

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

3812 N Santa Fe, Suite 300
Oklahoma City, OK 73118

June 22, 2022

Call to order:

President Wilson called the June 22, 2022 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 am with a roll call vote. 5 of 6 Board members were present.

Those present were:

Board Members: Justin Wilson, President
Jason Willeford, Vice-President
Shonda Lassiter, Member
Mark St. Cyr, Member
Jim Spoon, Member
Member Kyle Whitehead was unable to attend this meeting

Board of Pharmacy: Marty Hendrick, Executive Director
Gary LaRue, Deputy Director
Melissa Jones, Senior Compliance Officer
Keevie Ridener, Compliance Officer
Marjan Fardadfar, Compliance Officer
Kim Hibbard, Compliance Officer
Darrell Switzer, Compliance Officer
John Settle, Assistant Attorney General
Rhonda Jenkins, Executive Secretary
Kristen Johnson, Programs Director

Guests Nancy Williams, SWOSU College of Pharmacy
Sarah Yount, SWOSU College of Pharmacy
Susan Conway, OU College of Pharmacy
Lauren Paul, CVS
Kaydee Judd, Walgreens
Ryan Walker, Walgreens
Megan King, Walgreens
Sarah Clark, Walgreens
Dylan Hancin, Walgreens
Jeremiah Wiginton, Walgreens
A.J. Ubaque, Wal-Mart
James Jones, Wal-Mart
Burl Beasley, HealthChoice
Lee Davis, OMES
Amru Elayan, Intern
Michael Caro, Intern
Misty Fuller, Guest

President Wilson administers Oath of Office to Shonda Lassiter:

President Wilson conducted the first order of business by administering the Oath of Office to Shonda Lassiter. Dr. Lassiter was appointed by Governor Stitt to replace Board Member, Greg Adams.

Approval of minutes and claims:

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to approve the March 30, 2022 minutes. Motion passed on roll call vote.

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A motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to approve expense claims #7389-#7459, #H0464531- #H0464536, #H0465991-#H0465996, #H0467479- #H0467484, the April, May and June payroll, the March, April, and May leave reports of the Executive Director and any expense claims of the Executive Director. Motion passed on roll call vote.

Cancellation of Pharmacist, Pharmacies, Facilities, and Technicians:

After a review of the cancellation list previously viewed, a motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford to approve the cancellation list 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 2nd quarter list of CE programs that had been submitted and approved by the CE Committee on June 17, 2022.

A motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

Presentation of “Years of Service” pin:

President Wilson presented Executive Director Marty Hendrick with a 5 years of service pin. President Wilson congratulated Dr. Hendrick on his service with the State of Oklahoma and thanked him for the work he does for the Board.

Board sets future Board meeting(s):

The Board set Wednesday November 16, 2022 as the next scheduled Board meeting. The next Board meeting date is set for Wednesday September 14, 2022.

Remote Employee Committee/Task Force:

The Board discussed the possibility of forming a committee or task force for discussion and possible rules for remote employees.

After a brief discussion, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to move forward with forming the committee/task force. Motion passed roll call vote. Dr. Shonda Lassiter stated that she would help with this project.

P-4 Students:

The Board welcomed the students from both the University of Oklahoma and Southwestern Oklahoma State University Colleges of Pharmacy attending the Board meeting. All students will attend a Board meeting during their final year of college.

Executive Director gives Agency report:

Building Information:

Director Hendrick reported that work is continuing on the Board offices located on Lincoln Blvd. He stated that Lingo has been making great progress with the removal of the outside materials and the removal of the exterior windows. He noted that they will have a more detailed report later during the meeting.

Current Committees:

Director Hendrick reported that selections have been made for both the Temperature Task Force and the Tech Immunization Committee. He noted that the Temperature Task Force is presently working on finding dates to meet and will hopefully have their first meeting in mid-August. Deputy Director Gary LaRue reported that the Tech Immunization Committee will begin having their meeting on June 29, 2022.

HB2649:

Director Hendrick reported that HB2649 passed through both the House and the Senate and was signed by Governor Stitt which would require the Board

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of Pharmacy to promulgate rules and license DME suppliers beginning November 1, 2022. He noted that he and the staff have begun the process of putting rules together and that he has reached out to the Oklahoma Medical Equipment Providers Association for their input.

Travel:

Director Hendrick reported that he and Compliance Officer (CO) Darrell Switzer along with Dr. Mark St. Cyr traveled to Phoenix Arizona to attend the NABP Annual Convention. He stated that he participated as the voting delegate for the state and served on the Resolutions Committee. He reported that the meeting covered a variety of topics from understaffing in pharmacies to the expansion of technician duties.

Director Hendrick also reported that the Oklahoma Pharmacy Association (OPhA) will be holding their annual conference August 20th at Omni hotel in Oklahoma City and that the Oklahoma Board plans to sponsor a booth for the meeting.

NABP District 6, 7 & 8 meeting:

Director Hendrick reported that the Board will be hosting the NABP District 6, 7 & 8 meeting in Oklahoma City August 28th through the 30th at the Omni Hotel. He stated that he had created a webpage with the information needed and hopes to have a great turnout. He noted that to date, we have received donations of \$47,500 for the event and numerous items for the gift bags.

Evaluation:

Director Hendrick noted that he will have Business Manager, Mary Ann Terral send out his work evaluation form to be completed by the Board. He stated that he would welcome any suggestions or questions that could be added to the form to make it more complete.

Representative from Thentia appear before the Board:

The Board was called to order to hear from Thentia representatives about a new licensure program. Bonnie Campo, Shauna Cole and VP of Operations, Chris Woodill were all present for the presentation. Ms. Campo began by stating that she and Ms. Cole had been working with the staff to obtain a timeline in order to go live with the new system. She stated that although there had been some obstacles in the beginning, they were there to help the staff get the system up and running in a more timely manner.

After a brief discussion about the advantages of the system, President Wilson thanked Ms. Campo and the Thentia representatives for their presentation and stated that the Board looks forward to seeing more about the system in the future.

CE Committee Member, Brooke Gildon, DPh. appears before the Board to discuss the CE approval on the Society of Cannabis/Medical Cannabis Clinical Training:

The Board was called to order to discuss a previously submitted application for CE approval on The Society of Cannabis/Medical Cannabis Clinical Training. The Board had previously denied the program until more information could be obtained. Dr. Gildon was present to answer any questions that the Board may have.

After a discussion, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to not accept the CE request due to the content and topic. Motion passed on roll call vote. Dr. St. Cyr suggested that the CE committee take a deeper look into programs and vet the content of programs before approving.

Representatives from Lingo appear before the Board:

The Board was called to order to hear the presentation from Lingo. Director Hendrick introduced Stan Lingo, Owner and JP Craig, Integration Director. At this time, Director Hendrick turned the presentation over to JP Craig for a detailed project update. Mr. Craig went over the projections and the timeline with the Board and answered any questions they may have had. He stated that they expect the building to be completed by November 22, 2022.

After the presentation, President Wilson thanked Lingo for their dedication and hard work to keep the project on the projected timeline.

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Board discusses the Fiscal Year 2023 Legal Services Contract between OSBP and the Office of the Attorney General:

President Wilson called the Board to order to discuss the Legal Services Contract between the Board of Pharmacy and the Office of the Attorney General.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to allow Executive Director Marty Hendrick to execute the contract and continue with the Legal Services Contract for the 2023 year. Motion passed on roll call vote.

OSBP vs Kyle Rackley, Technician #22726, Case No. 1639:

The Board was called to order by President Wilson to hear the case of Kyle Rackley. Mr. Rackley, a technician and owner of New Spring Pharmacy, was present and chose to appear without Counsel. Compliance Officer Keevie Ridener testified for the Board. Assistant Attorney General, John Settle prosecuted for the Board and Assistant Attorney General, Jenny Dixon was the Board Advisor.

Mr. Settle presented the Board with the Complaint for review. CO Ridener had been contacted by New Spring Pharmacy, Pharmacist in Charge (PIC) to discuss some concerns that she had regarding Mr. Rackley. Ms. Fuller told CO Ridener that she had recently seen a video of Mr. Rackley entering the pharmacy without a pharmacist present, writing down prescriptions from his phone to a prescription pad and processing those prescriptions through the computer system. Mr. Rackley had been told numerous times by the PIC and CO Ridener that even though he was the owner and had a key, he was not allowed to enter the pharmacy without a pharmacist present. Mr. Rackley said that he understood and that he had not been doing that. Through video of the pharmacy, it was determined that Mr. Rackley had in fact been entering the pharmacy without a pharmacist present.

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr that based on the clear and convincing evidence presented, Mr. Rackley be found guilty as charged. Motion passed on roll call vote.

A motion was made by Dr. Shonda Lassiter and seconded by Jason Willeford that the technician permit of Kyle Rackley be revoked. Motion passed on roll call vote.

OSBP vs. New Spring Pharmacy, #11-8986, Case No. 1640:

The Board was called to order by President Wilson to hear the case of New Spring Pharmacy. Pharmacy Owner, Kyle Rackley was present and chose to appear without Counsel. Pharmacist Compliance Officer, Keevie Ridener was present for any questions of the Board. Assistant Attorney General, John Settle prosecuted for the Board and Assistant Attorney General, Jenny Dixon was the Board Advisor.

After a discussion with Mr. Rackley, it was determined that in order to hear this case, he would need to obtain Counsel. Mr. Rackley asked that the case of New Spring Pharmacy be continued until he could obtain an attorney.

A motion was made by Jason Willeford and seconded by Dr. Shonda Lassiter to continue the case, with the understanding that this case will move forward at the next Board meeting even if Mr. Rackley does not obtain Counsel. Motion passed of roll call vote.

OSBP vs. Faron Moore, DPh #11118, Case No. 1641:

The Board was called to order by President Wilson to hear the case of Faron Moore. Mr. Moore was present and chose to appear without Counsel. Compliance Officer, Keevie Ridener was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. Mr. Moore was charged with multiple violations of state and federal regulations and rules including failure as a pharmacist to adequately supervise, working, or scheduling a pharmacy technician when there is no supervising pharmacist.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Moore would agree to the following: Mr. Moore neither admits nor denies guilt on eight (8) counts. Mr. Moore would agree to pay \$1000.00 per count on Counts 1-11 with Counts 3, 7 and 10 being dismissed for a total of \$8,000.00. Mr. Moore agrees to attend live CE during the years of 2023 & 2024 and is to complete one extra hour of Pharmacy Management CE for those years.

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A motion was made by Jason Willeford and seconded by Dr. Mark St. Cyr to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Samuel Blake DeSpain, DPh #15019, Case No. 1642:

The Board was called to order by President Wilson to hear the case of Samuel Blake DeSpain. Mr. DeSpain was present and chose to appear without Counsel. Compliance Officer, Keevie Ridener was present for any questions of the Board.

Mr. Settle presented the Board with the Complaint for review. Mr. DeSpain was charged with multiple violations of state and federal regulations and rules including failure as a pharmacist to adequately supervise, working, or scheduling a pharmacy technician when there is no supervising pharmacist.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. DeSpain would agree to the following: Mr. DeSpain admits to guilt on six (6) counts. Mr. DeSpain would agree to pay \$1000.00 per count on Counts 1-8 with Counts 3 and 7 being dismissed for a total of \$6,000.00. Mr. DeSpain agrees to attend live CE during the years of 2023 & 2024 and is to complete one extra hour of Diversion Prevention CE for those years.

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

OSBP vs. Lance Allen, DPh #18762, Case No. 1644:

The Board was called to order by President Wilson to hear the case of Lance Allen. Mr. Allen was present and chose to appear without Counsel. Compliance Officer, Keevie Ridener was present for any questions of the Board. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director Kevin Rich was present to testify on Mr. Allen's behalf.

Mr. Settle presented the Board with the Complaint for review. Mr. Allen was charged with multiple violations of state and federal regulations and rules including abuse of alcohol or habit-forming drugs, or use of an illegal CDS drug, or a positive drug screen for such illegal substance or its metabolite.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Allen would agree to the following: Mr. Allen admits to guilt on two (2) counts. Mr. Allen would agree to pay \$500.00 per count for a total of \$1,000.00. Mr. Allen agrees to attend live CE during the years of 2023 & 2024 and must complete a "Substance Use Disorder" conference or seminar before June 22, 2025.

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

OSBP vs. Dedra Classen, DPh #11464, Case No. 1645:

The Board was called to order by President Wilson to hear the case of Dedra Classen. Ms. Classen was present and chose to appear without Counsel. Compliance Officer, Marjan Fardadfar was present for any questions of the Board. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director Kevin Rich was present to testify on Ms. Classen's behalf.

Mr. Settle presented the Board with the Complaint for review. Ms. Classen was charged with violating state and federal regulations and rules including making or filing a report or record which a registrant knows or should have known to be false, intentionally, or negligently failing to file a report or record required by federal, state, or local laws or rules, willfully impeding or obstructing such filing, or inducing another person to violate this rule.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Ms. Classen would agree to the following: Ms. Classen admits guilt on one (1) count. Ms. Classen would agree to pay \$1000.00 per count for a total of \$1,000.00. Ms. Classen must remain compliant with her 10-year contract with OPHP.

A motion was made by Dr. Jim Spoon and seconded Dr. Shonda Lassiter to accept the Agreed Order. Motion passed on roll call vote.

OSBP vs. Katie Manley, DPh #16132, Case No. 1646:

The Board was called to order by President Wilson to hear the case of Katie Manley. Ms. Manley was not present. Registration Secretary, Rhonda Jenkins testified that Ms. Manley had been properly notified. Compliance Officer, Darrell Switzer and

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Oklahoma Pharmacist Helping Pharmacist (OPHP) Director Kevin Rich were both present for any questions of the Board. Executive Director, Marty Hendrick also testified for the Board.

Mr. Settle presented the Board with the Complaint for review. Ms. Manley was charged with multiple violations of state and federal regulations and rules including; it shall be unlawful for any person knowingly or intentionally to possess a CDS unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting in the course of his or her professional practice.

A motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford that based on the clear and convincing evidence presented, Ms. Manley be found guilty as charged. Motion passed on roll call vote.

A motion was made by Dr. Mark St. Cyr and seconded by Jason Willeford that the pharmacist license of Katie Manley be indefinitely suspended. Ms. Manley may request to appear before the Board to ask that the suspension of her license be stayed upon showing that she is "Fit for Duty". Motion passed on roll call vote.

Re-Organization of the Board:

President Wilson opened the floor for re-organization of the officers of the Board.

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to elect Jason Willeford as President. Motion passed on roll call vote.

A motion was made by Dr. Jim Spoon and seconded by Dr. Mark St. Cyr to elect Dr. Kyle Whitehead as Vice-President. Motion passed on roll call vote.

President Wilson adjourned the Board meeting:

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Jim Spoon to adjourn the Board meeting. Motion passed on roll call vote. President Wilson adjourned the Board meeting at 12:30 p.m.

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