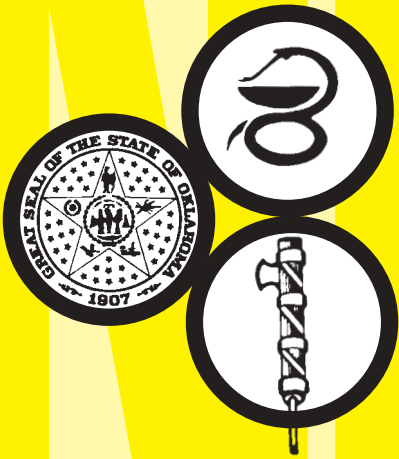


October 2002



# Oklahoma State Board of Pharmacy

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## New Board Member



Governor Frank Keating appointed William "Bill" Osborn, DPh, of Miami to a term ending June 30, 2007. Bill is a 1984 graduate of the University of Oklahoma College of Pharmacy. President of Osborn Drugs in Miami and Vinita, Bill is an active member of the Oklahoma Pharmacists Association (OPhA), past executive council member of OPhA, and past president of OPhA District 2. Bill is also involved in various civic organizations including the Miami Area Economic Development Service, Miami Rotary

Club, and Miami Chamber of Commerce. Best wishes to Bill as he serves the public for the next five years.

## Board Reorganization

Janis McAllister, DPh, of Woodward has been elected president of the Board and Jerry Allen, DPh, of Weatherford is vice president.

## Board Meeting – June 12, 2002

### Disciplinary Action

**Kevin Black, DPh #9717 – Case 627.** Respondent was found guilty of one (1) count of violation of the Oklahoma Pharmacy Act after receiving two warning notices within a six-month period. Respondent received a warning on November 9, 2001, for mislabeling a prescription with the incorrect prescriber and on April 12, 2002, for failure to remove outdated medications from active stock. He was fined a total of \$500 and a letter of reprimand was to remain in his Board file for a period of one year.

**Gregory Steven Brooks, DO, DPh #10134 – Case 626.** Respondent was found guilty of two (2) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a controlled dangerous substance (CDS) and conduct likely to lower the public esteem for the profession of pharmacy. Respondent's license was placed on suspension for five (5) years until June 12, 2007. He may request probation when the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) lifts the restrictions on his OBNDD license.

## Board Meeting – July 24 - 25, 2002

### Disciplinary Action

**DPh #12440 – Case 628.** Respondent entered into an Agreed Order with the Oklahoma State Board of Pharmacy. He was found guilty on four (4) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a controlled dangerous substance (CDS) and violation of the rules of professional

conduct. Respondent's license was suspended for ten (10) years until July 24, 2012. The suspension was placed on probation beginning September 1, 2002, contingent upon his having completed an inpatient drug rehabilitation program and having entered into a contract with Oklahoma Pharmacists Helping Pharmacists (OPHP). He was fined a total of \$2,400 and shall attend a one-day pharmacy law seminar in 2002 and 2003 in addition to the regular annual continuing education (CE) requirements.

**DPh #8614 – Case 629.** Respondent entered into an Agreed Order with the Board. He was found guilty on three (3) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a CDS, the practice of pharmacy without reasonable skill and safety due to drug use or abuse, and conduct likely to lower public esteem for the profession of pharmacy. Respondent's license was suspended for ten (10) years until July 24, 2012. The suspension was placed on probation beginning August 15, 2002, contingent upon his having completed an inpatient drug rehabilitation program and having entered into a contract with OPHP. He shall attend a one-day pharmacy law seminar in 2002 and 2003 in addition to the regular annual continuing education (CE) requirements.

**DPh #11157 – Case 630.** Respondent's license was currently on probation as of February 16, 2001. Respondent was found guilty of two (2) counts of violation of the Oklahoma Pharmacy Act relating to the unlawful possession of a CDS and violation of the rules of professional conduct. Respondent shall not have access to CDS while working as a pharmacist. He may appear in 2003 to seek release of these restrictions under the condition that he provides documentation of sobriety from OPHP, documentation of his job performance from his employer(s), and a valid driver's license.

## Overview of New Rules in Effect July 1, 2002

**Pharmacists!** Please review the following summary of the changes to the Oklahoma Pharmacy Rules (Title 535) effective July 1, 2002. A complete copy of the current rules may be downloaded from our Web site at [www.pharmacy.state.ok.us](http://www.pharmacy.state.ok.us), or the *2002 Oklahoma Pharmacy Lawbook* may be purchased at a cost of \$10 each from the Board office.

- ◆ **535:1-5-5.1** – explains **complaint confidentiality**.
- ◆ **535:1-7-3.1** – standard of proof in hearings is "**clear and convincing evidence**."
- ◆ **535:1-7-6** – explains **hearing records** and maintenance of the records.
- ◆ **535:1-14-1 through 4** – excludes from state scheduling some **butalbital products** that are not scheduled by Drug Enforcement Administration (ie, Fioricet or Esgic).

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- ◆ **535:10-3-1.1(3) and 10-3-1.2(19)** – adds “**untruthfulness** in the course of a pharmacist’s professional capacity” and “**providing fictitious information**” in applying for or renewal of a license to the rules and violations of professional conduct.
- ◆ **535:10-3-4** – describes the members and terms of the “**Continuing Education Committee**” and adds the recommendation of three (3) or more hours of “**live**” CE for pharmacists as part of the fifteen (15) hours required.
- ◆ **535:10-7-4** – applicants shall complete the licensure process in a diligent and forthright manner – allows **cancellation of applications** not completed in a reasonable time.
- ◆ **535:15-3-12** – **allows the transfer of a Controlled Dangerous Substance prescription and refill information on Schedules III, IV, and V. This is allowed only on a one-time basis and may not be transferred again.** The remaining refills may be filled in the pharmacy receiving the transfer providing the six months limit is not exceeded. The computer system used by the pharmacy receiving the transfer must be able to show that the prescription is a CDS transfer. (This is to prevent the possible second transfer, which is a violation of federal law.) As in federal law, pharmacies electronically sharing a real-time, online database may transfer up to the maximum refills permitted by law and the prescriber’s authorization, not to exceed the six-month limit.
- ◆ **535:15-13-11** – allows a technician to obtain a **duplicate permit** when working in multiple locations regularly or on an emergency relief basis.
- ◆ **535:25-3-3** – allows the Board to **deny a license** to an applicant that has furnished fictitious, false or misleading information, or has failed to provide information relevant to their application.
- ◆ **535: 25-3-7** – **changes of name, ownership, and/or location** will require a new license application (including a special inspection and special inspection fee).
- ◆ **535:25-5-1** – “**Warning Notice**” recipients must respond within 10 days.

### **Overview of 2002 Legislative Changes (O.S. Title 59, Chapter 8)**

- ◆ **Administering** was added to the definition of the “Practice of Pharmacy.”
- ◆ **Immunizations** may be administered by pharmacists on patient-specific orders. The Board is in the process of writing rules on the required training and registration for giving immunizations.

These draft rules are in the process of being reviewed by the Medical Board and Osteopathic Board as required in the legislation. (You may view the draft rules on our Web site, [www.pharmacy.state.ok.us](http://www.pharmacy.state.ok.us).)

- ◆ **Fines** were increased from \$500 per count to \$1,000.
- ◆ **Confidentiality of investigational files.** Allows the Board to keep confidential information obtained and not used in the hearing. Before this change, all information in investigational files was a public record.
- ◆ Board allowed to administer **oaths.**
- ◆ **Cleanup** of “male gender” language.
- ◆ **The use of agreements by pharmacists** will be acceptable in the “practice of pharmacy” under rules established by the Board.

### **Congratulations**

Ninety-two (92) pharmacists (including new pharmacists and reciprocities) were issued an Oklahoma Doctor of Pharmacy license during the period from June 2002 through August 2002. A list of these pharmacists may be viewed on our Web site [www.pharmacy.state.ok.us](http://www.pharmacy.state.ok.us) under “Announcements.”

### **Oklahoma Pharmacists Helping Pharmacists**

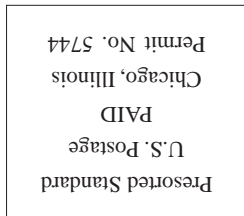
If you or a pharmacist you care about is suffering from chemical dependency, there is a solution. Oklahoma Pharmacists Helping Pharmacists (OPHP) is readily available for help. Pharmacists in Oklahoma, Texas, and Louisiana may call the OPHP Help-Line at 1-800/260-7574 ext 5. All others may call OPHP at 405/528-3338. All calls are confidential.

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The *Oklahoma State Board of Pharmacy News* is published by the Oklahoma 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.

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