

MINUTES

OKLAHOMA STATE BOARD OF PHARMACY

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

September 18, 2024

Call to order:

President Lassiter called the September 18, 2024, meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:35 am with a roll call vote. 5 of 6 members identified as present.

Those present were:

Board Members: Shonda Lassiter, President
Randy Curry, Vice-President
Greg Huenergardt, Member
Chris Schiller, Member
Mark St. Cyr, 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 Fardadford, Compliance Officer
Darrell Switzer, Compliance Officer
Kim Hibbard, Compliance Officer
Jennifer Musgrove, Compliance Officer
Joe Ashbaker, 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
Sarah Yount, OU College of Pharmacy
Jay Kinnard, OU College of Pharmacy/1893 Pharmacy
Sarah Clark, Walgreens
Alicia Lewallen, Walgreens
Ryan Walker, Walgreens
Lorri Walmsley, Walgreens
Kaili Meadows, Walgreens
KayDee Judd, Walgreens

Approval of minutes and claims:

A motion was made by Dr. Chris Schiller and seconded by Dr. Randy Curry to approve the July 17, 2024 minutes. Motion passed on roll call vote.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Chris Schiller to approve expense claims #8192 - #8236, #H0507973 - #H0507978, #H0509591 - #H0509596 and the July payroll. Motion passed on roll call vote.

A motion was made by Dr. Chris Schiller and seconded by Dr. Randy Curry to approve the expense claims of the Executive Director. Motion passed on roll call vote.

A motion was made by Dr. Greg Huenergardt and seconded by Dr. Mark St. Cyr to approve the July and August report of the Executive Director. Motion passed on roll call vote.

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Cancellation of Pharmacist, Pharmacies, Facilities, and Technicians:

After a review of the cancellation list previously viewed, a motion was made by Dr. Chris Schiller 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.

Board sets future Board meeting(s):

The Board set Wednesday December 18, 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:

Travel:

Director Hendrick reported on several meeting that had been attended and also gave information on upcoming meetings. The first meeting that he reported on was the OPHA Annual meeting that was held in Oklahoma City on August 24, 2024. Dr. Chris Schiller attended and gave a report that it was a very good meeting with lots of attendees.

Director Hendrick then reported that he along with the Compliance Officers attended the MALTAGON meeting that was held September 8th through the 11th in Rogers, AR. He explained that this meeting is a group of boards of pharmacy from the South and Southeastern portion of the country where Boards get together and discuss relevant topics and issues at the time. Dr. Mark St. Cyr gave a report of the meeting.

Director Hendrick noted that the NABP Forum will be held September 24th through the 26th in Chicago and that he will be attending and will report back to the Board at the next Board meeting.

Director Hendrick noted that he and the Compliance Officers will be attending the NABP District 6, 7 & 8 meeting in Sandia, NM on October 21st and 22nd. President Lassiter will be attending this meeting.

Director Hendrick then noted the dates of several upcoming meetings and stated that anyone that might be interested in going will need to let him know.

NCPA will be held October 26th through the 29th in Columbus, OH. Dr. Randy Curry and Dr. Chris Schiller will be attending this meeting.

Stop the Overdose Summit will be held on November 7th in Hot Springs, AR.

NABP Member Forum for Presidents will be held December 3rd through the 5th in Chicago, IL. He reported that President Lassiter will be attending this meeting.

ASHP Mid-Year meeting will be held December 8th through the 12th in New Orleans, LA. Dr. Randy Curry will be attending this meeting.

Tri-Regulatory meeting will be held in Tysons Corner Virginia March 4th through the 7th. Dr. Hendrick stated that he will be attending this meeting.

APHA Annual Conference will be held March 21st through the 24th in Nashville, TN.

NABP Constitution & Bylaws will be in late April in Chicago, IL. Director Hendrick noted that he will be attending and chairing this meeting.

NABP Annual Conference will be held May 12th through the 16th in Ft. Lauderdale, FL.

Building update:

Director Hendrick reported that there had been some stone on the building that had some rust spots coming from it. He stated that it had now been fixed and that everything else was good.

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Legislation:

Director Hendrick reported that the legislative session will be starting soon and that he will update the Board on anything that comes up.

A motion was made by Dr. Chris Schiller and seconded by Dr. Mark St. Cyr to approve the Executive Directors report. Motion passed on roll call vote.

NAPLEX applicant and Foreign Graduate, Preethy Rachel Rajan George appears before the Board:

The Board was called to order by President Lassiter to hear the request of Preethy George. Ms. George had taken and failed the NAPLEX 3 times and was requesting that the Board allow her a fourth attempt. Ms. George explained to the Board that due to the death of a family member that required her to return to India for a month was an issue with her not being as prepared as she should have been for the last attempt. She also reported to the Board that she plans to take more practice test and to continue to study and if approved, she plans to take the exam in the next 3-6 months.

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

OSBP vs Malcolm Mathers, Technician #13906, Case No. 1695:

The Board was called to order by President Lassiter to hear the case of Malcolm Mathers. Mr. Mathers was not present. Compliance Officer, Keevie Ridener testified for the Board. Assistant Attorney General, Joe Ashbaker, prosecuted for the Board.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Randy Curry 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 Lassiter asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board members present answered "no".

Mr. Ashbaker began by stating that the attorney for Mr. Mathers had called the afternoon before stating that he would be representing Mr. Mathers. Mr. Ashbaker stated that he had tried to call him back but had not heard back from him.

Ms. Maule asked Mr. Ashbaker if he had evidence that Mr. Mathers had been properly notified. Mr. Ashbaker stated that he did and entered it into evidence. At this time, Mr. Ashbaker called Keevie Ridener as a witness to summarize the case facts.

The Pharmacist in Charge (PIC) at CareFirst Pharmacy noticed that there were 30 Ketamine troches missing from Mr. Mathers workstation basket which was found in the hazardous lab. After searching for the missing Ketamine, the PIC announced that there would be a random drug test. After the announcement, the PIC noticed that a sleeve of backstock Ketamine troches appeared in the basket. After reviewing camera footage, it was determined that Mr. Mathers had placed the sleeves back in the basket. Mr. Mathers was terminated from CareFirst Pharmacy after testing positive for Ketamine.

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

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Randy Curry to return from Executive Session. Motion passed on roll call vote.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Chris Schiller that the facts that are alleged in the complaint are true. Motion passed on roll call vote.

A motion was made by Dr. Mark St. Cyr and seconded by Chris Schiller that based on the clear and convincing evidence presented, Mr. Mathers be found guilty of the violations in the complaint for the following sections: OAC 535:25-7-3, 353:26(a)(1,2,5,8), 59 OS 353.24(a). Motion passed on roll call vote.

A motion was made by Dr. Chris Schiller and seconded by Dr. Greg Huenergardt that the technician permit of Malcolm Mathers be revoked, and that Mr. Mathers pay a fine of \$3,000 and pays all fees and cost allowed by law. Motion passed on roll call vote.

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OSBP vs Bryanna Blackburn, Technician #28227, Case No. 1669 – requesting reinstatement of revoked technician permit:

The Board was called to order by President Lassiter to hear the request of Bryanna Blackburn. Ms. Blackburn began by stating that in September of 2023 she had appeared before the Board due to being terminated from Wal-Mart based on stealing merchandise. She stated that she has been working as a clerk in a pharmacy and that she is now a mother and has changed her life for the better.

After a discussion with Ms. Blackburn, a motion was made by Dr. Mark St. Cyr and seconded by Dr. Chris Schiller to allow Ms. Blackburn to re-apply for her technician permit. Motion passed on roll call vote.

OSBP vs Mandy Windholz, Technician #26611, Case No. 1689:

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Huenegardt to continue the case of Mandy Windholz. Motion passed on roll call vote.

OSBP vs Cade Nelson, Technician #31291, Case No. 1690:

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Greg Huenegardt to continue the case of Cade Nelson. Motion passed on roll call vote.

OSBP vs Meagan Intavong, Technician #31557, Case No. 1696:

The Board was called to order by President Lassiter to hear the case of Meagan Intavong. Ms. Intavong was not present, but it had been determined that she had been properly notified. Assistant Attorney General, Joe Ashbaker, prosecuted for the Board.

At this time, President Lassiter asked the Board if anyone feels the need to recuse themselves from hearing the case. All Board members present answered “no”.

Prior to the Board meeting, the Board received the Complaint for review. Walgreens pharmacy submitted a DEA 106 Loss Form to the Board listing Controlled Dangerous Substances (CDS) that were lost or stolen. Walgreens confirmed that Ms. Intavong was responsible for the loss. In a written statement, Ms. Intavong admitted to taking 4 generic Suboxone films from Walgreens. Ms. Intavong did not complete Phase II training before her termination and therefore her permit was cancelled.

Mr. Ashbaker then presented the Board with an Agreed Order that had been signed by Ms. Intavong. By signing the Agreed Order, Ms. Intavong admits guilt on all counts. and understands that she may not apply for technician permit before 5 years after the Agreed Order is finalized.

Motion was made by Dr. Randy Curry to go into Executive Session. There was not a seconded. The motion failed

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

OSBP vs Chad Gassett, D.Ph. #15120, Case No. 1691:

The Board was called to order by Dr. Shonda Lassiter to hear the case of Chad Gassett. Mr. Gassett was present along with Counsel Scott Anderson. Assistant Attorney General, Joe Ashbaker prosecuted for the Board.

At this time, President Lassiter 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. Gassett 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.

Mr. Ashbaker then presented the Board with an Agreed Order that had been signed by Mr. Gassett. If the Board accepts the Agreed Order, Mr. Gassett would agree to the following: Mr. Gassett will enter into and abide by a ten-year contract with Oklahoma Pharmacist Helping Pharmacist (OPHP) having full compliance, including following all recommendations made by OPHP. This date will be retroactive to Mr. Gassett previous entry into OPHP program. If at any time, Mr. Gassett becomes non-compliant with the OPHP contract, the contract shall transition into a lifetime contract. Mr. Gassett's license is indefinitely suspended until he has been determined to be “Fit for Duty” and the Board receives a recommendation from OPHP in support of Mr. Gassett's license becoming active. Mr. Gassett must appear before the Board to request that his license be reinstated. Mr. Gassett agrees to complete fifteen (15) hours

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of CE for the years 2025 and 2026. All hours in 2025 and 2026 shall be live. Mr. Gassett is also required to complete a "substance use disorder" conference or seminar by December 31, 2027 that has been approved by OPHP.

A motion was made by Dr. Mark St. Cyr and seconded by Dr. Chris Schiller to accept the Agreed Order as presented. Motion passed on roll call vote.

OSBP vs Truhealth Pharmacy, #2-8556, Case No. 1692:

The Board was called to order by Dr. Shonda Lassiter to hear the case of Truhealth Pharmacy. Director of Pharmacy, Justin Little, was present as representative for the pharmacy along with Counsel Libby Scott. Assistant Attorney General, Joe Ashbaker prosecuted for the Board.

At this time, President Lassiter 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.

Truhealth Pharmacy was charged with multiple violations of state and federal regulations and rules including: failure to establish and maintain effective controls against the diversion of prescription drugs and/or controlled dangerous drugs into other than legitimate medical, scientific, or industrial channels by federal, state or local laws or rules.

Mr. Ashbaker then presented the Board with an Agreed Order that had been signed by representatives of Truhealth Pharmacy. If the Board accepts the Agreed Order, Truhealth Pharmacy would agree to the following: Truhealth Pharmacy agrees to pay a fine of \$2400 per count for a total of \$12,000 and will pay for investigative costs as to be agreed upon by parties. The supervisor and pharmacist in charge (PIC) will view camera footage at all locations once weekly and document cameras are operating properly. This will be done for four (4) years from the date of the Agreed Order. The pharmacy agrees to conduct annual inventory bi-annually for four (4) years from the date of the Agreed Order. Truehealth pharmacy will update the policy and procedures quarterly for four (4) years from the date of the Agreed Order. The first major update will be submitted to the board for review.

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

OSBP vs Karen Custer, Co-owner of Woodward Livestock Vet Supply, LLC #44-W-3806, Case No. 1693:

The Board was called to order by Dr. Shonda Lassiter to hear the case of Karen Custer. Ms. Custer was present and is a co-owner of Woodward Livestock Vet Supply. Ms. Custer chose to appear without Counsel. Assistant Attorney General, Joe Ashbaker prosecuted for the Board.

At this time, President Lassiter 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. Karen Custer sold a prescription drug without a valid prescription of file and is guilty of the following violation: it is unlawful for a wholesaler or distributor licensed in the state to sell a prescription labeled drug to a client of the client's authorized agent without a valid veterinarian-client-patient relationship in place.

Mr. Ashbaker then presented the Board with an Agreed Order that had been signed by Ms. Custer. If the Board accepts the Agreed Order, Ms. Custer would agree to the following: Ms. Custer agrees to pay a fine of \$1000 within 60 days.

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

OSBP vs Woodward Livestock Vet Supply, LLC #44-W-3806, Case No. 1694:

The Board was called to order by Dr. Shonda Lassiter to hear the case of Woodward Livestock Vet Supply, LLC. Woodward Livestock Vet Supply, LLC., Co-owner Karen Custer was present as representative of the wholesaler and chose to appear without Counsel. Assistant Attorney General, Joe Ashbaker prosecuted for the Board.

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

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Prior to the Board meeting, the Board received the Complaint for review. Woodward Livestock Vet Supply, LLC. The sold a prescription drug without placing a label on the prescription bottle/container and is guilty of violating 59 O.S. § 353.20.1.

Mr. Ashbaker then presented the Board with an Agreed Order that had been signed by wholesaler representative, Karen Custer. If the Board accepts the Agreed Order, Woodward Livestock Vet Supply, LLC would agree to the following: Woodward Livestock Vet Supply agrees to pay an administrative fine of \$9000.

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

Lorri Walmsley and Ryan Walker, Representatives of Walgreens to appear before the Board to discuss the possibility of amending the current regulations related to Shared Services:

The Board was called to order to hear the request of Walgreens. Lorri Walmsley and Ryan Walker appeared before the Board to discuss the possibility of amending current regulations related to Shared Services and to allow these functions to be performed using a non-resident pharmacy that is licensed by the Oklahoma Board of Pharmacy. Mr. Walker had previously appeared at an earlier meeting to discuss this request however the discussion was tabled until further questions could be answered. Ms. Walmsley began the discussion with an explanation of how the request originally came through as a pilot program and that during the pandemic they were granted a waiver. She stated that many team members have stated that this program had provided support to them and helped the patients. Ms. Walmsley reviewed some of the benefits of having Shared Services would provide by going through the process of how they have the system set up. She also stated that due to the shortage of pharmacy graduates, it has become an issue with staffing pharmacies.

After a lengthy discussion, a motion was made by Dr. Randy Curry and seconded by Dr. Mark St. Cyr to table the discussion until further research can be completed. Motion passed on roll call vote. Dr. Greg Huenergardt voted "no".

President Lassiter adjourned the Board meeting

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