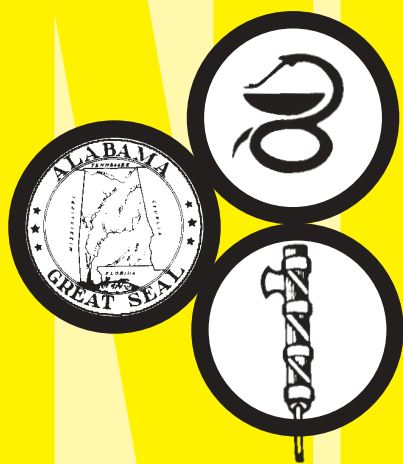


August 2003



Alabama State Board of Pharmacy

1 Perimeter Park South, Suite 425 South
Birmingham, AL 35243
Tel: 205/967-0130 Fax: 205/970-6846

Published to promote voluntary compliance of pharmacy and drug law.

Keys to Pharmacy

Rule 680-X-2-.11. Partitioning/Separate Entrance, reads in its entirety:

- (1) Any pharmacy doing business within the State of Alabama must be physically enclosed, secured and locked when not open for business, except in the temporary absence of the pharmacist on duty as provided for in Section 34-23-70(a), Title 34, Chapter 23, Code of Alabama 1975. At all times registered Pharmacists designated by the licensee must have all keys in their possession. The enclosed and secured area must encompass all drugs, products, and devices, the character of which require dispensing or sale by a registered Pharmacist, and include store rooms used for receiving or storing these items.
- (2) An outside door to the prescription department will be provided where the Pharmacist does not have access to the department by other entrances after normal operating hours of the entire store.

The Board would like to emphasize the section that reads, **“At all times registered Pharmacists designated by the licensee must have all keys in their possession.”** The drug inspectors continue to find employees, not just the pharmacist, in possession of the keys to the pharmacy. This is in direct violation of the rules of the Alabama State Board of Pharmacy and, when discovered, will result in an administrative hearing.

Substitution of Drugs

The Alabama State Board of pharmacy continues to receive complaints from physicians who write prescriptions and sign them “dispense as written,” but find their patients are dispensed generic drugs. Numerous “warning” notices have been issued regarding substitution, but, unfortunately, this has not resolved the problem. Therefore, the Board will no longer issue “warning” notices but will instead assess a monetary fine of five hundred dollars (\$500).

Administrative Hearings – March 2003 Through May 2003

Pharmacy’s name: **Gulf South Pharmacy #112081**; Pharmacist’s name:

Roger A. Everett #4764. Enabling or assisting individual to perform pharmacy functions and/or being present in prescription department without being registered as a technician. Action – Probation five years; monetary penalty.

Technician’s name: **Angela Barnette Duckworth #T11822**. Performing pharmacy function and/or being present in prescription department without being registered as a pharmacy technician. Action – Probation five years; monetary penalty.

Technician’s name: **Michael Royce Gibbs #T08352**. Conviction in Circuit Court of possession of a forged instrument in the Second Degree, which is a conviction of a felony. Action – Revoked.

Non-Resident Pharmacy: **Prescriptiononline.com #111625**. Disciplinary actions taken on pharmacy manager’s license by Nevada, California, Illinois, Louisiana, and Hawaii. Action – Revoked; monetary penalty.

Technician’s name: **Chaka Fay Hammock #T07886**. Taking possession of credit card belonging to another person and giving to another person to obtain merchandise. Action – Revoked.

Pharmacist’s name: **William James Legg #14038**. Dispensing prescription legend drugs without authorization from a licensed practitioner; allowing pharmacy to be open and allowing tech to be present in pharmacy department without the personal direct supervision of a license pharmacist. Action – Monetary fine.

Technician’s name: **Meredith Christine Mickle #T13031**. Illegally taking merchandise from employer. Action – Revoked.

Retail Medical Oxygen Supplier: **O2Neal Medical, Inc/applicant for permit**. One of the owners convicted of a felony. Action – Permit granted; probation; probation to run concurrent with imposed probation in federal case; monetary fine.

Pharmacist’s name: **Theron Spruell #11270** and Pharmacy’s name: **Spruell Pharmacy #110476**. Failing to keep records and maintain inventories; dispensing controlled substances without a written or oral prescription of a practitioner. Action – Suspended; upon completion of a satisfactory inspection by the Board of Pharmacy that all drugs are properly labeled, out of date drugs properly disposed of, and all records and documentation required by law have been provided, suspension shall revert to probation for five years; monetary fine.

Applicant for technician’s name: **Terra M. Toles**. Attempting to obtain technician registration by fraudulent means. Action – Registration granted and placed on probation for two years.

Pharmacist’s name: **JoAnn Watts #11642**. Dispensing controlled substances without a written or oral prescription of a practitioner; failing to maintain inventories and records of CS; unlawful possession or unlawfully obtaining by fraud, deceit, misrepresentation, or subterfuge. Action – Revoked.

Technicians’ names: **Dianne Lee Harper #T03015**; **Diana Michelle Nix #T03784**; **Amanda Leigh Poole #T08095**; **Billy Ray Wilson #T08803**. Dispensing controlled substances without a written or oral prescription of a practitioner. Action – Revoked.

Technician’s name: **Lakeitha Lavette McCrary #T08791**. Conviction in Circuit Court of possession of marijuana in the First Degree and failing to disclose on technician applications. Action – Revoked.

Pharmacist’s name: **Edward Lynn Warren #9990**. Allowing someone other than a licensed pharmacist to have possession of a key to pharmacy and allowing pharmacy technicians to be present in the prescription department without direct supervision of a pharmacist. Action – one-year probation; monetary penalty; retake law portion of the licensing examination.

Pharmacist’s name: **Richard Franklin Wicker #7754**. Failing to meet continuing education (CE) requirements for 1997 renewal. Action – Suspended until the administrative fine and back renewal fees are paid and documentation of CE hours is submitted to and approved by the Board of Pharmacy.

Pharmacist’s name: **Jimmy Malloy Rogers #6468** and Pharmacy’s name: **Center Drug Store #102200**. Conviction in US District Court of a felony for unlawful distribution of a controlled substance. Action – Pharmacy’s permit placed on probation for five years; pharmacist’s license suspended for five years; monetary penalty.

Continued on page 4

Continued from page 1

Pharmacist's name: **Beverley Gail Smalridge #7861**. Failure to satisfy continuing education requirements for renewal. Action – One year probation; monetary fine; complete and submit documentation of 27 live hours within one year.

Technician's name: **Carolyn J. Priest #T00095**. Performing pharmacy functions by filling and/or dispensing prescriptions and/or being present in pharmacy while not under the immediate and direct supervision of a pharmacist. Action – Two years probation; monetary penalty.

Pharmacist's names: **William Gene Hulan #6769** and **James Alan Gardner #12053**; Pharmacy's name: **Crossville Drugs, Inc #102930**. Allowing pharmacy technician and extern to fill and/or dispense prescriptions while absent from pharmacy. Action – Two years probation; monetary penalty.

Extern/Intern's name: **Brett Benson Hulan #7373**. Filling and/or dispensing prescriptions while not under the immediate and direct supervision of a pharmacist. Action – Two years probation; monetary penalty.

Pharmacists' names: **Anne Edmunds Dukes #12727**; **David N. Greer #7985**; **Michelle Mayer #14023**; **Robert Scott Griffin #10404**; **Christopher Clay Martin #10957**; **Anne Marie Gault #13204**; **John L. Finley, III #10289**; **Kelly Sanford McKelvey #12762**; **Kenneth G. Hayes #12168**; **Charles Dwayne Beams #13456**. Failure to satisfy continuing education requirements for renewal. Action – Signed "Consent Order"; required to complete deficient hours in triplicate; monetary fine.

Pharmacists' names: **Brian E. Beckett #11645**; **Roger Aaron Brasher #7000**; **Gerald Lee Campbell #6022**; **William McDonald Ford #7013**; **James C. Downey #6871**; **William Bryan Proctor, Jr #7070**; **Ray Robertson #7371**; **Theron Cleve Spruell #11270**. Allowing pharmacy to engage in the selling, offering for sale, compounding or dispensing without first having renewed their permit. Action – monetary fine.

Pharmacies' names: **Healthsouth Metro West Hospital #180122**; **Center Point Pharmacy #102215**; **Drugs For Less #111181**; **Downey Drug #111208**; **Moody Pharmacy, Inc #106965**; **Montevallo Drug Company #106950**; **Professional Pharmacy #108153**; **Spruell Pharmacy #110476**; **Express-Med, Inc #111117/200515**; **Med-Direct Pharmaceuticals, LLC #112113**; **Cyberpharmacy.com #111599/200688**; Engaging in the sale, offering for selling, compounding, or dispensing drugs without first renewing permit. Action – monetary penalty.

Pharmacies' names: **Healthsouth Metro West Hospital #180122**; **CVS Pharmacy #4895**; **Sylacauga Apothecary #109550**; **Wellness Health and Pharmaceuticals #110003**; **East Alabama Medical Center #130037**; **Kmart Pharmacy 4760 #105912**; **College City Drug Company #102640**; **Riverview Regional Medical Center #150023**; **CVS Pharmacy 4956 #110949**; **Winn-Dixie Pharmacy 407 #110379**; **Rite Aid 7176 #105775**; **Kmart Pharmacy 3082**

#105845. Allowing a technician to perform pharmacy functions and work as a pharmacy technician without a current pharmacy technician registration. Action – monetary penalty.

Technicians' names: **Matthew Carl Harbin #T12869**; **Vicki Cochran Robbins #T04197**; **Judy F. Webster #T01194**; **Brandon Glenn Patterson #T08130**; **Jennifer Lynne Fordham #T10607**; **Melinda Lynn Miller #T12214**; **Jessica Lee Glover #T08592**; **Jennifer Woodham Moseley #T04870**; **Tarsha Michelle Banks #T11988**; **Nicole Adelle Willoughby #T04427**; **Cindy Marie Knoll #T09241**; **Sherry Brackins #T02416**; **Mary Leah Burroughs #T03873**; **Whitney Hope Green #T12462**; **Erica Dawn Newman #T12174**; **Darren Wesley Wells #T02100**. Performing pharmacy functions and working as a pharmacy technician without timely renewing and possessing a current registration. Action – monetary penalty.

Pharmacists' names: **Steven Wesley Gifford #11802**; **John Dexter Camp #6567**; **Jonathan Franklin Stephens #11804**; **Grover Eugene Young #7399**; **Candace Hurtt Webb #13865**; **John Alvin Looney, Jr #9303**; **Robin Ashley Bellomy #14305**; **Bradford Rogers Sturgis #9717**; **Roger L. Johnson #6088**; **Deryl Torbert Horne #7753**; **John Preston Robinson #11033**; **Phillip James Rogers #7858**; **Shannon W. Ivey #12399**; Allowing a technician to perform pharmacy functions and work as a pharmacy technician without timely renewing and possessing a current registration. Action – monetary penalty.

Pharmacists' names: **Roger Aaron Brasher #7000**; **Amy Levita Yates #14508**; **Jason Edwin Murph #12801**; **Darrell Thomas Milligan #9698**; **Theron Cleve Spruell #11270**; **Emmett Monroe Davis, Jr #7617**. Practicing pharmacy and working as a pharmacist without first having renewed certificate of license with the Board. Action – monetary fine.

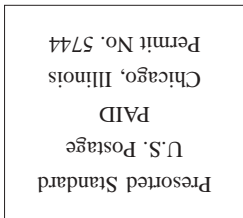
Pharmacist's names: **Amy Levita Yates #14508**; **Jeffrey Bryan Mercer #13974**; **Jason Edwin Murph #12801**. Allowing pharmacist to practice pharmacy and work as a pharmacist without renewing certificate of license from Board. Action – monetary fine.

Pharmacies' names: **Fred's Payless Pharmacy #110617**; **Publix Pharmacy 0598 #111847**. Allowing pharmacist to practice pharmacy and work as a pharmacist without renewing certificate of license from Board. Action – monetary fine.

Page 4 – August 2003

The *Alabama State Board of Pharmacy News* is published by the Alabama State Board of Pharmacy and the National Association of Boards of Pharmacy Foundation, Inc, to promote voluntary compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of the Foundation or the Board unless expressly so stated.

Jerry Moore, JD, RPh - State News Editor
Carmen A. Catizone, MS, RPh, DPh - National News Editor & Executive Editor
Reneeta "Rene" Renganathan - Editorial Manager



ALABAMA STATE BOARD OF PHARMACY
National Association of Boards of Pharmacy Foundation, Inc
700 Busse Highway
Park Ridge, Illinois 60068