

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

April 17, 2024

Call to order:

President St. Cyr called the April 17, 2024, meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 am with a roll call vote. 5 of 6 members 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 was unable to attend this meeting

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
Emily Isbill, Assistant Attorney General
Maria Maule, Assistant Attorney General, Advisor for the Board.

Guests Nancy Williams, SWOSU College of Pharmacy
Vince Dennis, OU College of Pharmacy
Jay Kinnard, OU College of Pharmacy/1893 Pharmacy
Haley Barrett, Chickasaw Nation
KayDee Judd, Walgreens
Sarah Clark, Walgreens
Shannon Griggs, Wal-Mart
Jerod Stewart, Intern

Approval of minutes and claims:

A motion was made by Dr. Randy Curry and seconded by Dr. Greg Huenergardt to approve the January 24, 2024 minutes. Motion passed on roll call vote.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Randy Curry to approve expense claims #8056 - #8113, #H0498137 - #H0498143, #H0499701 - #H0499707, February and March payroll, the January, February and March 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. Chris Schiller to approve the cancellation list of those that did not renew within the renewal time-period. Motion passed on roll call vote.

ATTEST _____

Board reviews approved Continuing Education (CE) programs:

The Board reviewed the 1st quarter list of CE programs that had been submitted to and approved by the CE Committee on March 8, 2024.

A motion was made by Dr. Chris Schiller and seconded by Dr. Randy Curry 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 St. Cyr presented Compliance Officer (CO), Kim Hibbard with a 5 years of service pin. President St. Cyr congratulated CO Hibbard on her service with the State of Oklahoma and thanked her for the work that she does for the Board.

Board sets future Board meeting(s):

The Board set Wednesday July 17, 2024, as the next scheduled Board meeting.

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 he is following SB232 and explained that this bill deals with technician ratio and test and treat. He stated that the bill has made it through the house and will go back to the senate with updates that have been made. The language as is would allow a 3:1 ratio.

Director Hendrick noted that the rules the Board submitted are still working through the process, but he anticipates they will be accepted in the current form.

Travel:

Director Hendrick reported that he and most of the Compliance Officers (CO) attended a compounding summit in Chapel Hill, NC that was hosted by the North Carolina Board of Pharmacy in March. He stated that the conference was very informative and that it covered a vast number of topics including robotics and advanced clean room techniques.

Director Hendrick also reported that he attended the APhA annual conference in Orlando. He stated that the conference was well attended and had numerous topics of interest. He noted that he noticed there was a theme dealing with AI and the pharmacy adaptation to this technology.

Director Hendrick reminded the Board that the NABP Annual Conference will be held in Fort Worth, TX at the Worthington Renaissance Hotel May 14th - May 17th.

Building Information:

Director Hendrick reported that the air has been restored to the south offices of the pharmacy building. He reported that we recently had the unit replaced and are hoping that this will conclude our fixes on the building and can now look toward other projects including the covered parking.

Board Emails:

Director Hendrick reminded the Board members that they need to continue to check their state email accounts and stated that these accounts may need password maintenance and if so, all information needs to be updated to make these accounts current. He stated that if they are using a personal email account, all information in that account could be deemed public information.

Evaluations:

Director Hendrick reported that he is currently working on updating the old evaluation form and stated that he is hoping that the updates will make the

ATTEST _____

evaluation process more comprehensive and provide him with direction. He noted that after he completes the form, President St. Cyr will review and then forward with the evaluation process and hopes to have completion in July.

John Kirtley, Arkansas Board of Pharmacy Director makes a presentation on the Arkansas Board of Pharmacy Scholarship Program:

The Board was called to order to hear the presentation by Dr. John Kirtley, Executive Director of the Arkansas Board of Pharmacy of a scholarship program that is in practice in the state of Arkansas. Dr. Kirtley explained that the program provides scholarships for pharmacy students looking to work in rural areas in the state. He stated that the program is funded by the board of pharmacy and that the selection of these scholarships are made by the Board and the schools of pharmacy.

President St. Cyr thanked Dr. Kirtley for his presentation and asked that Executive Director Hendrick research this program further and present his findings to the Board at a later date.

Board holds a discussion on Consent Order procedure for Administrative Hearings:

The Board was called to order by President St. Cyr to hold a discussion with Chief Assistant Attorney General, Maria Maule and Assistant Attorney General, Emily Isbill. Ms. Maule wanted to review the procedure of what the Board is allowed to do when a Consent/Agreed Order has been presented to them.

After a brief discussion, the Board thanked them for their insight and for the explanation of the procedure.

OSBP vs John Schick, Technician #26307, Case No. 1677:

This case was continued until the next available Board meeting.

OSBP vs Dylan Gaylor, Technician #23269, Case No. 1683:

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

At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board member answered "no".

Prior to the Board meeting, the Board received the Complaint for review. Mr. Gaylor was interviewed by Walmart Asset Protection employees regarding "theft of merchandise (non-prescription)". Mr. Gaylor admitted in a voluntary written statement to stealing merchandise equal to "about 100 or so dollars". Mr. Gaylor was terminated from Walmart.

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

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

OSBP vs Shelly Parks, Technician #7784, Case No. 1684:

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

At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board member answered "no".

Prior to the Board meeting, the Board received the Complaint for review. Ms. Parks was interviewed by Walmart Asset Protection regarding "gross misconduct – theft of money". Ms. Parks admitted to stealing the money. It was estimated that \$1874.95 was stolen over a six-month period. Ms. Parks was terminated from Walmart.

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

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

ATTEST _____

OSBP vs Madison Benson, Technician #29236, Case No. 1686:

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

At this time, President St. Cyr asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board member answered "no".

Prior to the Board meeting, the Board received the Complaint for review. The District Leader of CVS contacted the District Asset Protection Leader regarding missing prescriptions for Vyvanse. Video footage was reviewed and showed Ms. Benson crouching near a bin when she removed product and concealed it in her shirt. Ms. Benson was interviewed by the District Asset Protection Leader where she admitted to taking merchandise without paying. Ms. Benson refused to complete a voluntary statement and resigned.

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

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

OSBP vs Jessica Rhotenberry, D.Ph. #18944, Case No. 1685:

The Board was called to order by President St. Cyr to hear the case of Jessica Rhotenberry. Ms. Rhotenberry was present and chose to appear without Counsel. Oklahoma Pharmacist Helping Pharmacist (OPHP) Director, Kevin Rich was present to answer any questions of the Board.

A motion was made by Dr. Randy Curry and seconded by Dr. Chris Schiller to allow Maria Maule, Chief 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 member answered "no".

Prior to the Board meeting, the Board received the Complaint for review. Ms. Rhotenberry 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 Ms. Rhotenberry. If the Board accepts the Agreed Order, Ms. Rhotenberry would agree to the following: Ms. Rhotenberry's license is indefinitely suspended. Ms. Rhotenberry's agrees to enter into and remain compliant with a 10-year contract with Oklahoma Pharmacist Helping Pharmacist (OPHP). Once she has been determined, "Fit for Duty" and the Board has received a recommendation from OPHP supporting an active license, Ms. Rhotenberry may petition the Board to request her pharmacist license be reinstated. Ms. Rhotenberry agrees to complete fifteen (15) hours of CE for the years 2024 and 2025. All hours in 2024 and 2025 shall be live. Ms. Rhotenberry is also required to complete a "substance use disorder" conference or seminar that is OPHP approved by December 31, 2027.

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

President St. Cyr adjourned the Board meeting:

A motion was made by Dr. Greg Huenergardt 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 10:08 a.m.

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