

1 01-04-HO

2 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

3 In the Matter of:

4 ROADRUNNER PHARMACY }
5 19401 N. Cave Creek Rd., Suite 32A }
6 Phoenix, AZ 85024 }
Pharmacy Permit Number Y03158 }

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 01-0004-PHR**

7 DIRECTED TO: ROADRUNNER PHARMACY
8 19401 N. Cave Creek Rd., Suite 32A
9 Phoenix, AZ 85024

10 Pursuant to Notice of Hearing Number 01-0004-PHR ("Notice") this matter came before the
11 Arizona State Board of Pharmacy ("Board") on May 17, 2001.

12 Gerald G. Ritt, president, presided with members Susan V. Ford, Dennis McAllister, Paul
13 Draugalis, William Jones and Eugene Drake in attendance.

14 The State was represented by the Office of the Attorney General, Victoria Martin, Assistant
15 Attorney General, Licensing and Enforcement Section and Thomas Dennis, Assistant Attorney General,
16 Solicitor General's Office, represented the Board.

17 The respondent ROADRUNNER PHARMACY, represented by the owner Robert Eaton, was
18 present and was not represented by counsel.

19 The Board, after consideration of the evidence and testimony presented, hereby adopts the
20 following Findings of Fact and Conclusions of Law.

21 **FINDINGS OF FACT**

22 **I**

23
24 1. ROADRUNNER PHARMACY is the holder of Pharmacy Permit Number Y03158 issued by
25 the Arizona State Board of Pharmacy which permits the holder to operate a pharmacy in the State of
26 Arizona.

1 2. On or about the 2nd day of March, 2001, during a routine inspection of the pharmacy, the
2 following violations as listed in paragraph IV on page two (2) and three (3) of the Notice were
3 documented by the Compliance Officer employed by the Board of Pharmacy :

4 1. A.R.S. § 32-1932 (A), to wit:

5 Upon examination or inspection it is found that the place is not being conducted according to the
6 federal act and this chapter relating to manufacturing, sale and distribution of drugs, devices,
7 poisons or hazardous substances.

8 2. A pharmacy technician who was not certified by the Pharmacy Technician Certification Board
9 was engaged in the compounding of drugs, a violation of Arizona Administrative Code R4-23-403(E),
10 to wit:

11 Permissible activities of a certified pharmacy technician. Acting in compliance with all applicable
12 statutes and rules, after completing a training program developed by the pharmacy permittee or
13 pharmacist-in-charge under subsections (A)(3) and (J), and under the supervision of a pharmacist,
14 a certified pharmacy technician may, in addition to the activities listed in subsection (D), assist a
15 pharmacist, graduate intern, or pharmacy intern in compounding prescription medications in
16 accordance with written policies and procedures if the preparation, accuracy, and safety of the
17 final product is verified by a pharmacist before dispensing.

18 3. Compounding procedures were not verified by a licensed pharmacist as required by Arizona
19 Administrative Code R4-23-410(I) to wit:

20 A pharmacy permittee shall ensure that the pharmacist-in-charge establishes and implements drug
21 compounding controls that conform with the standards in this subsection.

22 1. Drug compounding procedures are available in either written form or electronically stored with
23 printable documentation:

24 a. To ensure that a finished drug product has the identity, strength, quality, and purity it is
25 purported or represented to possess, the procedures include, for each drug compounded, a
26 description of:

 i. The components, their amounts, the order of component addition, and the compounding
 process;

 ii. The required equipment and utensils; and

 iii. The drug product container and closure system proper for the sterility and stability of
 the drug as it is intended to be used.

 b. To test the product being compounded, the procedures monitor the output and validate the
 performance of compounding processes that may cause variability in the final drug product,
 including assessing:

 i. Dosage form weight variation;

 ii. Adequacy of mixing to ensure uniformity and homogeneity; and

 iii. Clarity, completeness, and pH of solutions.

1 2. Components for drug compounding are accurately weighed, measured, or subdivided. To
2 ensure that each weight, measure, or subdivision is correct as stated in the compounding
3 procedures, a pharmacist checks and rechecks, or assumes responsibility for checking and re-
4 checking, the operations at each stage of the compounding process.

5 3. When a component is removed from its original container and transferred to another
6 container, the new container label contains, in full text or an abbreviated code system, the
7 following:

- 8 a. The component name,
- 9 b. The lot or control number,
- 10 c. The weight or measure,
- 11 d. The beyond-use-date, and
- 12 e. The transfer date.

13 CONCLUSIONS OF LAW

14 II

15 1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1932(A).

16 2. The Board concludes that ROADRUNNER PHARMACY violated Arizona Administrative
17 Code R4-23-403, R4-23-410(I) and A.R.S. § 32-1932(A).

18 ORDER

19 III

20 The pharmacy permit Number Y03158 issued to ROADRUNNER PHARMACY is hereby placed
21 on probation for a period of one (1) year. The probation is subject to the following conditions:

22 1. ROADRUNNER PHARMACY shall pay a civil penalty of one thousand dollars (\$1000.00) for
23 each violation, for a total of two thousand dollars (\$2,000.00) to the Board of Pharmacy within sixty (60)
24 days of the date of this Order.

25 2. ROADRUNNER PHARMACY shall be inspected by a Board of Pharmacy Compliance Officer
26 within six (6) months at the expense of ROADRUNNER PHARMACY as authorized by A.R.S. §
32-1939(A).

3. ROADRUNNER PHARMACY shall obey all federal and state laws and rules governing the
practice of pharmacy.

4. If ROADRUNNER PHARMACY violates this Order in any way or fails to fulfill the
requirements of this Order, the Board, after giving the Respondent Notice and the opportunity to be

1 heard, may revoke, suspend or take other disciplinary action against the Respondent.

2 **RIGHT TO REHEARING**

3 **IV**

4 ROADRUNNER PHARMACY is hereby notified that it has the right to petition this Board for
5 a rehearing or review of this decision within thirty (30) days after the receipt of this Order pursuant to
6 A.A.C. R4-23-109 (D). A request for a rehearing or review of this decision shall be in writing and satisfy
7 the prerequisites in A.R.S. R4-23-109(D). Pursuant to A.R.S. § 42-1092.09(B), failure to file a motion
8 for rehearing or review has the effect of prohibiting judicial review of this Order.

9
10 **DATED this 17th day of May, 2001**

11 **ARIZONA STATE BOARD OF PHARMACY**

12
13
14 **SEAL**

By 

Llyn A. Lloyd

Executive Director

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Copies of the foregoing Findings
of Fact, Conclusions of Law and
Board Order mailed by certified
mail this day of May, 2001 to:

Rob Eaton
C/O ROADRUNNER PHARMACY
19401 N. Cave Creek Rd., Suite 32A
Phoenix, AZ 85024

and by Courier Mail to:

Victoria Martin
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

and

Tom Dennis
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007
Solicitor General's Office