

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

2920 N Lincoln Ave., Suite A
Oklahoma City, OK 73105

June 7, 2023

Call to order:

President Willeford called the June 7, 2023 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: Jason Willeford, President
Randy Curry, Member
Shonda Lassiter, Member
Mark St. Cyr, Member
Justin Wilson, Member

Board of Pharmacy: Marty Hendrick, Executive Director
Gary LaRue, Deputy Director
Melissa Jones, Sr. Compliance Officer
Keevie Ridener, Compliance Officer
Marjan Fardadfar, Compliance Officer
Darrell Switzer, Compliance Officer
Kim Hibbard, Compliance Officer
Jennifer Musgrove, Compliance Officer
Rhonda Jenkins, Executive Secretary
Kristen Johnson, Programs Director
Maria Maule, Assistant Attorney General
Joe Ashbaker, Assistant Attorney General
Emily Isbill, Assistant Attorney General

Guests Sarah Yount, SWOSU College of Pharmacy
Edna Patatanian, SWOSU College of Pharmacy
Vince Dennis, OU College of Pharmacy
Lauren Paul, CVS
Renee Flood, CVS
Megan King, Walgreens
Sarah Clark, Walgreens
Lorri Walmsley, Walgreens
Angela Robertson, Integris Community Hospital
Paula Dillingham, Integris Community Hospital
Burl Beasley, EGID, HealthChoice
Greg Huenergardt, Guest
Gina Huenergardt, Guest

Introduction of newly elected Board member:

Director Hendrick took a moment to introduce Dr. Greg Huenergardt to the Board. He stated that Dr. Huenergardt has been selected by Governor Stitt to serve as a Board member and that he will be replacing Dr. Justin Wilson.

Approval of minutes and claims:

A motion was made by Dr. Justin Wilson and seconded by Dr. Shonda Lassiter to approve the March 29, 2023 minutes. Motion passed on roll call vote.

A motion was made by Dr. Justin Wilson and seconded by Dr. Randy Curry to approve expense claims #7719 - #7819, #H0482724 - #H0482729, #H0484098 –

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#H0484103, #H85453 - #H0485458, the April and May payroll, the March, April and May 2023 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. Justin Wilson and seconded by Dr. Mark St. Cyr to approve the cancellation list of those that did not renew within the renewal time-period. Motion passed on roll call vote.

Resignation of Gregory Huenergardt from the PBM Compliance and Enforcement Patient's Right of Pharmacy Choice Commission:

Director Hendrick reported to the Board that he has received an email from Greg Huenergardt submitting his resignation from the PBM Compliance and Enforcement Patient's Right of Pharmacy Choice Commission due to being appointed to the Board of Pharmacy. Dr. Hendrick stated that once he receives a new name from the Oklahoma Pharmacist Association, he will put it on the agenda for the Board to vote.

Board sets future Board meeting(s):

The Board set Wednesday September 27, 2023 as a scheduled Board meeting. The next scheduled Board meeting is Wednesday July 19, 2023.

P-4 Students:

The Board welcomed the students from 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:

Legislation:

Director Hendrick stated that the legislative session has concluded and that many of the bills reviewed did not pass into law. He reported that Senate Bill 219 which dealt with changing the Board selection did not make it out of Committee while Senate Bill 827 the deals with Over The Counter (OTC) compounding did pass and was signed by the Governor. During a discussion on the proposed pharmacy rules, it was determined that they had been approved.

DME:

Director Hendrick reported that Board staff is currently licensing DME providers who meet required criteria from legislation that passed during the 2022 legislative session. He noted that the inspection form had been completed and that the compliance staff will begin inspecting these locations in the upcoming months.

Travel:

Director Hendrick reported that he along with Senior Compliance Officer, Melissa Jones, Compliance Officer (CO), Darrell Switzer and Board Member Mark St. Cyr attended the NABP Annual Conference that was held in Nashville, TN. Sr. CO Melissa Jones, CO Darrell Switzer and Dr. St. Cyr reported on different topics of the meeting from USP along with enforcement of trach and trace (DSCSA) requirements.

Director Hendrick reminded the Board that the Maltagon meeting will be held in Knoxville, TN on October 15th – 18th and the NABP District 6 meeting will be held October 22nd- 25th in Jackson Hole, WY and that the OPhA Annual Conference will be held August 19th in Oklahoma City.

New Staff Member:

Director Hendrick reported that Meredith Ray recently joined the Board as a new customer service representative. He stated that we are very excited to have Meredith working with the Board and all that she brings to our agency.

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Building Information:

Dr. Hendrick reported that the concrete stain located outside the board room doors will hopefully be completed within the next two weeks and that it will conclude the construction work by Lingo. It was suggested that a thank you letter be sent to Lingo for all of the hard work they did on the reconstruction of the building.

NAPLEX applicant Robert Drane appears before the Board:

The Board was called to order by President Willeford to hear the request of Robert Drane. Mr. Drane had taken and failed the NAPLEX 3 times and was requesting that the Board allow him a fourth attempt. Mr. Drane explained to the Board what he has been doing to prepare himself better for the exam.

A motion was made by Dr. Justin Wilson and seconded by Dr. Shonda Lassiter to grant Mr. Drane permission to re-take the NAPLEX a fourth time and encouraged Mr. Drane to continue with his studies and preparation for the exam. Motion passed on roll call vote.

OSBP vs Trentin Woods, Technician #29174, Case No. 1661:

The Board was called to order by President Willeford to hear the case of Trentin Woods. Mr. Woods was not present, but it had been determined that he had been properly notified. Assistant Attorney General, Maria Maule was present as the Board Advisor. Assistant Attorney General Joe Ashbaker and Assistant Attorney General Emily Isbill prosecuted for the Board.

Mr. Ashbaker presented the Board with the Complaint for review. The Board received a DEA 106 report from a pharmacy on an employee theft, but it did not include the employee's name. CO Keevie Ridener reached out to the pharmacy and obtained information that was included in the Assets Protection Case Report. Walgreen's pharmacy received a call from a patient stating that she was missing tablets from her prescription. At that time, the Pharmacy Manager began reviewing security video of the respondent. It was observed that the respondent took the prescription bag from the will call area and took it to the compounding room where he could be seen opening the bag and placing something inside his pocket. Mr. Woods was then interviewed by Asset Protection Manager (APM) Seth Easley and the Store Manager, Josh Grant. Mr. Woods admitted to taking customers medication on several different occasions. He also admitted to taking pills from stock bottles as well as full bottles when he would delete prescriptions customers had not picked up or did not want. Mr. Woods was terminated due to theft of Controlled Dangerous Substance (CDS)

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

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

OSBP vs Haelee Trammell, Technician #25602, Case No. 1662:

The Board was called to order by President Willeford to hear the case of Haelee Trammell. Ms. Trammell was not present, but it had been determined that she had been properly notified. Assistant Attorney General, Maria Maule was present as the Board Advisor. Assistant Attorney General Joe Ashbaker and Assistant Attorney General Emily Isbill prosecuted for the Board.

Mr. Ashbaker presented the Board with the Complaint for review. The Board received notification from Muldrow Pharmacy that Ms. Trammell was no longer employed at the pharmacy due to theft of money. The owner of the pharmacy stated that she noticed that the register report showing a \$1200 shortage. A few days later some of the employees mentioned that Ms. Trammell had made a comment about borrowing some money. The pharmacy owner then called Ms. Trammell and asked her if she had taken money from the register which she stated that she had taken \$200 but had paid it back. After further investigation, it was determined that Ms. Trammell had not paid back the funds and that she had taken the money directly from the register and put it into her wallet and then walked away.

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

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

OSBP vs Jeremiah Wiginton, Technician #10334, Case No. 1664:

The Board was called to order by President Willeford to hear the case of Jeremiah Wiginton. Mr. Wiginton was not present, but it had been determined that he had been properly notified. Assistant Attorney General, Maria Maule was present as the Board Advisor. Assistant Attorney General Joe Ashbaker and Assistant Attorney General Emily Isbill prosecuted for the Board.

Mr. Ashbaker presented the Board with the Complaint for review. The Board received a DEA 106 report from Walgreens pharmacy that Mr. Wiginton had been terminated for theft of CDS. Asset Protection Manager (APM) Susan Factor was notified of a possible drug diversion situation. Ms. Factor instructed APM Seth Easley to review the fill times via video. Mr. Easley found video evidence of Mr. Wiginton appearing to be spilling tablets from the filling tray while filling prescriptions. Ms. Factor then researched additional video and fill times on several control drug fill that were conducted by Mr. Wiginton. Ms. Factor then interviewed Mr. Wiginton. In a voluntary written statement, Mr. Wiginton admitted to the theft of CDS and also to the theft of non-controlled muscle relaxers.

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

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

Board presentation to Board member and President Jason Willeford and Board Member Justin Wilson:

Director Hendrick presented President Jason Willeford and Dr. Justin Wilson with an appreciation gift for serving on the Board. The terms of both members will be ending June 30, 2023. Dr. Hendrick thanked each one for the great job they have done while serving as a Board member and for the difference they have made for the profession of pharmacy.

Board presentation to the Kyle Whitehead family:

Director Hendrick continued with a presentation to the family of Dr. Kyle Whitehead. Dr. Hendrick spoke on the passing of Board member, Dr. Kyle Whitehead and how much he will be missed by the Board members, staff and the pharmacy profession. He then opened the floor to those that would like to say a few words.

Director Hendrick then presented the Whitehead family with an Oklahoma statue and an Honorary Doctor of Pharmacy certificate under the retired pharmacist license number of Dr. Whitehead.

Board discusses upcoming changes to the United States Pharmacopeia (USP) 795, 797 and 800.

The Director reported that he and the staff are moving through the process of evaluating where to go with these rules. He noted that the rules had not been adopted and that we still have the USP 800 rules from 2019 that the Task Force completed in 2017. At this time he asked for input and direction.

After a discussion, the consensus was that the staff start with the previous Task Force and review what was written in 2017. They stated that Dr. Hendrick should reach out to Task Force Chairman, Eric Winegardner and see if he would be willing to lead the Task Force again with possible updated rules. It was suggested that the Board send an email to the pharmacies IF it was decided that the Board would not adopt the rules fully with a reminder that the requirement for hospitals is November 3, 2023.

Board holds discussion on S.B. 827:

The Board held a discussion on S.B. 827. Director Hendrick reported that this Bill is discussing over the counter (OTC) compounding and prescriptive authority for

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OTC compounds by pharmacist. After a lengthy discussion a consensus was made that the Board should form basic rules around this new law. Once the rules are composed, they will then be presented to the Board for a formal acceptance.

Board discusses yearly evaluation and possible salary adjustment of the Executive Director:

Motion was made by Dr. Mark St. Cyr and seconded by Dr. Justin Wilson to go into Executive Session to discuss the yearly evaluation and possible salary adjustment of the Executive Director. Motion passed on roll call vote.

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

Motion was made by Dr. Justin Wilson and seconded by Dr. Randy Curry to increase the salary of the Executive Director by 5% to be effective July 1, 2023.. Motion passed on roll call vote.

Re-Organization of the Board:

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

A motion was made by Dr. Justin Wilson and seconded by Dr. Shonda Lassiter to elect Dr. Mark St. Cyr as President and Dr. Randy Curry as Vice-President. Motion passed on roll call vote.

President Willeford adjourned the Board meeting:

A motion was made by Dr. Justin Wilson and seconded by Dr. Mark St. Cyr to adjourn the Board meeting. Motion passed on roll call vote. President Willeford adjourned the Board meeting at 3:32 p.m.

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