

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

January 24, 2024

Call to order:

President St. Cyr called the January 24, 2024, meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:32 am with a roll call vote. All members were identified as present.

Those present were:

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

Board of Pharmacy: Marty Hendrick, Executive 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
Emily Isbill, Assistant Attorney General
Joe Ashbaker, Assistant Attorney General, Advisor for the Board.

Guests Nancy Williams, SWOSU College of Pharmacy
Vince Dennis, OU College of Pharmacy
Jonathan Willett, Chickasaw Nation
Tony Blasier, Office of Attorney General
Becca Segrest, Cardinal Nuclear Pharmacy
Macey Lagaly, Intern
Makenna Rose, Intern

Approval of minutes and claims:

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Chris Schiller to approve the November 29, 2023 minutes. Motion passed on roll call vote.

A motion was made by Dr. Randy Curry and seconded by Dr. Shonda Lassiter to approve expense claims #7998 - #8055, #H0494601 - #H0494607, #H0496448 - #H0496454, December payroll, the November and December 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. Shonda Lassiter and seconded by Dr. Randy Curry to approve the cancellation list of those that did not renew within the renewal time-period. Motion passed on roll call vote.

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Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 4th quarter list of CE programs that had been submitted and approved by the CE Committee on December 8, 2023.

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

Board reviews designation of Mission Critical Memberships and Mission Critical Out of State Travel:

After a review of the list of Board designated Mission Critical Memberships and the list of Mission Critical Out of State Travel, a motion was made by Dr. Chris Schiller and seconded by Bob Howard to approve the list of both the Mission Critical Memberships and the Mission Critical Out of State Travel. Motion passed on roll call vote.

Board sets future Board meeting(s):

The Board originally set Wednesday March 6, 2024, as a scheduled Board meeting however it was suggested that the date be moved to Wednesday April 17, 2024. The Board agreed to move the March meeting to Wednesday April 17, 2024.

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:

Legislation:

Director Hendrick stated that the legislative session will convene on February 5, 2024, for the second regular session of the 59th Legislature. Dr. Hendrick noted that he is currently gathering information on bills and will update the board as needed.

Travel:

Director Hendrick reported on the upcoming travel for the Board which includes the NABP Annual Conference. This conference will be held May 14th – 17th in Fort Worth, Texas at the Worthington Renaissance Hotel. He reported that Dr. Mark St. Cyr attended the ASHP mid-year conference in Anaheim California. Dr. St. Cyr gave a report on the trip.

Retirement:

Dr. Hendrick reported that Gary LaRue officially retired on January 1, 2024, and MaryAnn Terral will retire on February 1, 2024. He stated that Gary has already been missed by staff and that MaryAnn will also be greatly missed.

Dr. Hendrick stated that we will be hosting a come and go retirement reception for both on January 31, 2024, from 2:00 p.m. – 4:00 p.m. and that everyone is welcome to attend.

PA Sub Committee:

Dr. Hendrick reported that the PA Sub-Committee with the Medical Board has submitted rules for C-2 authority. He stated that the Medical Board will meet on February 22, 2024, to evaluate and decide on approval. He reported that the Medical Board also voted to have an Attorney General's Opinion on statutory authority in reference to Title 59 and 63 and that he will keep the Board updated.

Building Information:

Dr. Hendrick reported that all open projects have been completed including the heat and air in the Board room and the installation of the epoxy resin floor for the outside concrete on the south side of the building. He reported

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that future upgrades being reviewed are covered parking and solar panels which could increase efficiency with the building.

NAPLEX applicant Cecilia Rohlmeier appears before the Board:

The Board was called to order by President St. Cyr to hear the request of Cecilia Rohlmeier. Ms. Rohlmeier had taken and failed the NAPLEX 3 times and was requesting that the Board allow her a fourth attempt. Ms. Rohlmeier explained to the Board some of the issues of what has happened that she feels has caused her not to be as prepared as she should have been.

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Chris Schiller to grant Ms. Rohlmeier permission to re-take the NAPLEX a fourth time and encouraged Ms. Rohlmeier to continue with her studies and preparation for the exam. Motion passed on roll call vote.

OSBP vs Bruce Cameron, D.Ph. #11936, Case No. 1682:

The Board was called to order by President St. Cyr to hear the case of Bruce Cameron. Mr. Cameron was not present, but it had been determined that he had been properly notified. A motion was made by Dr. Shonda Lassiter and seconded by Dr. Randy Curry to allow Joe Ashbaker, Assistant Attorney General, to lead the discussion as Advisor for the Board. Motion passed on roll call vote. At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. Dr. Chris Schiller stated that he would need to recuse himself from hearing the case.

Prior to the Board meeting, the Board received the Complaint for review. Mr. Cameron was charged with multiple violations of state and federal regulations and rules including; a registrant will conduct themselves at all times in a manner that will entitle them to the respect and confidence of the community in which they practice.

Ms. Isbill then presented the Board with an Agreed Order that had been signed by Mr. Cameron. If the Board accepts the Agreed Order, Mr. Cameron would agree to the following: Mr. Cameron's license is indefinitely suspended. Mr. Cameron agrees to enter into and remain compliant with a lifetime contract with Oklahoma Pharmacist Helping Pharmacist (OPHP). Once he has been determined, "Fit for Duty" and the Board has received a recommendation from OPHP supporting an active license, Mr. Cameron may petition the Board to request his pharmacist license be reinstated. Mr. Cameron agrees to complete fifteen (15) hours of CE for two consecutive calendar years. Mr. Cameron is also required to complete a "substance use disorder" conference or seminar that is OPHP approved.

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

OSBP vs Daniel Keller, D.Ph. #19432, Case No. 1676:

The Board was called to order by President St. Cyr to hear the case of Daniel Keller. Mr. Keller was present with Attorney Libby Scott. A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt to allow Joe Ashbaker, Assistant Attorney General, to lead the discussion as Advisor for the Board. Motion passed on roll call vote. At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board members answered "No".

Prior to the Board meeting, the Board received the Complaint for review. After review of the Complaint, Ms. Isbill presented the Board with a Consent Order that had been signed by Mr. Keller. If the Board accepts the Consent Order, Mr. Keller would agree to the following: Mr. Keller neither admits nor denies the allegations presented. Mr. Keller agrees to pay a fine of \$2,000.00 per count for a total of \$6,000.00. All CE for the years 2024 & 2025 shall be live. Mr. Keller will agree to attend the annual law seminar for the years 2024 & 2025.

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

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OSBP vs Texas Star Pharmacy, #99-8411, Case No. 1675:

The Board was called to order by President St. Cyr to hear the case of Texas Star Pharmacy. Raman Bhaumik, Pharmacist in Charge (PIC) and Representative for Texas Star Pharmacy was present with Attorney Libby Scott. A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt to allow Joe Ashbaker, Assistant Attorney General, to lead the discussion as Advisor for the Board. Motion passed on roll call vote. At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board members answered "No".

Prior to the Board meeting, the Board received the Complaint for review. After reviewing the Complaint, Ms. Isbill presented the Board with a Consent Order that had been signed by Texas Star Pharmacy. If the Board accepts the Consent Order, Texas Star Pharmacy would agree to the following: Texas Star Pharmacy neither admits nor denies the allegations presented. They would agree to pay a fine of \$3,000.00 per count for a total of \$9,000.00. Respondent will pay for investigative costs agreed upon by parties. Texas Star Pharmacy shall continue to test initial potency, endotoxin, and sterility of all batches that include 25 or more vials of compounded Semaglutide. They shall have an inspection by a third party on an annual basis for the next three years with those reports being sent to the Oklahoma Board of Pharmacy.

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

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

The Board was called to order by President St. Cyr to review and approve the 2024 Draft Rule Revisions. Business Manager MaryAnn Terral presented the Board with Title 535, Chapters 1, 10, 15 and 25 written public comments that were received along with discussion with those in attendance with comments. The Board reviewed and discussed the rule changes and the comments that were presented.

After a discussion, a motion was made by Dr. Chris Schiller and seconded by Dr. Greg Huenergardt to approve all rules as presented with the non-substantial changes. Motion passed on roll call vote.

Board discusses Pay for Performance 2026 Plan:

Director Hendrick stated that he is requesting that the Board consider the possibility of awarding a Pay for Performance (PPM) for Board employees excluding the Executive Director.

Motion was made by Dr. Greg Huenergardt and seconded by Dr. Randy Curry to approve the Pay for Performance 2026 Plan as presented. Motion passed on roll call vote.

OSBP vs. Nathan Forest, DPh #19188, Case No. 1681:

The Board was called to order by President St. Cyr to hear the case of Nathan Forest. Mr. Forest was present with Counsel Aimee Majoue. A motion was made by Dr. Shonda Lassiter and seconded by Dr. Randy Curry to allow Joe Ashbaker, Assistant Attorney General, to lead the discussion as Advisor for the Board. Motion passed on roll call vote. At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board members answered "no".

At this time, Mr. Ashbaker began the hearing. Each witness was sworn in by Mr. Ashbaker prior to giving their testimony. Witnesses to be testifying were, Compliance Officer, Keevie Ridener, Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich, Eric Hammons, Dr. Sarah Land, Psychiatrist, Dr. Barry Lubin, expert in drug testing results, Thomas House, Compliance Consultant with PPW, Todd Worsham, Pharmacist in Charge (PIC) at Hillcrest Hospital South and Respondent Nathan Forest.

After a lengthy discussion, a motion was made by Dr. Shonda Lassiter and seconded by Dr. Chris Schiller to go into Executive Session. Motion passed on roll call vote.

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

A motion was made by Dr. Shonda Lassiter and seconded by Dr. Greg Huenergardt stating that the state has proven the facts as listed in the First Amended

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Complaint, paragraphs 1-8 except for 5B by clear and convincing evidence. Motion passed on roll call vote.

A motion was made by Dr. Chris Schiller and seconded by Dr. Shonda Lassiter that the state has proven the alleged conclusion of law stated in the facts in the First Amended Complaint by clear and convincing evidence and adopt them except for paragraph 4.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller that the respondents license be suspended indefinitely and that it remains as such until he enters into a life-time contract with OPHP. Mr. Forest is to undergo a neuro psych evaluation and abide by all recommendations. Mr. Forest is to undergo a "Fit for Duty" by an approved OPHP provider and abide by all recommendations. Mr. Forest is to pay a fine of \$7500. He is to attend a live seminar on substance abuse and complete 15 hours of live CE before the end of December 2024. Motion passed on roll call vote.

President St. Cyr adjourned the Board meeting:

A motion was made by Bob Howard and seconded by Dr. Chris Schiller to adjourn the Board meeting. Motion passed on roll call vote. President St. Cyr adjourned the Board meeting at 8:22 p.m.

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