



# OKLAHOMA STATE BOARD OF PHARMACY

*newsletter to promote pharmacy and drug law compliance*

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### ***National Pharmacy Compliance News***

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### **23.102 Reminder: New Oklahoma Bureau of Narcotics and Dangerous Drugs Control Law for Acceptable IDs 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).

### **23.103 Pharmacy Policies and Procedures**

It is imperative that written policies and procedures developed for the pharmacy are followed. These written policies and procedures should be reviewed and revised to maintain applicability to the pharmacy's operation. Written policies and procedures also include nonsterile and sterile compounding if applicable to the pharmacy.

The pharmacist-in-charge (PIC) is responsible for all aspects of the operation related to the practice of pharmacy, including the establishment of policies and procedures. A copy of the policy and procedure manual shall be available for inspection and submitted to the Oklahoma State Board of Pharmacy upon request by the Board.

### **23.104 Mid-Level Practitioners**

The Board has received some questions regarding the rules for prescribing for mid-level practitioners. To address this, the Board would like to remind everyone that a "Mid-Level Practitioner Prescribing Summary" can be found in Appendix E of the *Oklahoma Pharmacy Law Book*.

In addition to this guidance, please remember that any Oklahoma mid-level practitioner who writes a prescription must include the name of their supervising physician on the script, per the Oklahoma Board of Nursing rules (for advanced practice registered nurses) and the Oklahoma Board of Medical Licensure and Supervision rules (for physician assistants). These rules can be found in Oklahoma Administrative Code (OAC) 485:10-16-8(b)(2) and OAC 435:15-11-1(f), respectively.

### **23.105 Fraudulent Phone Scam**

Please be aware that the Board continues to get calls from pharmacists stating that individuals are contacting them over the phone in attempts to get basic contact information as well as wholesaler account information. Please be vigilant about any such calls.

These individuals are using this information to place fraudulent orders with your wholesaler. Once these orders are received at the pharmacy, they will contact you again, offering to return these items to the wholesaler. However, they do not do this; they are just reselling the items.

It has been reported that diabetic test supplies are the most common item involved in this fraudulent activity. Please be aware that there are multiple methods that scammers are using to get your information, so if you feel uncomfortable, please do not hesitate to hang up and call the Board's office. The Board will never ask you for payment information over the phone.

### **23.106 Reminder: PIC Responsibilities**

No pharmacist may serve as a PIC in more than one pharmacy at a time. This requirement shall not apply to charitable pharmacies or hospital drug rooms.

#### **OAC 535:15-3-2. Pharmacy responsibilities**

- (4) The PIC shall be present and practicing at the pharmacy for which he holds the PIC position no less than 20 hours per week during the pharmacy's ordinary course of business. In the event the pharmacy's normal hours of business are less than 40 hours per week the PIC shall be present and practicing at least 50 percent of the normal business hours.

A PIC shall work sufficient hours in the pharmacy to exercise control and meet the responsibilities of the PIC.

### **23.107 Prescription Quantity**

Per OAC 535:15-3-11:

A pharmacy or registrant shall not increase the quantity of a prescription without the authorization of the prescriber. Unless specified otherwise by the prescriber, a pharmacist may exercise his professional judgment to dispense up to a ninety (90) day supply for a maintenance non-controlled dangerous drug, if sufficient quantity has been authorized by the prescriber on the original prescription, including any refills. Increasing controlled dangerous drugs or any medications that require reporting to the controlled substance database are prohibited.

### **23.108 COVID-19 Waivers**

The "COVID-19 Waiver Request" form that was created to help pharmacies navigate through difficult times during the coronavirus disease 2019 (COVID-19) pandemic has been changed to a "Waiver Request" form. The form can be used for a request regarding pharmacy rules and is located on the Board's website under the News/Events tab.

## 23.109 Disciplinary Actions

**Misty Fuller, DPh #17992 – Case No. 1653:** Respondent is found guilty on one count: “A registrant shall hold the health and safety of his patrons as his first consideration and will not divulge the nature of the patrons’ problems or ailments or any confidence entrusted to him in his licensed capacity except in response to legal requirements or in the best interest of the patron.” **Fined \$500.**

**(Impaired DPh) #11464 – Case No. 1658:** Respondent’s license is indefinitely suspended. Respondent may petition the Board to request suspension be lifted after showing she has been determined “fit for duty.” Respondent is found guilty on one count; violation of any voluntary or Board-ordered rehabilitation program for the impaired contract, eg, Oklahoma Pharmacists Helping Pharmacists (OPHP) contract.

**(Impaired DPh) #11449 – Case No. 1659:** Respondent’s license is indefinitely suspended. Respondent’s license may be stayed after a) immediately entering into a three-year contract with OPHP; and (b) respondent must remain compliant with all terms of the contract. Respondent is found guilty on one count; practicing pharmacy without reasonable skill and safety by reason of illness, use and/or abuse of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.

**Kendra Rios, Technician #27873 – Case No. 1660:** Guilty on four counts, including theft while working as a registrant. **Revoked.**

## Calendar Notes

**Upcoming Holidays:** The Board office will be closed on July 4, 2023, for Independence Day; September 4, 2023, for Labor Day, and November 10, 2023, for Veterans Day.

**Upcoming Board Meeting:** The Board is scheduled to meet on July 19, 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. No address or employment change can be made on the online renewal system any longer. Emailed notifications can be sent to [pharmacy@pharmacy.ok.gov](mailto: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. Oklahoma Pharmacists Helping Pharmacists (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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