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# OKLAHOMA STATE BOARD OF PHARMACY

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*newsletter to promote pharmacy and drug law compliance*

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## **20.44 Topical Ophthalmic Anesthetics**

***The following is a letter sent to the Board from the Dean McGee Eye Institute***

To Whom It May Concern:

We are writing as a concerned group of ophthalmologists.

We are writing to raise your awareness of the potential pitfalls and dangers of prescribing a particular class of drug: topical ophthalmic anesthetics. These include the preparations such as

tetracaine and proparacaine, which are typically used in the emergency room (ER) or in an eye provider's office for temporary anesthesia of the corneal surface.

As a large referral center, we see patients from all over the state (and even those outside of Oklahoma). Unfortunately, we have noticed numerous examples of patients who have been prescribed topical anesthetics for long-term pain and symptom control. And it is for this that we are writing.

The inappropriate use and application of these topical ophthalmic anesthetics can lead to devastating ocular complications, including delayed/prolonged epithelial healing and corneal melting. If a patient is given these for pain control, they often become dependent upon them, and this worsens the status of the corneal surface and health of the eye. This can lead to loss of vision and, in the worst case, loss of the eye itself.

Our hope is that we can institute a greater awareness of the complications/dangers of prescribing this class of medications, and that we would also be able to institute safety measures that would prevent the routine prescribing of this class of medications. It is our hope that these would **not** be able to be prescribed routinely to patients directly, **but** only to eye care providers and ER providers for use **in the clinic/ER only**.

Thank you for your time and consideration.

Kristen Collister, MD  
Dean McGee Eye Institute  
Ophthalmology Resident

## **20.45 Prescriptions From Out-of-State Prescribers**

### ***Non-Controlled Dangerous Substance (CDS) Prescriptions***

- Non-CDS prescriptions from the following out-of-state prescribers are legal to fill in Oklahoma: medical doctors (MDs), doctors of osteopathic medicine (DOs), dentists, veterinarians, nurse practitioners (NPs), physician assistants (PAs), and optometrists.

### ***CDS Prescriptions***

- Legitimate CDS prescriptions from the following out-of-state prescribers are legal to fill in Oklahoma: MDs, DOs, dentists, and veterinarians.
- For CDS prescriptions to be legal from out-of-state NPs and PAs, prescribers must be licensed in Oklahoma and supervised by an Oklahoma-licensed physician.
- For CDS prescriptions to be legal from out-of-state optometrists, prescribers must be licensed in Oklahoma.

## 20.46 PAs and Prescribing Schedule II Drugs

- There has been some confusion recently about PAs prescribing Schedule II drugs. Oklahoma Statutes, Title 63, Section 2-312(E) gives PAs the authority to prescribe Schedule II-V drugs, but it is also necessary to look at Title 59, Section 519.6(E) to see what the restrictions and limitations are for PAs when prescribing Schedule II drugs.
- A PA may write an order for a Schedule II drug for immediate or ongoing administration on site. Prescriptions and orders for Schedule II drugs written by a PA must be included on a written protocol determined by the delegating physician and approved by the medical staff committee of the facility or by direct verbal order of the delegating physician.

## 20.47 Veterinarians and NPI Numbers

- Veterinarians should not be denied from ordering a prescription at a pharmacy simply because they do not have a National Provider Identifier (NPI) number.
- Veterinarians are not eligible to receive NPI numbers.
- Pharmacies should not be requesting the veterinarian's Drug Enforcement Administration (DEA) number for a non-CDS prescription.
- The American Veterinary Medical Association has worked with the National Council for Prescription Drug Programs to ensure that pharmacy software will accept other identifiers for veterinary prescriptions and primarily the veterinarian's state license number. That state license number should be available on the applicable state licensing agency's website.

## 20.48 Federal Facility

- The law on electronic prescriptions and the Oklahoma Bureau of Narcotics and Dangerous Drugs prescription pad does not apply to prescribers practicing in a federal facility, which includes Indian Health Service/tribal pharmacies. This is because prescribers can work there and be licensed in another state, and not be licensed in Oklahoma.

## 20.49 Compounding

From United States Pharmacopeia <795> (nonsterile compounding): For components that do not have expiration dates assigned by the manufacturer or supplier, the compounder shall label the container with the date of receipt and assign a conservative expiration date, not to exceed three years after receipt, to the component based on the nature of the component and its degradation mechanism, the container in which it is packaged, and the storage conditions.

## 20.50 Expired IDs

House Bill 1246: D. When a prescription is written or dispensed to a person whose state-issued identification card has been **expired for no more than one (1) year**, and who does not possess another form of a recipient identification number pursuant to Section 2-309B of this title, a Social Security number may be used for the purpose of complying with the reporting requirements provided for in this section.

## 20.51 From the Inspector's Desk

- Insurance companies are using a different method to audit and take back money from pharmacies for prescriptions that are prescribed by NPs and PAs. They are taking back money if the name of the supervising physician is not on the prescription.
- The Oklahoma Board of Nursing has a rule that requires the name of the supervising physician to be on the prescription from NPs.
- The Oklahoma Board of Medical Licensure and Supervision has a rule that requires the name of the supervising physician to be on the prescription from PAs.
- DEA requires a page break to occur between Schedule II drugs and Schedule III-V drugs on the pharmacy's CDS inventory.
- There is not a rule currently, but the Oklahoma State Board of Pharmacy encourages pharmacies to strategically install proper and functioning camera equipment to discourage drug diversion in the pharmacy.
- The Board encourages pharmacies to contact prior employers when hiring all pharmacy personnel.

## 20.52 Disciplinary Actions

**May 19, 2021**

**Tyler Wellhausen, DPh #14102 – Case No. 1603:** For a period of one year, until May 19, 2022, respondent shall submit to any drug or urinalysis testing requested by the Board at respondent's cost. Testing and timing will be conducted and monitored by Oklahoma Pharmacists Helping Pharmacists (OPHP). Respondent shall not act as pharmacist-in-charge (PIC) for three years. After May 19, 2023, respondent may request, by filing a written petition, that the Board lift the PIC restriction. Respondent must attend an eight-hour law seminar in addition to the required 15 hours of continuing education (CE) during the years of 2022, 2023, and 2024. All CE for the years 2022, 2023, and 2024 must be live, and at least two hours shall include drug diversion prevention training during each of those years. Respondent neither admits nor denies guilt on all six counts, including failure to establish and maintain effective controls against the diversion of prescription drugs and/or CDS. **Fined \$1,180.**

**Carla A. Brooks, Technician #16287 – Case No. 1614:** Guilty on six counts, including theft of CDS. **Revoked.**

**(Impaired DPh) Melissa McCoy, DPh #16690 – Case No. 1615:** Respondent's license is indefinitely suspended. Respondent may petition the Board and request that the suspension be stayed after complying with the following: respondent must enter into a 10-year recovery monitoring agreement with OPHP and respondent must remain compliant with all terms of her OPHP contract and notify all future employers that she has entered into a contract with OPHP. Respondent must provide evidence that she has been determined "fit for duty" by a Board-approved evaluator. Respondent must attend an eight-hour law seminar in addition to the required 15 hours of CE during the years of 2022 and 2023. All CE for the years 2022 and 2023 must be live. Respondent admits guilt on all 10 counts, including it shall be unlawful for any person knowingly or intentionally to possess a CDS unless such substance was obtained directly or pursuant to a valid prescription order from a practitioner.

**Kimberly Stuart, Technician #26757 – Case No. 1616:** Guilty on five counts, including all tasks performed by a pharmacy technician must be in a licensed pharmacy located in Oklahoma and must be accomplished under the immediate and direct supervision of a pharmacist who is currently licensed by the Board. **Revoked.**

**Ella Marie Sisk, Technician #25759 – Case No. 1618:** Guilty on four counts, including theft of CDS. **Revoked.**

**Adora Ngozi Ughamadu, DPh #11953 – Case No. 1619:** Respondent must attend an eight-hour law seminar in addition to the required 15 hours of CE during the years of 2022 and 2023. All CE for the years 2022 and 2023 must be live. Respondent admits guilt on all eight counts, including failure to establish and maintain effective controls to prevent prescription errors or misfills.

**Spring Creek Pharmacy #1-8736 – Case No. 1620:** Guilty on eight counts, including a licensed pharmacist shall be present and on duty during all business hours. **Revoked.**

*March 10, 2021*

**(Impaired DPh) Jyme Kay Wilson #13212 – Case No. 1308:** Failure to remain compliant with OPHP contract and agreed order. **Revoked.**

**(Impaired DPh) Gary Young, DPh #8360 – Case No. 1511:** Not compliant with OPHP contract and final order. **Revoked.**

**Hunter Conklin, Technician #26544 – Case No. 1611:** Guilty on four counts, including theft. **Revoked.**

### **Calendar Notes**

- **Upcoming Holidays:** The Board office will be closed on September 6, 2021, for Labor Day.

- **Upcoming Board Meetings:** The Board is scheduled to meet on July 28, 2021, and September 22, 2021. All meetings begin at 8:30 AM.

## **Change of Address or Employment?**

**Please be diligent in keeping your information up to date and, if possible, remind your coworkers and employees. Failure to notify the Board is a violation of Oklahoma pharmacy law. All pharmacists, technicians, and interns** must notify the Board in writing within 10 days of a change of address or employment. Online updates through the license renewal page are **not** accepted as official notification. Emailed notifications can be sent to [pharmacy@pharmacy.ok.gov](mailto:pharmacy@pharmacy.ok.gov) or faxed to 405/521-3758. License/permit numbers must be included to be accepted.

## **Special Notice About the Newsletter**

The *Oklahoma State Board of Pharmacy Newsletter* is an official method of notification to pharmacies, pharmacists, pharmacy interns, and pharmacy technicians registered by the Board. Please read them carefully. The Board encourages you to keep them for future reference.

## **Oklahoma Pharmacists Helping Pharmacists**

If you or a pharmacist you care about is suffering from chemical dependency, there is a solution. OPHP is readily available for help. Pharmacists in Oklahoma, Texas, and Louisiana may call the OPHP help-line at 1-800/260-7574, ext 5773. All calls are confidential.

*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. [74 O.S. §3105 and 65 O.S. §3-114]*

### ***National Pharmacy Compliance News Now Available!***

Visit NABP's website for the latest regulatory updates and news from FDA, USP, NABP, and more.

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*Marty Hendrick, PharmD, DPh - State News Editor*

*Kristen Johnson - State News Editor*

*Lemrey "Al" Carter, PharmD, MS, RPh - National News Editor & Executive Editor*

*Amy Sanchez - Publications and Editorial Manager*

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**2920 N Lincoln Blvd, Suite A | Oklahoma City, OK 73105-3488**