson and Greg Frogge.

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 conform to Federal Food, Drug, and Cosmetic Act Good Manufacturing Practices.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Qualgen would agree to the following: The Respondent would admit to guilt on Counts 1003, 1090, 1260-1269, 1406 and 1409-1460. The Respondent denies guilt on Counts 53-669, 722-1002, 1057-1088, 1144-1175, 1228-1259, 1270-1353, 1407-1408. The Respondent neither admits nor denies guilt on the remaining counts. The Respondent would be placed on probation for five (5) years until June 15, 2021 and may appear after one (1) year (after June 15, 2017) to ask the Board that the probation be lifted. In determining whether to lift the probation, the Board may consider such matters as the following: (a) Semi-annual reports to the Board by Respondent Qualgen regarding compliance with applicable laws, regulations and standards; (b) Retention by Respondent of an independent third-party consultant to review, monthly, to assess Respondent Qualgen's compliance with applicable laws, regulations and standards, and make recommendations to promote compliance and (c) The engaging in mock inspections to monitor and promote Respondent Qualgen's compliance with applicable laws, regulations and standards. The Respondent agrees to pay a fine of \$95.24 per count for a total of \$100,000.00 which is due and payable in three installments, as follows: \$50,000 on June 15, 2016, 25,000 on September 15, 2016 and \$25,000 on December 15, 2016. The Respondent will agree to remedy all observations noted by the FDA in its Form 483. Any application by any current or future member (owner) of Qualgen for any license issued by the Board filed before June 15, 2021 shall be made to the Board and decided by the Board. Any application by Shaun Riney for any license issued by the Board for himself on any business entity in which he owns an interest filed before June 15, 2021 shall be made to and decided by the Board. The Respondent's PIC shall attend a one-day (8 hour) law seminar during the years 2016 and 2017 in addition to the required fifteen (15) hours of CE.

Motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to accept the Agreed

Order. Motion passed on roll call vote.

**OSBP vs R. Allen Martin, D.Ph. #7720 – Case No. 1406:**

The Board was called to order by President Spoon to hear the case of R. Allen Martin. Mr. Martin, PIC of PPM Pharmacy, was present along with Attorneys Beau Patterson and Greg Frogge.

Assistant Attorney General, Brinda White presented the Board with the Complaint for review. Mr. Martin was charged with multiple violations of state and federal regulations and rules including engaging in drug compounding without being familiar with all details of USP Compounding Standards.

Ms. White then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Martin would agree to the following: Mr. Martin admits to guilt on thirteen (13) of the twenty-four (24) counts and neither admits nor denies guilt on the remaining 11 counts. Mr. Martin would agree to probation for five (5) years until June 15, 2021. Mr. Martin would agree to pay a fine of \$208.34 per count for a total fine of \$5000.00. The fine is due on June 15, 2016. Mr. Martin 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 for each of these calendar years. All 15 hours of required CE to renew shall be live during the time that he is on probation.

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

**President Spoon adjourned the Board meeting:**

Motion was made by Dr. Justin Wilson and seconded by Dr. Greg Adams to adjourn the Board meeting. Motion passed on roll call vote. President Spoon adjourned the Board meeting at 2:45 p.m.