

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 27, 2023

Call to order:

President St. Cyr called the September 27, 2023 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:39 am with a roll call vote. All Board members were identified as present. No member recused from any of the scheduled hearings.

Those present were:

Board Members:

Mark St.Cyr, President
Shonda Lassiter, Vice-President
Randy Curry, Member
Greg Huenergardt, Member
Chris Schiller, Member
Bob Howard, Public Member

Board of Pharmacy:

Marty Hendrick, Executive Director
Gary LaRue, Deputy Director
Melissa Jones, Sr. Compliance Officer
Keevie Ridener, Compliance Officer
Marjan Fardadfad, Compliance Officer
Darrell Switzer, Compliance Officer
Kim Hibbard, Compliance Officer
Jennifer Musgrove, Compliance Officer
Rhonda Jenkins, Executive Secretary
Kristen Johnson, Programs Director
Emily Isbill, Assistant Attorney General
Maria Maule, Chief Assistant Attorney General, Advisor for the Board.

Guests

Nancy Williams, SWOSU College of Pharmacy
Sarah Yount, SWOSU College of Pharmacy
Vince Dennis, OU College of Pharmacy
Lorri Walmsley, Walgreens
Sarah Clark, Walgreens
Caleb Taylor, Walgreens
Lauren Paul, CVS Health
Josh Miller, Homeland

President St. Cyr administers Oath of Office to Robert “Bob” Howard and Chris Schiller:

President St. Cyr conducted the first order of business by administering the Oath of Office to both Robert Howard and Chris Schiller. Governor Stitt appointed Bob Howard to replace Board Member, Jason Willeford and Chris Schiller was appointed to replace Board Member, Kyle Whitehead.

Board discusses the possibility of Director Marty Hendrick signing Final Orders as needed:

Director Hendrick asked the Board that, if necessary, he be allowed to sign the Final Orders instead of the Board President. He explained that there are times when the Board President may not be available to sign the Orders or that the President may live too far away to come by the office and sign them in a timely manner.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Randy Curry

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to allow Director Hendrick to sign the Final Orders as necessary. Motion passed on roll call vote.

Approval of minutes and claims:

A motion was made by Dr. Randy Curry and seconded by Dr. Shonda Lassiter to approve the July 19, 2023, minutes. Motion passed on roll call vote. Member, Bob Howard abstained.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Shonda Lassiter to approve expense claims #7872 - #7929, #H0488559 - #H0488564, #H0490174 - #H0490180, September payroll, the July and August leave report 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. Greg Huenergardt and seconded by Dr. Shonda Lassiter to approve the cancellation list of those that did not renew within the renewal time-period. Motion passed on roll call vote.

Board sets future Board meeting(s):

The Board set Wednesday January 24, 2024 as a "regular" scheduled Board meeting. The next scheduled Board meeting is Wednesday November 29, 2023.

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 2nd and 3rd quarter list of CE programs that had been submitted and approved by the CE Committee on June 9, 2023 and September 8, 2023.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

P-4 Students:

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

Executive Director gives Agency report:

New Staff:

Dr. Hendrick reported that Marquise Robertson has joined the board staff and is currently in training. He stated that we are very excited to have Marquise with us and look forward to all that she brings to our agency.

DSCSA:

Dr. Hendrick reported that FDA recently announced a 1-year delay on the tracking system outlined under the Drug Supply Chain Security Act. He stated that the new implementation date will be November 27, 2024 and that the additional time is needed to make sure that the systems in place can be tested for accuracy in the data exchange.

Travel:

Director Hendrick stated that October will be a busy month for travel. He let the Board know that NABP will be hosting meetings in Chicago, October 2nd through the 5th for Executive, Compliance and Legal Staff. He noted that Maltagon will be held in Knoxville, TN on October 15th – 18th where Oklahoma will be represented by both staff and board members. He also reported that the NABP District 6, 7 & 8 meeting will be held October 22nd- 25th in Jackson Hole, WY which will also be in attendance by both staff and Board members.

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Building Information:

Dr. Hendrick reported that the air conditioner in the Board room is set to be replaced in October if no delays are encountered. He noted that this process will take a few days with the removal of the existing equipment and the replacement of the new. Dr. Hendrick reported that we are beginning the process of evaluating covered parking for the building. He stated that this has been a project in discussions dating back to Dr. John Foust. He stated that once the plans are completed, the Board would be presented with information for consideration.

LaThelle Shankle, DPh appears before the Board to ask for approval of her reciprocity application:

The Board was called to order by President St. Cyr to hear the request from LaThelle Shankle. Ms. Shankle was present with her friend, Jaqueline Carmen Hawkins. Ms. Shankle wants to reciprocate to Oklahoma based on her Texas license however, her Texas license has been placed on probation for 3 years due to filling prescriptions for Oxycodone 30mg that she knew or should have known were invalid.

After a lengthy discussion, a motion was made by Dr. Chris Schiller and seconded by Dr. Greg Huenergardt to table the conversation until her probation is complete in Texas and then the Board would re-evaluate. Motion passed on roll call vote.

OSBP vs. Lance Allen, DPh #18762, Case No. 1668:

The Board was called to order by President St. Cyr to hear the case of Lance Allen. Mr. Allen was present and chose to appear without Counsel. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich was present with Mr. Allen.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Randy Curry to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

Assistant Attorney General, Emily Isbill presented the Board with the Complaint for review. Mr. Allen was charged with multiple violations of state and federal regulations and rules including; violation of a Board order or Agreed order.

Ms. Isbill then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Allen would agree to the following: Mr. Allen will continue to comply with the previous Agreed Order approved on June 22, 2022. His license is indefinitely suspended until he has been determined "Fit for Duty" and he has a recommendation from OPHP in support of his license becoming active. Mr. Allen agrees to enter into a lifetime contract with OPHP and have full compliance.

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

OSBP vs Bryanna Blackburn, Technician #28227, Case No. 1669:

The Board was called to order by President St. Cyr to hear the case of Bryanna Blackburn. Ms. Blackburn was present along with her husband Levi Blackburn. Senior Compliance Officer (SCO) Melissa Jones was present to testify for the Board. At this time, President St. Cyr swore in SCO Melissa Jones and Technician Bryanna Blackburn for any questions the Board may have. Assistant Attorney General, Emily Isbill prosecuted for the Board.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

Ms. Isbill presented the Board with the Complaint for review. Ms. Blackburn was terminated from Walmart Pharmacy for gross misconduct/theft of merchandise. In a voluntary written statement, Ms. Blackburn admitted to stealing merchandise by using the self-checkout and occasionally bagging items that she did not scan.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Randy Curry to go into Executive Session. Motion passed on roll call vote.

A motion was made by Dr. Chris Schiller and seconded by Dr. Greg Huenergardt to return from Executive Session. Motion passed on roll call vote.

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A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller that based on the clear and convincing evidence presented, Ms. Blackburn be found guilty as charged. Motion passed on roll call vote.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt that the technician permit of Bryanna Blackburn be revoked. Motion passed on roll call vote.

OSBP vs Mikayla Marshall, Technician #28016, Case No. 1670:

The Board was called to order by President St. Cyr to hear the case of Mikayla Marshall. Ms. Marshall was present and chose to appear without Counsel.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

It was determined that Ms. Marshall may have the incorrect Complaint. A motion was made by Dr. Chris Schiller and seconded by Dr. Randy Curry to table this case until the next meeting. Motion passed on roll call vote.

OSBP vs Kaley Weaver, Technician #27182, Case No. 1671:

The Board was called to order by President St. Cyr to hear the case of Kaley Weaver. Ms. Weaver was not present. Registration Secretary, Rhonda Jenkins and Senior Compliance Officer (SCO) Melissa Jones were sworn in by President St. Cyr. Ms. Jenkins testified that Ms. Weaver had been properly notified of the time and date of the hearing. SCO Melissa Jones testified for the Board. Assistant Attorney General, Emily Isbill, prosecuted for the Board.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

Ms. Isbill presented the Board with the Complaint for review. In a voluntary written statement, Ms. Weaver admitted to stealing items from her employer. She stated that she knew that sometimes, non- food items wouldn't get scanned and that she hadn't been able to address the money situation as she should. Ms. Weaver was terminated from Walmart for theft of merchandise.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller that based on the clear and convincing evidence presented, Ms. Weaver be found guilty as charged. Motion passed on roll call vote.

A motion was made by Bob Howard and seconded by Dr. Chris Schiller that the technician permit of Kaley Weaver be revoked. Motion passed on roll call vote.

OSBP vs Lily Yarbrough, Technician #21575, Case No. 1672:

The Board was called to order by President St. Cyr to hear the case of Lily Yarbrough. Ms. Yarbrough was not present. Registration Secretary, Rhonda Jenkins and Compliance Officer (CO) Kim Hibbard were sworn in by President St. Cyr. Ms. Jenkins testified that Ms. Yarbrough had been properly notified of the time and date of the hearing. CO Kim Hibbard testified for the Board. Assistant Attorney General, Emily Isbill, prosecuted for the Board.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Randy Curry to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

Ms. Isbill presented the Board with the Complaint for review. Boomer Solutions, the employer of Lily Yarbrough, began an investigation into allegations of Ms. Yarbrough selling her prescription of Alprazolam 1mg to a coworker. After a meeting with the employer, Ms. Yarbrough admitted that she had been selling her prescription to her coworker. Ms. Yarbrough was terminated from Boomer Solutions.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller that based on the clear and convincing evidence presented, Ms. Yarbrough be found guilty as charged. Motion passed on roll call vote.

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A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt that the technician permit of Lillie Yarbrough be revoked. Motion passed on roll call vote.

OSBP vs Mareca Handcock, Technician #7697, Case No. 1673:

The Board was called to order by President St. Cyr to hear the case of Mareca Handcock. Ms. Handcock was not present, but it had been determined that she had been properly notified. Assistant Attorney General, Emily Isbill, prosecuted for the Board.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Chris Schiller to allow Maria Maule, Chief Assistant Attorney General, lead the discussion as Advisor for the Board. Motion passed on roll call vote.

Prior to the Board meeting, the Board received the Complaint for review. Ms. Handcock began working as a data entry employee for Boomer Solutions. Boomer Solutions began an investigation into allegations of Ms. Handcock buying a coworker's prescription of Alprazolam 1mg. After a meeting with the employer, Ms. Handcock denied knowledge of any employees buying and/or selling prescription Alprazolam. The coworker of Ms. Handcock admitted to selling her prescription to her. It was determined through screenshots of text messages that Ms. Handcock did purchase the CDS. Ms. Handcock was terminated from Boomer Solutions.

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

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

At this time, Dr. Randy Curry left the meeting.

Board reviews and approves 2024 Draft Rule Revisions: Title 535, Chapters 1, 10, 15 and 25:

President St. Cyr called the Board to order to review the 2024 Draft Rule Revisions. Business Manager MaryAnn Terral and Deputy Director, Gary LaRue presented the Board with the rule revisions in Title 535, Chapters 1, 10, 15 and 25 to review. Ms. Terral went through each revision and/or addition with the Board with an explanation of each change or addition.

After a discussion, a motion was made by Dr. Chris Schiller and seconded by Dr. Shonda Lassiter to approve Title 535, Chapters 1, 10, 15 and 25 as presented with changes and to move forward with rules. Motion passed on roll call vote.

President St. Cyr adjourned the Board meeting:

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt to adjourn the Board meeting. Motion passed on roll call vote. President St. Cyr adjourned the Board meeting at 12:08 p.m.

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