



OKLAHOMA STATE BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

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National Pharmacy Compliance News

A Service of the National Association of Boards of Pharmacy Foundation (NABPF)

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23.92 Pharmacy Break-Ins

In regard to recent pharmacy break-ins, Drug Enforcement Administration (DEA) has suggested that pharmacies update the contact list and order of notice for their alarm company. DEA is asking that local police be the first call that is placed by the alarm companies when the alarm is set off. This will allow police to be dispatched faster than when the alarm company calls the owner or pharmacist first and police after. After reviewing much footage, DEA has commented that often owners/pharmacists will check the camera feeds, not see the perpetrator crawling on the ground, and therefore do not dispatch police.

23.93 Regulating the Use of Opioid Drugs

This is a reminder that 63 Oklahoma Statute (O.S.) §2-309I H, regarding the regulation of the use of opioid drugs, shall not apply to prescriptions for patients meeting certain criteria. The statute reads as follows:

- H. This section shall not apply to a prescription for a patient:
1. Who has sickle cell disease;
 2. Who is in treatment for cancer or receiving aftercare cancer treatment;
 3. Who is receiving hospice care from a licensed hospice;
 4. Who is receiving palliative care in conjunction with a serious illness;
 5. Who is a resident of a long-term care facility; or
 6. For any medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

Acute and Chronic Pain Prescriptions

Insurance companies have begun auditing prescriptions looking for the following words and not the diagnosis code.

63 O.S. §2-309I G(1) – Any prescription for acute pain pursuant to this section shall have the words “acute pain” notated on the face of the prescription by the practitioner.

63 O.S. §2-309I G(2) – Any prescription for chronic pain pursuant to this section shall have the words “chronic pain” notated on the face of the prescription by the practitioner.

23.94 New Oklahoma Bureau of Narcotics and Dangerous Drugs Control Law for Acceptable Forms of Identification for CDS Prescriptions

The Oklahoma Legislature has changed the law/definition of recipient's identification number and recipient's agent's identification number for acceptable forms of identification for obtaining a controlled dangerous substance (CDS) prescription.

The definition now refers to a federal law, which is 8 Code of Federal Regulations (CFR) 274a.2(b) (1)(v)(A) and (B).

Title 63 O.S. §2-309B. 7. "Recipient's identification number" and "recipient's agent's identification number" means the unique number contained on forms of identification listed in 8 CFR 274a.2(b) (1)(v)(A) and (B).

23.95 Storage of Prescription Records

The Oklahoma State Board of Pharmacy has recently received questions regarding the storage of prescription records. To avoid any possible confusion, here is the rule from the *Oklahoma Pharmacy Law Book* regarding this:

Oklahoma Administrative Code §535:15-3-17. Pharmacy prescription records

- (a) The original prescription [as defined in 353.1] shall be maintained and readily retrievable for five years.
- (b) Faxed prescriptions received in electronic format (which have not been printed) or electronically transmitted prescriptions may be electronically stored and maintained in a readily retrievable format for five years.
- (c) Prescriptions for controlled dangerous substances (CDS) must additionally meet the requirements of the federal Drug Enforcement Administration (DEA) and the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBND).

[Source: Added at 12 Ok Reg 3024, eff 7-11-97; Amended at 17 Ok Reg 2626, eff 7-1-00; Amended at 29 Ok Reg 1641, eff 7-12-12; Amended at 34 Ok Reg 1883, eff 9-11-17]

Note: DEA does not consider a faxed prescription to be an electronically transmitted prescription. Faxed prescriptions for CDS must be printed and maintained as original printed prescriptions.

23.96 Disciplinary Actions

Kyle Rackley, Technician #22726 – Case No. 1639: Revoked. Guilty on seven counts, including no pharmacy, pharmacist-in-charge (PIC), or other person shall permit the practice of pharmacy except by a licensed pharmacist.

New Spring Pharmacy, #11-8986 – Case No. 1640: Respondent’s Oklahoma pharmacy license is immediately revoked. Respondent is found guilty on seven counts, including only a pharmacist shall be permitted to unlock the pharmacy area or any additional storage areas for dangerous drugs except in extreme emergency. **Fined \$21,000.**

(Impaired DPh) Gregory Diel, DPh #10671 – Case No. 1649: Respondent’s license is indefinitely suspended. Respondent may petition the Board after July 27, 2027, to request suspension be lifted. Respondent must have been determined “fit for duty” by an Oklahoma Pharmacists Helping Pharmacists (OPHP)-approved evaluator, must sign a new 10-year contract with OPHP, and must attend a substance use disorder conference by December 31, 2024. Respondent admits guilt on two counts, including violation of any voluntary or Board-ordered rehabilitation program for the impaired contract. **Fined \$5,000.**

Shane Alan Kelly, DPh #12844 – Case No. 1650: Respondent shall attend a one-day (eight-hour) seminar in 2022 and 2023 in addition to the required 15 hours of continuing education. All hours in 2023 shall be live. Respondent admits to guilt on three counts, including business conducted by a pharmacist will at all times be in conformity with all federal, state, and municipal laws. **Fined \$3,000.**

OKCity Rx, LLC, #1-8770 – Case No. 1652: Respondent’s Oklahoma pharmacy license is immediately revoked. Respondent is found guilty on 281,918 counts, including the pharmacy, pharmacist, and PIC are responsible for supervision of all employees as they relate to the practice of pharmacy. Shared Services being performed by an out-of-state entity that is not authorized to perform this duty. **Fined \$28,191,800.**

Calendar Notes

Upcoming Board Meeting: The Board is scheduled to meet on February 1, 2023. 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 or faxed to 405/900-8365. 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.

OPHP Available for Help

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 helpline at 1-800/260-7574, ext 5773. All calls are confidential.

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