

- ◆ Have patients mailing prescriptions to your pharmacy from outside your customer area or even out of state

Avoid “cookie cutter” prescriptions as doses should be individualized. Keep in mind that the maximum daily dose for acetaminophen has been lowered to 3,000 mg/day and this may affect the frequency or dose of a prescription. Ask yourself if the physician can realistically see that many patients in a day.

Board regulations and rules require that **all** pharmacies have a written policy and procedure manual addressing the different components of their practice, and specifically policies and procedures regarding drug diversion prevention and detection.

### **From the Inspector’s Desk**

- ◆ **12.07. USP 795/797:** Compounding pharmacies are now expected to be in full compliance with United States Pharmacopeia (USP) Guidelines 795 (nonsterile products) and 797 (sterile products). These rules may be found in Section OAC 535:15-10 of the *Oklahoma Pharmacy Lawbook*. Compounding pharmacists should be familiar with these regulations and act accordingly. Hazardous chemicals (which may include hormones) must be prepared in a Class 1 biological safety cabinet.
- ◆ **12.08. Fioricet is to be Reported to the PMP:** The Uniform Controlled Dangerous Substances Act as set forth in 63 O.S. §2-208(A)(1) provides that any substance containing any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid is a Schedule III controlled substance. A recent opinion of the US District Court clarified the status of Fioricet® (generics) as a controlled drug. Based upon this ruling and the subsequent Oklahoma State Board of Pharmacy interpretation of OAC 535:1-14-4, the OBN will require all dispensers to report Fioricet as a Schedule III controlled substance to the PMP. Fioricet (generics) should be treated as a controlled drug and included on your controlled drug inventory.
- ◆ **12.09. Telephoned Prescriptions:** Pharmacists must take new telephoned prescriptions from a physician’s office. Technicians are prohibited by law from receiving telephoned prescriptions. [OAC 535:15-5-7.5.]
- ◆ **12.10. Transferred Prescriptions:** Prescription transfers must be between two pharmacists or interns. Technicians are prohibited from taking prescription transfers. [OAC 535:15-3-12.]
- ◆ **12.11. New Telephoned Prescriptions:** A new telephoned prescription **must** be entered into the computer system as a new prescription. If the pharmacy scans new prescriptions, then the new telephoned prescription must be scanned and entered as a new prescription. Retrieving a patient’s old prescription information from the computer and creating a new one from that data, even if it is by the same physician and for the same medication and directions, is not permissible. The new telephoned prescription that is reduced to writing will have the receiving pharmacist’s

identification and thus **must** be filed for documentation of responsibility.

### **Disciplinary Actions**

For more information you may view hearing minutes at [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov).

#### **12.12. January 18, 2012 Board Hearing**

- Machelle Abbe, Tech #6792 – Case 1079:** Admitted to theft, possession of a CDS without a prescription. **Revoked.** (Agreed Order.)
- Kaylea Ammann, Tech #9210 – Case 1080:** Admitted to theft, possession of a CDS without a prescription. **Revoked.** (Agreed Order.)
- Shelly Berryhill, Tech #6611 – Case 1081:** Found guilty of theft, unlawful distribution of CDS. **Revoked.**
- Telitha Johnson, Tech #14135 – Case 1082:** Found guilty of positive drug screen for Schedule I drug. **Revoked.**
- April Lopez, Tech #9686 – Case 1083:** Admitted to theft, possession of a CDS without a prescription. **Revoked.** (Agreed Order.)
- Nelson Lee, Tech #8758 – Case 1084:** Admitted to conviction of a felony. **Revoked.** (Agreed Order.)
- Travis Brawley, Tech #8779 – Case 1085:** Found guilty of providing false information on technician renewal regarding charges and convictions. **Revoked.**
- Amanda Romine, Tech #4338 – Case 1086:** Found guilty of receiving, filling, and delivering a prescription without the direct supervision of a licensed pharmacist. **Suspension and \$2,000 fine. Permit will be placed on probation upon payment of fine. Must attend an eight (8)-hour law seminar by January 18, 2013.**
- Roberts Drugs Store, #24-5489 – Case 1087:** Admitted to failure to guard against drug diversion. **Two (2) years probation until January 18, 2014, and \$10,000 fine. Pharmacy must develop and institute policies and procedures for CDS diversion, lock up all Schedule II drugs and creat a perpetual inventory for Schedule II drugs and hydrocodone.** (Agreed Order.)
- James Kelley, DPh, #9468 – Case 1089:** Admitted to failure to guard against drug diversion. **Two (2) years probation until January 18, 2014, and \$5,000 fine. 2012 CE requirements must include 15 hours of live continuing education (CE) plus an eight (8)-hour law seminar. 2013 CE requirements must include 15 hours of live CE.** (Agreed Order.)
- J. Mark Holley, Tech #142 – Case 1090:** Admitted to failure to guard against drug diversion. Two (2) years probation until January 18, 2014, and \$5,000 fine. Must attend an eight (8)-hour law seminar in 2012. (Agreed Order.)
- Apollo Service, #88-S-2203 and Apollo Medical Services, #2-S-2834 – Case 1092:** Admitted to conducting business without a valid license. **\$1,000 fine each.** (Agreed Order.)