



Oklahoma State Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

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Correction to the April 2008 Newsletter

Case 853, Medical Park Center Pharmacy, #9-2507 and Gary Walter Bell, DPh #11230 were incorrectly reported as being revoked. Both respondents were issued a Letter of Reprimand for one (1) year.

Notice

The Oklahoma State Board of Pharmacy is still accepting applications for the position of executive director. Interested persons can view the "Career Opportunity" notice posted at www.pharmacy.ok.gov.

Board Meeting – April 2, 2008

Disciplinary Action

Vanessa Vasquez, Tech #10881 – Case No. 850: Charges:

Theft of merchandise and unlawfully distributing, dispensing, transporting with intent to distribute or dispense, or possessing with intent to manufacture, distribute, or dispense, a controlled dangerous substance (CDS). **Permit revoked.**

Laci English, Tech #10264 – Case No. 854: Charges:

Theft of merchandise; theft of CDS; and unlawfully distributing, dispensing, transporting with intent to distribute or dispense, or possessing with intent to manufacture, distribute, or dispense, a CDS. **Permit revoked.**

Ashley Blanton, Tech #9381 – Case No. 856: Charges:

Theft of merchandise; theft of CDS; and unlawfully distributing, dispensing, transporting with intent to distribute or dispense, or possessing with intent to manufacture, distribute, or dispense, a CDS. **Permit revoked.**

Adam Klapacz, Tech #10267 – Case No. 857: Charges:

Theft of merchandise and failure to notify the Board, in writing, within ten (10) days of change of employment. **Permit revoked.**

Paige Thomas, Tech #11437 – Case No. 858: Charges:

Theft of merchandise. **Permit revoked.**

Diane Keeton Marion, Tech #4853 – Case No. 859:

Charges: Theft of merchandise and filing a report or record that the registrant knows to be false. **Permit revoked.**

The Board took action in two (2) impaired cases: **Case 793 – DPh #8257**, respondent was granted probation; and **Case 861 – DPh #12336**, respondent was fined \$400 and his license was suspended for ten (10) years until April 2, 2018.

Board Meeting – May 7, 2008

Disciplinary Action

Sharon Goodell, Tech #1478 – Case No. 847: Charges:

Failing to conduct business at all times in conformity with all federal, state, and municipal laws. **Permit revoked.**

Gracie Morgan, Tech #71 – Case No. 863: Charges: Theft of merchandise and possession of a CDS without a valid prescription. **Permit revoked.**

The Board took action in four (4) impaired cases: **Case 494A – DPh #10336**, respondent will be placed on probation after completing 1,500 hours as a graduate intern under the supervision of a licensed preceptor and obtaining a "Fit For Duty" evaluation from Oklahoma Pharmacists Helping Pharmacists (OPHP); **Case 631 – DPh #11918**, respondent will be placed on probation after completing 1,500 hours as a graduate intern under the supervision of a licensed preceptor and obtaining a "Fit For Duty" evaluation from OPHP; **Case 655 – DPh #9588**, respondent must complete a six (6)-month transition period with OPHP before his probation will be removed; **Case 861 – DPh #12336**, respondent was placed on probation until April 2, 2018.

From the Inspectors

◆ **New Pharmacy Law Book Available:** New law books are available. Your inspectors will provide one to your pharmacy when conducting their routine inspection. Law Books are also available for download from the Board's Web site at www.pharmacy.ok.gov. If you would like to order one, printed Law Books are available from the Board office for a fee of \$10 per book. Payment must be received in advance. Checks or money orders are accepted.

◆ **CDS Logbook:** When a pharmacy is using a logbook as part of its automated method to maintain original and refill information on CDS, the pharmacist must sign

Continued on page 4



A Community Pharmacy Technician's Role in Medication Reduction Strategies



This column was prepared by the Institute for Safe Medication Practices (ISMP). ISMP is an independent nonprofit agency that works closely with United States Pharmacopeia (USP) and Food and Drug Administration (FDA) in analyzing medication errors, near misses, and potentially hazardous conditions as reported by pharmacists and other practitioners. ISMP then makes appropriate contacts with companies and regulators, gathers expert opinion about prevention measures, and publishes its recommendations. To read about the recommendations for prevention of reported errors that you can put into practice today, subscribe to **ISMP Medication Safety Alert!**[®] **Community/Ambulatory Edition** by visiting www.ismp.org. If you would like to report a problem confidentially to these organizations, go to the ISMP Web site (www.ismp.org) for links with USP, ISMP, and FDA. Or call 1-800/23-ERROR to report directly to the USP-ISMP Medication Errors Reporting Program. ISMP address: 200 Lakeside Dr, Horsham, PA 19044. Phone: 215/947-7797. E-mail: ismpinfo@ismp.org.

Pharmacy technicians play a major role in community pharmacy practice. The pharmacist relies on the technician to provide an extra layer of safety. It is important for technicians to follow system-based processes and inform the pharmacist when these processes do not work or are unmanageable.

Prescription Drop Off

The date of birth should be written on every hard copy prescription so the pharmacist has a second identifier readily available during verification. Allergy information should be questioned and updated at every patient encounter. Medical condition information, such as pregnancy, communicated to the technician at drop off should be updated in the computerized profile system to help the verification pharmacist determine counseling opportunities. Knowing a person's medical conditions also helps the pharmacist determine if prescriptions are written incorrectly or for the wrong drug.

Data Entry

Medication safety is enhanced when technicians know the particular language of pharmacy when entering a prescription.

New drugs are at a particular risk because it is more likely that the technician is not aware of the new drug and a more familiar drug is selected. Pharmacists and technicians should work together to determine the best method of distributing information regarding availability of new drugs on the market.

It is important that the technician understands the safety features of the computer system and does not create work-arounds to improve efficiency at the risk of decreasing accuracy and safety. Drug alerts can be numerous, and the technician may be inclined to override the alert and not "bother" the pharmacist. A better way to resolve too many alerts would be to establish protocol between the technician and the pharmacist to determine which level and type of alert needs pharmacist intervention.

Production

Mix-ups occur primarily due to incorrectly reading the label. The problem is aggravated by what is referred to as *confirmation bias*. Often a technician chooses a medication container based on a mental picture of the item, whether it be a characteristic of the drug label, the shape and size or color of the container, or the location of the item on a shelf. Consequently the wrong product is picked. Physically separating drugs

with look-alike labels and packaging helps to reduce this contributing factor.

Point of Sale

Correctly filled prescriptions sold to a patient for whom it was not intended is an error that can be avoided by consistent use of a second identifier at the point of sale. Ask the person picking up the prescription to verify the address or in the case of similar names, the date of birth, and compare the answer to the information on the prescription receipt.

Internal errors should be discussed among all staff for training purposes. In addition, it is important to read about and discuss errors and methods of prevention occurring and being employed at other pharmacies within a chain and in other pharmacies, nationwide. ISMP Medication Safety Alert! Community/Ambulatory Edition offers this information to both pharmacists and technicians.

FDA's Effort to Remove Unapproved Drugs From the Market

Pharmacists are often not aware of the unapproved status of some drugs and have continued to unknowingly dispense unapproved drugs because the labeling does not disclose that they lack FDA approval. FDA estimates that there are several thousand unapproved drugs illegally marketed in the United States. FDA is stepping up its efforts to remove unapproved drugs from the market.

Background

There are three categories of unapproved drugs that are on the market. The first category consists of those that have been approved for safety, or that are identical, related, or similar to those drugs, and either have been found not to be effective, or for which FDA has not yet determined that they are effective. Between 1938 (passage of the Federal Food, Drug, and Cosmetic Act) and 1962, manufacturers were only required to demonstrate that drugs were safe; the requirement that they also demonstrate that drugs were effective was added in 1962. Drugs that fall in this category have been part of the DESI (Drug Efficacy Study Implementation) review, which was implemented to determine whether drugs approved between 1938 and 1962, or drugs that are identical, related, or similar to such drugs, met the new effectiveness requirements. While the DESI review is mostly completed, some parts of it are still continuing. The second category of unapproved drugs consists of those drugs that were on the market prior to 1938 (passage of the Federal Food, Drug, and Cosmetic Act). The third category, new unapproved drugs, comprises unapproved drugs that were first marketed (or changed) after 1962. Some also may have already been the subject of a formal agency finding that they are new drugs.

FDA's Concerns About Unapproved Drugs

FDA has serious concerns that drugs marketed without FDA approval may not meet modern standards for safety, effectiveness, manufacturing quality, labeling, and post-market surveillance. For example, FDA-approved drugs must demonstrate that their manufacturing processes can reliably produce drug products of expected identity, strength, quality, and purity. In addition, FDA's review of the applicant's labeling ensures that health care professionals and patients have the information necessary to understand a drug product's risks and its safety and efficacy.

Sponsors that market approved products are subject to more extensive reporting requirements for adverse drug events than sponsors of unapproved drugs. Reporting of adverse events by health care professionals and patients is voluntary, and under-reporting is well documented. FDA, therefore, cannot assume that an unapproved drug is safe or effective simply because it has been marketed for some period of time without reports of serious safety or effectiveness concerns.



Enforcement Priorities

Manufacturers of unapproved drugs are usually fully aware that their drugs are marketed illegally, yet they continue to circumvent the law and put consumers' health at risk.

Most recently, in June 2006, FDA issued a guidance entitled "Marketed Unapproved Drugs – Compliance Policy Guide" (CPG) outlining its enforcement policies aimed at bringing all such drugs into the approval process. (The CPG is available at www.fda.gov/cder/guidance/6911fnl.pdf) The agency provided industry with specific notice that anyone who markets an unapproved drug is subject to enforcement action. This CPG outlines the agency's risk-based enforcement policies aimed at bringing all such drugs into the approval process without imposing undue burdens on consumers or unnecessarily disrupting the market. For all unapproved drugs, the CPG gives highest enforcement priority to the following:

- ◆ Drugs with potential safety concerns
- ◆ Drugs that lack evidence of effectiveness
- ◆ Fraudulent drugs
- ◆ Drugs with formulation changes made as a pretext to avoid enforcement
- ◆ Unapproved drugs that directly compete with an approved drug

Table 1 lists examples of drugs or classes of drugs that, consistent with the CPG, FDA has identified as a higher priority because of safety or other concerns. For six of them, FDA has specifically announced its intention to take enforcement action against companies marketing unapproved versions of those drug products. FDA has withdrawn the approval of the seventh product.

Extended release combination drug products containing guaifenesin (competed with approved products)
Trimethobenzamide hydrochloride suppositories (lacked evidence of effectiveness)
Ergotamine-containing drug products (labeling did not include critical warnings regarding the potential for serious, possibly fatal interactions with other drugs)
Quinine sulfate drug products (665 reports of adverse events, including 93 deaths, and the labeling lacked necessary warnings and safe dosing information)
Carbinoxamine drug products (associated with 21 infant deaths)
Colchicine injectables (50 reports of adverse events, including 23 deaths)

Importance to Pharmacists

FDA is taking steps to ensure that all marketed US drugs have met approval requirements. FDA recognizes that some unapproved drugs may provide benefits; however, since these products have not undergone FDA review for safety and efficacy, the agency recommends that pharmacists, prescribers, and patients carefully consider the medical condition being treated, the patient's previous response to a drug, and the availability of approved alternatives for treatment. FDA will proceed on a case-by-case basis and make every effort to avoid adversely affecting public health, imposing undue burdens on health care professionals and patients, and unnecessarily disrupting the drug supply. More information regarding the FDA's Unapproved Drug Initiative can be found on its Web site: www.fda.gov/cder/drug/unapproved_drugs/.

NABP Educates Public on Buying from Internet Pharmacies with New Section on its Web site

On May 16, 2008, the National Association of Boards of Pharmacy® (NABP®) launched the Internet Pharmacies section of its Web site, educating patients on the potential dangers of buying medicine online and empowering them to make informed choices. As of mid-June, the site listed 250 Internet drug outlets that appear to be out of compliance with state and federal laws or NABP patient safety and pharmacy practice standards, thereby putting those who purchase from these sites in danger of purchasing drugs that could cause patients serious harm or even death.

NABP developed these standards for its new Internet Drug Outlet Identification program with input from its member boards of pharmacy, interested stakeholders, and regulatory agencies, including the FDA and the US Drug Enforcement Administration. Internet drug outlets operating in conflict with these criteria are listed on the NABP Web site as "not recommended." NABP has identified another 300 suspiciously operating Internet drug outlets and is in the process of verifying its findings before posting these sites to the "not recommended" list. Of the hundreds of sites reviewed under this program so far, only nine have been found to be potentially legitimate, pending verification of licensure and other criteria. At this time, NABP recommends that patients buying medicine online use only Internet pharmacies accredited through the VIPPS® (Verified Internet Pharmacy Practice Sites™) program. NABP has verified that these pharmacies are appropriately licensed and have successfully completed the well-recognized and rigorous VIPPS criteria evaluation and on-site inspection. These pharmacies, representing more than 12,000 pharmacies, are listed on the NABP Web site as "recommended."

These lists, along with program criteria and related patient information, are accessible in the Internet Pharmacies section of the NABP Web site.

The new program is an outgrowth of a 2007 NABP resolution, "Internet Pharmacy Public Safety Awareness," in which the Association pledges to continue collaborating with federal agencies and other interested stakeholders to educate the public and health care professionals of the dangers of acquiring drugs illegally through the Internet and from foreign sources. As part of this initiative, NABP will provide information to assist state and federal regulators in their efforts to shut down rogue Internet drug outlets.

RxPatrol Video Helps Pharmacists Address and Prevent Pharmacy Theft

Pharmacy theft is a serious crime that is on the rise, costing pharmacies billions annually in stolen medication according to the Federal Bureau of Investigation (FBI). RxPatrol® has teamed up with Crime Stoppers and other law enforcement officials to disseminate information regarding pharmacy crime. One resource that pharmacists can use to educate themselves and their coworkers is a training video that provides tips for pharmacists to address the rising issue of pharmacy robberies. The video includes interviews with law enforcement officials from the FBI and police department about what can be done to prevent such activity. The video can be found on the RxPatrol Web site at www.rxpatrol.com/videos.asp and by clicking on "Pharmacy Safety – Robbery."

RxPatrol is a collaborative effort between industry and law enforcement designed to collect, collate, analyze and disseminate pharmacy theft information. RxPatrol helps protect the pharmacy environment and ensure legitimate patients' access to life-sustaining medicines.

the logbook each day. The inspectors frequently notice that pharmacists are not signing the logbook each day. Most pharmacies keep the logbook out of the sight of the pharmacist. If it is out of sight, then it is out of mind. Keep the logbook where the pharmacist can see it during his or her daily routine or post signs in the pharmacy as a reminder for the pharmacist to sign the logbook.

- ◆ **Advanced Practice Nurses:** Advanced practice nurses with authority to prescribe Schedule III through Schedule V controlled substances can prescribe up to 30 days supply with no refills. Even if they prescribe less than 30 days they cannot authorize any refills on these prescriptions. This will go into effect on July 1, 2008.
- ◆ **Multiple Schedule II Prescriptions:** Drug Enforcement Administration has amended its regulation to allow practitioners to provide an individual patient with multiple prescriptions for a specific Schedule II controlled substance, written on the same date, to be filled sequentially for up to a 90-day supply. **However**, Oklahoma Bureau of Narcotics Rule 475:30-1-4(c)(2) states, "A written prescription for a controlled dangerous substance in Schedule II becomes invalid thirty (30) days after the date of issuance, with day one (1) of the thirty (30) day period being the first day after date of issuance." Pharmacists must follow the more strict Oklahoma law.
- ◆ **Proper Disposal of Prescription Drugs:** The new federal prescription drug disposal guidelines urge Americans to:
 - ◆ Take unused, unneeded, or expired prescription drugs out of their original containers.
 - ◆ Mix the prescription drugs with an undesirable substance, like used coffee grounds or kitty litter, and put them in impermeable, nondescript containers, such as empty cans or sealable bags, further ensuring that the drugs are not diverted or accidentally ingested by children or pets.
 - ◆ Throw these containers in the trash.
 - ◆ Flush prescription drugs down the toilet only if the accompanying patient information specifically instructs it is safe to do so.
 - ◆ Return unused, unneeded, or expired prescription drugs to pharmaceutical take-back locations that allow the public to bring unused drugs to a central location for safe disposal.

Food and Drug Administration advised that the following drugs be flushed down the toilet instead of thrown in the trash:

Actiq® (fentanyl citrate)
Daytrana™ Transdermal Patch (methylphenidate)
Duragesic® Transdermal System (fentanyl)
OxyContin® tablets (oxycodone)
Avinza® capsules (morphine sulfate)
Baraclude® tablets (entecavir)
Reyataz® capsules (atazanavir sulfate)
Tequin® tablets (gatifloxacin)
Zerit® for Oral Solutions (stavudine)
Meperidine HCl tablets
Percocet® (oxycodone and acetaminophen)
Xyrem® (sodium oxybate)
Fentora™ (fentanyl buccal tablet)

Note: Patients should always refer to printed materials accompanying their medication for specific instructions.

Citizenship Affidavit Now Required

Effective November 1, 2007, a new state law requires **all license applicants** to verify their lawful presence by executing a sworn affidavit under the penalty of perjury. Please complete **either** Option 1 if you are a United States citizen **or** Option 2 if you are a qualified alien, and return the affidavit with your application. Any application received without a signed, notarized statement will be returned.

Have You Mailed Your Renewal?

The Board mails renewal applications (sixty) 60 days in advance of expiration. If you do not receive a renewal by the first of the month of the expiration date, it is *your* responsibility to obtain one (see www.pharmacy.ok.gov under "Download Forms").

Please allow a **minimum** of seven (7) to ten (10) days processing time from the date the Board should have received your application before becoming concerned. Renewals are processed in the order they are received and special consideration will not be given to anyone.

For those pharmacists and technicians that are not allowed to work after their license or permit expires, you may use this *Newsletter* to show the Human Resource Department that your license or permit is **valid for 30 days after expiration**. The Oklahoma Pharmacy Act, Title 59, Chapter 8 §353.11 requires a 30-day grace period before a license is canceled. This also applies to pharmacy licenses. You may need to show this *Newsletter* to your wholesaler as well.

Reminder

Board rules require that all registrants (pharmacists, technicians, and interns) notify the Board in writing within ten (10) days of a change of address or employment.

This publication is issued by the Oklahoma State Board of Pharmacy as authorized by Title 59 O.S. 353.7. Copies have not been printed but are available through the agency website. Two printout copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. [74 O.S. 2001 § 3105(B)]