



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JANUARY 28 AND 29, 2009
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – January 28, 2009

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Joanne Galindo, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Ridge Smidt, Paul Sypherd and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 5, Schedule A, Resident Pharmacy Permit Approval for Express Scripts Pharmacy in Phoenix.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 6, Schedule B, Special Requests for Miles Locke.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 9, Schedule D, Conference for Complaint #3580.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule E, Complaint Number #3590 and #3618.

Due to a conflict of interest, Dr. Smidt recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule E, Complaint Number #3558.

Due to a conflict of interest, Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule E, Complaint Number #3600, #3611, #3615, #3616, and #3617.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule E, Complaint Number #3592, #3593, #3594, #3598, #3599, #3601, #3609, #3612, #3620, #3628, and #3636.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 19, Walgreens POWER project.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Haiber and seconded by Dr. Sypherd**, the minutes of the Regular Meeting held on November 12 and 13, 2008 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Nomination and Election of Officers – A.R.S.§ 32-1903 (A)

Pursuant to A.R.S.§ 32.1903 (A), the Board is required annually to elect a president and vice president.

President Berry requested nominations for Board President from the Board Members.

Mr. Van Hassel nominated Mr. McAllister as Board President.

Mr. McAllister was asked if he was willing to serve if elected. Mr. McAllister replied yes.

There were no other nominations for President and the nominations were closed.

All Board Members were in favor of Mr. McAllister serving as Board President.

President Berry requested nominations for Board Vice President from the Board Members.

Mr. Haiber nominated Dr. Smidt as Board Vice President.

Dr. Smidt was asked if he was willing to serve if elected. Dr. Smidt replied yes.

There were no other nominations for Board President from the Board Members.

All Board Members were in favor of Dr. Smidt serving as Board Vice President.

Dr. Berry turned the meeting over to Mr. McAllister.

AGENDA ITEM 5– Permits and Licenses

President McAllister stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Holiday Rx, Inc.

Harvey Morton, Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Morton to describe the nature of their business.

Mr. Morton stated that the pharmacy would be a small pharmacy in a medical building.

Mr. McAllister asked Mr. Morton if he was an owner. Mr. Morton stated that he is not the owner and the owner is not a pharmacist. Mr. Morton stated that the owner owns several pharmacies in other states.

Mr. McAllister asked Mr. Morton if he would be compounding any medications. Mr. Morton replied yes. Mr. Morton stated that they would be compounding medications for the different practices in the medical building.

Mr. McAllister asked Mr. Morton if he had experience in compounding medications. Mr. Morton replied yes.

Mr. Van Hassel asked Mr. Morton if he would be preparing any sterile products. Mr. Morton replied no.

Dr. Berry asked Mr. Morton if he would be filling any internet prescriptions. Mr. Morton replied no.

Dr. Berry asked Mr. Morton if he planned to do any wholesaling of medications to the doctor's offices. Mr. Morton replied no.

President McAllister thanked Mr. Morton for appearing.

Valley of the Sun Pharmacy

Valerie and Neal Coronado, Pharmacists and Pharmacy Owners, were present to answer questions from Board Members.

President McAllister opened the discussion by asking the applicants to describe their business.

Ms. Coronado stated that they are purchasing an existing pharmacy. Ms. Coronado stated that the pharmacy would do custom compounding. Ms. Coronado stated that she has worked at the pharmacy for the last year and half.

Mr. Van Hassel asked Ms. Coronado if they would be preparing sterile products. Ms. Coronado replied no.

President McAllister thanked the applicants for appearing.

Desert Sky Pharmacy

Tai Pham, Pharmacy Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Pham to describe the nature of his business.

Mr. Pham stated that this will be a new retail pharmacy.

Mr. McAllister asked Mr. Pham if he has ever owned a pharmacy. Mr. Pham stated no.

Mr. McAllister asked Mr. Pham if he would be compounding any medications. Mr. Pham stated that he would compound medications, but would not be preparing sterile products.

Dr. Berry asked Mr. Pham if his pharmacy is located in a medical office complex. Mr. Pham replied no, but there would be a new office complex built behind the pharmacy.

Mr. Van Hassel asked Mr. Pham about the square footage of the pharmacy. Mr. Pham stated that the pharmacy space is approximately 1,200 square feet.

Mr. Van Hassel asked Mr. Pham if he planned to fill nursing home prescriptions. Mr. Pham replied no.

President McAllister thanked Mr. Pham for appearing.

Wilmot Center Pharmacy.

Justin Rhoads (Owner and Pharmacist in Charge) and Joel Rhoads (Owner) were present to answer questions from Board Members.

President McAllister opened the discussion by asking the applicants to describe the nature of their business.

Mr. Justin Rhoads stated that they are purchasing an existing pharmacy and in addition to providing pharmacy services plan to do limited compounding. Mr. Justin Rhoads stated that the pharmacy is located in a medical building.

Mr. Van Hassel asked the applicants if they are the only owners. Mr. Joel Rhoads replied yes.

President McAllister thanked the applicants for appearing.

Medica Pharmacy

President McAllister asked if a representative was present for Medica Pharmacy. No one came forth.

The Board decided to table the application until the applicants can appear. The pharmacy application had been tabled at the November 2008 meeting.

At the conclusion of questions from the Board Members and **on motion by Mr. Haiber and seconded by Dr. Smidt**, the Board unanimously approved the resident permits listed below. The permit for Medica pharmacy was tabled. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
The Guidance Center – Show Low	2500 E. Show Low Lake Road, Show Low, AZ 85901	The Guidance Center, Inc.
Bashas’ United Drug #16	8423 E. McDonald Dr., Scottsdale, AZ 85251	Bashas’ Inc.
Bashas’ United Drug #47	16605 E. Palisades, Fountain Hills, AZ 85268	Bashas’ Inc.
Walgreens Pharmacy #11470	25073 W. Southern Ave., Buckeye, AZ 85326	Walgreen Arizona Drug Co.
Apothecary Shop of Gilbert	2450 E. Guadalupe Rd. #110, Gilbert, AZ 85234 (O)	TAS Holdings
Apothecary Shop of Deer Valley	23629 N. 20 th Dr. #12, Phoenix, AZ 85085 (O)	TAS Holdings
Apothecary Shop of Phoenix III	1144 E. McDowell Rd. #402, Phoenix, AZ 85085 (O)	TAS Holdings
Apothecary Shop of Scottsdale	9777 N. 91 st St. #C-102, Scottsdale, AZ 85258 (O)	TAS Holdings
Apothecary Shop of Phoenix I	1701 E. Thomas Rd., Phoenix, AZ 85016 (O)	TAS Holdings
Apothecary Shop of Arrowhead	17612 N. 59 th Ave., Glendale, AZ 85308 (O)	TAS Holdings
Apothecary Shop of Tucson II	2181 W. Orange Grove Rd. #135, Tucson, AZ 85741 (O)	TAS Holdings
Apothecary Shop of Tucson I	4512 E. Camp Lowell Dr., Tucson, AZ 85741 (O)	TAS Holdings
Apothecary Shop of Phoenix II	5040 N. 15 th Ave. #102, Phoenix, AZ 85015 (O)	TAS Holdings
Apothecary Shop of Grayhawk	2021 N. Scottsdale Healthcare Dr., #100, Scottsdale, AZ 85255 (O)	TAS Holdings
Apothecary Shop of Chandler	2155 E. Conference Dr. #101, Tempe, AZ 85284 (O)	TAS Holdings
Holiday RX, Inc	303 E. Baseline Rd. #103, Phoenix, AZ 85042	Holiday RX, Inc.
El Rio Southeast Pharmacy	6920 E. Golf Links Rd., Tucson, AZ 85730	El Rio Santa Cruz Neighborhood Health Center
Valley of the Sun Pharmacy	15600 N. Black Canyon Freeway, Suite C 107, Phoenix, AZ 85053 (O)	Rxpertise,LLC
Walgreens Pharmacy #09952	12050 N. Dove Mountain Blvd., Marana, AZ 85658	Walgreen Arizona Drug Co.
Desert Sky Pharmacy	6750 W. Thunderbird Rd, Building B, Suite 103, Peoria, AZ 85381 Peoria, AZ 85381	Tai Pham
Wilmot Center Pharmacy	6369 E. Tanque Verde #100, Tucson, AZ 85715 (O)	Diversified Pharmacy Solutions, LLC

(O) = Ownership Change

At the conclusion of questions from the Board Members and **on motion by Mr. Van Hassel and seconded by Dr. Berry**, the Board unanimously approved the resident permit listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

Mr. Haiber was recused due to a conflict of interest.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Express Scripts	4610 E. Cotton Blvd., Phoenix, AZ 85040	ESI Mail Pharmacy Service, Inc.

President McAllister stated that all permits were in order for non- resident pharmacies.

On motion by Dr. Berry and seconded by Mr. Haiber, the Board unanimously approved the non – resident permits listed below.

Pharmacy	Location	Owner
Costa Mesa Compounding Pharmacy	275 Victoria St. #1F, Costa Mesa, CA 92627	Mayank Shah
CVS Caremark #2921	600 Penn Center Blvd., Pittsburgh, PA 15235 (O)	Procare Pharmacy Direct, LLC.
Green Valley Drugs Home Health	1805 Whitney Mesa, #180, Henderson, NV 89014	Scot Silber
Critical Care Systems	14461 Muford Rd, Suite B, Tustin, CA 92780	Critical Care Systems, Inc.
IVPCare, Inc.	373 Van Ness Ave., Ste 160, Torrance, CA 90501 (O)	IVPCare, Inc.
McKesson Specialty Pharmaceuticals, LLC	6410 NE Halsey, Ste. 400, Portland, OR 9721 (O)	McKesson Specialty Pharmaceuticals, LLC
IVPCare, Inc.	7164 Technology Dr., Ste 100, Frisco, TX 75034 (O)	IVPCare, Inc.
Commcare Pharmacy-FTL, LLC	2817 E. Oakland Park, Blvd, Suite 303, Fort Lauderdale, FL 33306	Commcare Pharmacy-FTL, LLC
Palm Beach Pharmaceuticals, Inc.	8409 N. Military Trail, Suite 125, Palm Beach Gardens, FL 32410 (O)	Palm Beach Pharmaceuticals, Inc.
PETNET Solutions, Inc.	6320 S. Annie Oakley Dr., Las Vegas, NV 89120	PETNET Solutions, Inc.
Costco Pharmacy #1032/#562	215 Deininger Circle, Corona, CA 92880	Costco Wholesale Corporation
RxCo. Pharmacy	550 13 th Ave. East, West Fargo, ND 58078	John Slama

(O) = Ownership Change

Wholesaler Permits

President McAllister stated that all permits were in order for resident wholesalers.

On motion by Dr. Berry and seconded by Mr. Milovich, the Board approved the resident wholesale permits listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

WHOLESALER	LOCATION	OWNER
Medical Purchasing Solutions, LLC (Full Service)	15021 N. 74 th St. #300, Scottsdale, AZ 85260	Medical Purchasing Solutions, LLC
Apothecary Shop Wholesale (Full Service)	23620 N. 20 th Dr. #12., Phoenix, AZ 85045 (O)	TAS HOLDINGS
Patterson Dental Supply, Inc. (Full Service)	2849 E. Elvira Rd, Suite 101, Tucson, AZ 85756	Patterson Dental Supply, Inc
Avnet Inc. (Full Service)	6700 W. Morelos Place, Chandler, AZ 85284	Avnet Inc.
Avnet Inc. (Full Service)	60 S. McKemy Avenue, Chandler, AZ 85226	Avnet Inc.

(O) = Ownership Change

Manufacturer Permit

President McAllister stated that a representative from a resident manufacturer was present to answer questions from Board Members.

Rx Formulations

Troy Albright, Owner of Rx Formulations, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Albright to describe the nature of his business.

Mr. Albright stated that he would be repackaging for hospitals in Arizona.

Mr. Wand asked Mr. Albright if he has received his FDA registration number. Mr. Albright stated that he has received his labeler number, but has not received his FDA registration number and was told that it would be several weeks before he receives the number.

Mr. Van Hassel asked Mr. Albright what products he would be repackaging. Mr. Albright stated that he would be repackaging sterile IV products and unit dose products.

Mr. Van Hassel asked Mr. Albright if his sterile compounding falls under 797. Mr. Albright stated that he is in full compliance.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to accept the application for Rx Formulations pending the receipt of his FDA registration.

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President McAllister stated that all license requests and applications were in order.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Dr. Berry and seconded by Dr. Smidt, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Ms. Honeyestewa, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

AGENDA ITEM 6 – Special Requests

#1 Miles Locke

Miles Locke appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 03-0020-PHR be terminated. Lisa Yates from the PAPA program was also present.

Mr. Haiber recused himself due to a conflict of interest.

President McAllister opened the discussion by asking Mr. Locke to describe the nature of his request. Mr. Locke stated that he is requesting the termination of his probation. Mr. Locke stated that he has completed all requirements of his Consent Agreement and has completed his PAPA contract.

Mr. McAllister asked Ms. Yates if PAPA supported his request. Ms. Yates stated that PAPA does support his request and the Board has received a letter from his PAPA counselor supporting his request.

Ms. Yates stated that Mr. Locke will be speaking at the Southwest PRN convention this year. Ms. Yates stated that Mr. Locke has helped other individuals in the program.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to approve the request by Mr. Locke to terminate the probation of his pharmacist license imposed by Board Order 03-0020-PHR.

#2 James Green

James Green appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0012-PHR (Addendum) be terminated. Lisa Yates from the PAPA program was also present.

President McAllister asked Mr. Green to describe the nature of his request. Mr. Green stated that the addendum to his Consent Agreement required him to submit 6 months of performance appraisals to the Board. Mr. Green stated that he has submitted the 6 months of appraisals to the Board and would like his probation to be terminated.

Mr. McAllister asked Mr. Green about the duties he performed at his job. Mr. Green stated that he does offsite data entry for hospitals after hours.

Mr. McAllister stated that the evaluation reports are in the packet for Board Review and the reports are satisfactory.

Dr. Berry asked Ms. Yates if Mr. Green is in compliance with his PAPA contract. Ms. Yates replied that he is in compliance.

Mr. Van Hassel asked Mr. Green if he plans to continue working at his current job. Mr. Green replied yes.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Mr. Green to terminate the probation of his pharmacist license imposed by Board Order 08-0012-PHR (Addendum).

#3 Sri Saravani Subramanian

Sri Saravani Subramanian appeared on her own behalf to request that she be allowed to take the NAPLEX exam for the fourth time.

President McAllister opened the discussion by asking Ms. Subramanian to describe the nature of her request. Ms. Subramanian stated that she would like to take the NAPLEX exam for the fourth time.

Mr. McAllister noted that Ms. Subramanian had low scores on the exam. Ms. Subramanian stated that she had issues studying for the test due to family issues.

Mr. McAllister asked Ms. Subramanian when she last worked as an intern. Ms. Subramanian stated that she works some weekends when she is able.

Mr. McAllister asked Ms. Subramanian when she completed her pharmacy education. Ms. Subramanian stated that she finished her education 7 years ago.

Mr. McAllister asked Ms. Subramanian what she is doing to prepare to take the exam another time. Ms. Subramanian stated that she has signed up to take the Kaplan course online. Ms. Subramanian stated that she has other review books that she is studying in preparation for taking the exam. Ms. Subramanian stated that she could also take a 4 – day review course offered by Kaplan.

Mr. Haiber asked Ms. Subramanian how she prepared for the previous exams. Ms. Subramanian stated that she reviewed the APHA book.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to approve the request by Ms. Subramanian to take the NAPLEX exam for the fourth time.

AGENDA ITEM 7 – License Applications Requiring Board Review

#1 Thomas Coppola

Thomas Coppola requested a postponement until the March meeting.

#2 Michael Lenczynski

Michael Lenczynski appeared on his own behalf to request to proceed with reciprocity.

President McAllister opened the discussion by asking Mr. Lenczynski why he was appearing in front of the Board. Mr. Lenczynski stated that he would like to apply for reciprocity in Arizona and is currently licensed in Pennsylvania.

Mr. Lenczynski stated that his license was disciplined in Pennsylvania back in 1992. Mr. Lenczynski stated that his license was revoked and reinstated in 1998 and his license was taken off probationary status in 2000.

Mr. Lenczynski stated that he had to take the NAPLEX and MPJE exam in Pennsylvania to reinstate his license.

Mr. Lenczynski stated that he is also licensed in Arkansas, Tennessee, Kentucky, Virginia, Nebraska, and Oregon.

Mr. Lenczynski stated that his license was revoked due to alcoholism and he has been in recovery for the last 17 years.

Mr. McAllister asked Mr. Lenczynski if he has had an active license since 2000 with no further disciplinary action. Mr. Lenczynski stated yes.

Mr. McAllister asked Mr. Lenczynski if he plans to move to Arizona or does he need the license for his employment. Mr. Lenczynski stated that he needs it for his employment. Mr. Lenczynski stated that he works for a company that ships respiratory products nationwide. Mr. Lenczynski stated that he would be the back up for the Pharmacist in Charge.

Dr. Berry asked Mr. Lenczynski if he is still in a recovery program. Mr. Lenczynski stated yes. Mr. Lenczynski stated that he still attends meetings weekly and is still involved in the Pharmacist Recovery Program in Pennsylvania.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously approved the request by Mr. Lenczynski to proceed with reciprocity.

#3 Maia Bibler

Maia Bibler appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister opened the discussion by asking Ms. Bibler why she was appearing in front of the Board.

Ms. Bibler stated that she would like to be licensed as a pharmacy technician trainee, but was asked to appear because she was convicted of a felony. Ms. Bibler stated that she was charged with embezzlement in California. Ms. Bibler stated that the felony charge has since been reduced to a misdemeanor and expunged.

Mr. McAllister asked Ms. Bibler if she had completed her probation. Ms. Bibler stated that her probation has been completed.

On motion by Mr. Van Hassel and Dr. Berry, the Board unanimously agreed to approve the request by Ms. Bibler to proceed with pharmacy technician trainee licensure.

#4 Latosha Gamez

Latosha Gamez appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President McAllister opened the discussion by asking Ms. Gamez why she was appearing in front of the Board. Ms. Gamez stated that she would like to be licensed as a pharmacy technician trainee. Ms. Gamez stated that her certified nursing assistant license had been revoked.

Mr. McAllister asked Ms. Gamez if her license was revoked by the Nursing Board. Ms. Gamez stated yes.

Mr. McAllister asked Ms. Gamez when her license was revoked. Ms. Gamez stated that the events leading up to the revocation took place in 2006. Ms. Gamez stated that she did not comply with any of the requests from the Nursing Board because she was upset with the passing of her stepmother.

Mr. Haiber asked Ms. Gamez to describe the events that transpired at St. Lukes Hospital. Ms. Gamez stated that she is a very nervous person with lots of nervous energy. She stated that she had been drug tested three times at the hospital and never had a positive test. Ms. Gamez stated that she felt that she was being singled out because she was drug tested three times in two months. Ms. Gamez stated that it was just her personality and she appears nervous all the time.

Mr. Haiber asked if it was escalated to the nursing board because she refused to take the test. Ms. Gamez replied yes.

Ms. Gamez stated that she complied with the tests from the Nursing Board and had no positive tests. Ms. Gamez stated that after the death of her stepmother, she quit going for the tests.

Mr. Wand stated that there is a statement indicating that there was possible tampering of the urine specimens.

Ms. Campbell stated that one urine sample was blue-green in color and the other sample contained a powdery substance.

Dr. Smidt asked Ms. Gamez if she tried to appeal the decision by the Nursing Board. Ms. Gamez stated that when she tried to appeal the decision she was told that she had missed the deadline to appeal.

Mr. Van Hassel asked Ms. Gamez why she wanted to become licensed as a pharmacy technician trainee. Ms. Gamez stated that she enjoys being in the medical field. Ms. Gamez stated that she is currently a health educator for Navajo county.

Mr. Van Hassel asked Ms. Gamez why she does not go back to nursing. Ms. Gamez stated that she cannot apply back to the nursing board for five years.

Dr. Smidt asked Ms. Gamez if she had been drug tested by her current employer. Ms. Gamez stated that she was drug tested initially. Ms. Gamez stated that she has been there 12 months in May and has not been drug tested during that time.

Mr. Milovich asked Ms. Gamez about the suspect urine specimens. Ms. Gamez stated that she was not able to urinate enough, so she dumped the specimen out and rinsed the cup in the toilet bowl. Ms. Gamez stated that for the one specimen the Director of Nursing and the Emergency Room Nurse were present.

Mr. McAllister asked Ms. Gamez about her lack of response to a health care board and how can the Board be assured that the same thing would not happen with this Board. Ms. Gamez stated that she is not as arrogant now and realizes that she should have responded to the Board.

A motion was placed on the floor by Dr. Smidt and seconded by Dr. Sypherd to accept the request by Ms. Gamez to proceed with technician licensure.

Mr. Haiber indicated that he is concerned because Ms. Gamez had tampered drug screens and refused to respond to her Board.

Mr. Van Hassel stated that he feels that there are a lot of unanswered questions.

Mr. Haiber stated that he is concerned about a licensee that would hop from one profession to another when they did not take care of their issues with the initial licensing board.

Dr. Smidt asked Ms. Gamez where she lived. Ms. Gamez replied that she lives in Holbrook.

Dr. Smidt asked Ms. Gamez about her work environment. Ms. Gamez stated that she works in the same building as a doctor and nurse. Ms. Gamez stated that she is willing to take random drug screens.

Mr. McAllister added that most places do pre-employment drug screening.

Dr. Smidt and Dr. Sypherd withdrew their original motion.

A motion was placed on the floor by Dr. Smidt and seconded by Dr. Sypherd to allow Ms. Gamez to proceed with pharmacy technician trainee licensure after completing a substance abuse evaluation.

Mr. McAllister stated that she could be urine screened through PAPA.

An amended motion was placed on the floor by Dr. Smidt and Dr. Sypherd and the Board unanimously agreed to allow Ms. Gamez to proceed with pharmacy technician trainee licensure after successfully completing a substance abuse evaluation by a Board-approved evaluator. The application will be approved by the Executive Director after Ms. Gamez has successfully passed the evaluation for substance abuse. There were two nay votes by Dr. Berry and Mr. Van Hassel.

#5 Jim Brown

Jim Brown appeared on his own behalf to request to proceed to take the full exam in Arizona for licensure as a pharmacist.

President McAllister opened the discussion by asking Mr. Brown why he was appearing in front of the Board.

Mr. Brown stated that he is asking to take the full exam in Arizona for licensure as a pharmacist. Mr. Brown stated that his pharmacist license was revoked in 1996 by the Pennsylvania Board.

Mr. McAllister asked Mr. Brown why his license was revoked. Mr. Brown stated that he was a recovering alcoholic and had relapsed twice in 1991 and 1994. Mr. Brown stated that he participated in the program for impaired pharmacists in Pennsylvania.

Mr. Brown stated that he left pharmacy in 1994 because of substance abuse and alcoholism.

Mr. Brown stated that he continued drinking until 1999. Mr. Brown stated that he entered a 12-step program and has been sober for 10 years. Mr. Brown stated that he has a sponsor and attends meetings.

Mr. McAllister asked Mr. Brown if he would have any issues participating in the PAPA program. Mr. Brown stated that he would have no issues.

Mr. Van Hassel asked Mr. Brown where he currently lives and works. Mr. Brown stated that he lives in Florence and currently works out of his home for American Express.

Mr. Van Hassel asked Mr. Brown if he could be re-licensed in Pennsylvania. Mr. Brown stated that he does not know because he never tried to have his Pennsylvania license reinstated.

Mr. Wand stated that usually the Board asks the applicant to go back to the state of original licensure and bring the license current.

Mr. Wand stated that the Board could approve the application and place restrictions on the license.

Mr. McAllister stated that he felt that Mr. Brown would need to take the MPJE exam and NAPLEX exam. Mr. McAllister stated that he felt that Mr. Brown should sign a PAPA contract.

Mr. Van Hassel stated that since Mr. Brown has not practiced for a long time that he felt that intern hours should be required.

Mr. Milovich asked Mr. Brown where he would like to practice. Mr. Brown stated that he would like to work in the retail environment.

Mr. Wand stated that they could issue a graduate intern license to Mr. Brown. Mr. Wand stated that usually 400 hours of internship is required if an individual who has not worked in the last year.

Mr. Haiber asked how many hours are required for a new graduate. Mr. Wand replied that they are required to obtain 1,500 hours.

A motion was placed on the floor by Mr. Van Hassel and seconded by Mr. Haiber to issue a Consent Agreement with the following stipulations to allow Mr. Brown to apply for a graduate intern license: complete 1,500 hours of internship, sign a 5- year PAPA contract, and successfully pass the licensing exams.

The Board Members discussed if they could issue an intern license to Mr. Brown. It was decided that Mr. Brown could be issued a graduate intern license and continue with his application to become a pharmacist.

Mr. Van Hassel and Mr. Haiber withdrew their initial motion.

On motion by Mr. Van Hassel and Mr. Haiber, the Board unanimously agreed to accept Mr. Brown's application for licensure as a pharmacist and issue a Consent Agreement with the following stipulations: that he be issued a graduate intern license and complete 1,500 hours of internship, sign a 5-year PAPA contract, and pass the required exams and upon completion of the stipulations he would be granted a pharmacist license.

#5 Tip Clements

Tip Clements appeared on his own behalf to request that the Board allow him to renew his Arizona Pharmacist License that was last renewed in 1990. The California Pharmacy Board has recently revoked his California Pharmacist License.

President McAllister opened the discussion by asking Mr. Clements about the nature of his request.

Mr. Clements stated that he is requesting to update his Arizona license.

Mr. McAllister asked Mr. Clements if he has an Arizona Pharmacist License. Mr. Clements stated that he let his license lapse.

Mr. McAllister asked Mr. Clements to discuss the California issues. Mr. Clements stated that his license had been recently revoked in California. Mr. Clements stated that the DEA did not renew his license for the pharmacy.

Mr. Clements stated that he had a major problem with the Board. Mr. Clements stated that the Board stated that he was filling prescriptions without face to face knowledge. Mr. Clements stated that a physician and attorney assured him that this practice was fine. Mr. Clements stated that the Board did not see it as fine.

Mr. Clements stated that he sent a letter to both the California Pharmacy Board and the DEA concerning the contract that he was entering into to fill prescriptions. Mr. Clements stated that he has copies of the letters he sent. Mr. Clements stated that there was no response from either party.

Mr. McAllister asked Mr. Clements if he is licensed in any other states. Mr. Clements replied no.

Mr. McAllister asked Mr. Clements about the numbers of Vicodin, Vicodin ES, and Norco that were dispensed. Mr. Clements stated that he did have written prescriptions for all the medications.

Mr. McAllister asked Mr. Clements if he questioned the doctor's practice. Mr. Clements stated from the advice that he received it was perfectly alright. Mr. Clements stated that the contract he engaged in explained what the arrangement was and he sent letters to the Board and DEA. Mr. Clements stated that he felt a non-response meant it was okay.

Mr. McAllister asked Mr. Clements about the loss of the hydrocodone products. Mr. Clements stated that he brought papers with him to show his records to the Board. Mr. Clements stated that all prescriptions were run through the computer but not all the prescriptions were subtracted from the total. Mr. Clements stated that they did not count the prescriptions that were not run through the computer system.

Mr. McAllister stated asked Mr. Clements what percentage of his daily prescriptions was filled through this contract. Mr. Clements stated that the prescriptions accounted for 5 to 10 percent of his daily volume.

Mr. McAllister asked Mr. Clements how long he filled prescriptions under this contract. Mr. Clements stated that he filled prescriptions from 2002 to 2005 and action against him started in 2006.

Mr. McAllister asked Mr. Clements if he read any articles at the time because there were numerous articles written about how this practice was illegal. Mr. Clements stated that as he saw it the doctor wrote the prescription and the doctor was making contact with the patient or the patient's doctor.

Mr. Clements stated that they went to trial in Minnesota and the Minnesota Board and DEA stated that there was no problem with the practice. Mr. Clements stated that he was not exonerated in California. Mr. Clements stated that he received licenses in all states to which he shipped medications. Mr. Clements stated that the other Boards had a list of medications that he planned on shipping to their state.

Mr. Haiber asked Mr. Clements where his original pharmacist license was obtained. Mr. Clements stated in Arizona. Mr. Clements stated that he went to California and purchased a pharmacy that he operated for 51 years and he made a bad decision.

Mr. Van Hassel asked Mr. Clements why there was a court case tried in Minnesota. Mr. Clements stated that the company he signed the contract with was located in Minnesota.

Mr. Van Hassel asked Mr. Clements where the primary physician was located. Mr. Clements stated that the physician was located in New Jersey.

Mr. Van Hassel asked Mr. Clements how many prescriptions he filled a day. Mr. Clements stated that his volume was about 400 prescriptions a day.

Mr. Van Hassel asked Mr. Clements how many of the daily prescriptions were filled under the contract. Mr. Clements replied that he filled 50 to 100 prescriptions daily under the contract.

Dr. Smidt stated in the past the Board had taken action against another pharmacist who filled internet prescriptions. Dr. Smidt stated that Mr. Clements did believe that the practice was not correct.

Mr. Clements stated that he did call the doctor for clarifications on prescriptions. Mr. Clements stated that he talked to the physician and the patient. Mr. Clements stated that he would look at the dosage of acetaminophen and contact the physician.

Mr. Clements stated that what they termed as mail order prescriptions was wrong. Mr. Clements stated that actually the prescriptions fell under E- Express where prescriptions came over the internet.

Mr. Clements stated that the Board stated that he should have known better. Mr. Clements stated that a response letter from the Board would have shut down the operation if they had told him it was not right he would not have signed the contract.

Mr. Wand stated that the Board cannot give legal opinions. Mr. Wand stated that the California Board could not answer his letter with a legal opinion. Mr. Wand stated that the Board could put out publications with general information, but cannot give legal advice.

Mr. Haiber stated that NABP had published several newsletter articles about filling internet prescriptions.

Mr. Haiber stated that the number of prescriptions coming from this one prescriber should have caused him to raise questions. Mr. Haiber stated that the pharmacist does have corresponding liability when filling these prescriptions.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to deny Mr. Clements request to reinstate his expired pharmacist license based on A.R.S. §32-1927 (A) and A.R.S. §32.1901. 01 (16).

AGENDA ITEM 8 - Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Mr. Wand stated that in efforts to balance the State Budget there may be another sweep of funds from the Board. Mr. Wand stated that there is a proposal to sweep \$96,000 to help balance the 2009 budget and a sweep of \$192,000 to help balance the 2010 budget.

Mr. Wand stated that the Executive Budget has a recommendation to reduce the FY2009 fund transfer by \$300,000. Mr. Wand stated that this is the fix proposed by the Governor's office.

Mr. Wand stated that the approved fee increases would take place beginning in March.

Mr. Wand told the Board Members that the Webpage is currently being redesigned at the request of the state. Mr. Wand stated that there would be navigable tabs along the top of the page. Mr. Wand stated that the change must take place by the end of March.

Mr. Wand stated that at the request of the Board Members the January Newsletter summarized the counseling requirements in Arizona.

Mr. Wand introduced the interns currently participating in internship rotations at the Board Office. Mr. Wand introduced William Combs from the University of Arizona and Rodney Stirling from Midwestern University.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Activity Reports with the Board Members.

During the months of October, November, and December, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 15
2. Controlled Substance Shortage –6
3. Controlled Substance Inventory incomplete – 2
4. Failure to maintain CIII-V Invoices – 1
5. Failure to separate CIII-V Invoices or red stamp - 1

Documentation Violations

1. Failure to Document Medical Conditions – 6
2. Failure to sign daily log - 2
3. Failure to document counseling – 4
4. Failure to document allergies - 1
5. Failure to have required technician statements signed – 2
6. Failure to document automated dispensing machine maintenance - 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy – 5
2. CII dispensed without obtaining the hard copy - 1

Pharmacy Violations

1. Allowing technician to work with an expired license – 1
2. Allowing technician to work with no license -1
3. Failure to have a compound training program for technician -1
4. Failure to have policy and procedure manual for technician -1

The following areas were noted on the inspection reports for improvement:

1. Documentation of Counseling
2. Documentation of medical conditions
3. Failure to maintain Controlled Substance invoices and records

Areas outside the inspection reports that may be of interest:

- 1 Reporting Change of Pharmacist in Charge or Address changes
2. Upon Change of Pharmacist In Charge , Controlled Substance Audit completed in 10 days

Pharmacist Assisting Pharmacists of Arizona (PAPA)

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty (40) participants in the PAPA program. Since the last report on November

12, 2008, there have been two (2) completions of contracts, three (3) new PAPA contracts, and there is (1) pending contract upon completion of inpatient treatment.

Ms. Yates and the Board Members discussed concerns about several PAPA members.

Ms. Yates stated that the Steering Committee met with the counselors concerning the addictionologists over medicating PAPA participants. The counselors suggested referring all participants requiring the use of controlled substances for pain to only one addictionologist recommended by the program.

The Steering Committee decided to refer the participants to Dr. Kenneth Levine, DO. Dr. Levine would assess the participants and inform PAPA of his evaluation. The results of the evaluation may or may not require the participants to admit themselves into a four and a half day assessment at Sierra Tucson Treatment Center.

AGENDA ITEM 9 – Conferences

Complaint #3580

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Al Redford (Pharmacist in Charge) and John Vandervoort (Legal Counsel for Express Scripts).

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that the complainant stated that she received a shipment addressed to her that contained medications belonging to another individual. The pharmacy replaced the shipment when notified by the complainant. The pharmacist in charge stated that they believe the error occurred during the shipment with Federal Express.

President McAllister asked the respondents to address the complaint.

Mr. Redford stated that upon learning of the problem both patients were contacted and new orders sent to each patient.

Mr. Redford stated that both orders were packaged in Styrofoam coolers for shipment. Mr. Redford stated that they reviewed their shipping procedures and believed that the common carrier was responsible for the error.

Mr. Redford explained the shipping process and stated that they believe that the orders were accurately shipped.

Mr. Redford stated that they believe that the orders were compromised in shipping. Mr. Redford showed the Board Members a cooler that they use for shipping refrigerated products. Mr. Redford stated that the containers are sealed with L-clips. Mr. Redford stated that the driver indicated that there was a load shift in his vehicle. Mr. Redford stated that they believe that the carrier tried to repair the damage and deliver the medication to the patient. Mr. Redford stated that the patients reported that the L-Clips were missing and the coolers were sealed with cellophane tape around the border. Mr. Redford indicated that they do not seal the coolers with cellophane tape.

Mr. Redford stated that they have had oral conversations with the carrier to let them know that if a package is damaged in transit they would like the package returned to the pharmacy for repair and not delivered to the patient after being repaired by the carrier.

Mr. Redford stated that they have had added language to their contract with the carrier that the carrier must make a reasonable effort to return damaged packages to the pharmacy.

Mr. Redford stated that they are in the process of improving the cooler that they use to ship the refrigerated products. Mr. Redford stated that the new coolers would have a thicker wall and a plasticizer would be added to the container.

Mr. Milovich asked where the shipping label is placed on the container. Mr. Redford stated that the label is placed on top of the container.

Mr. Milovich asked if they tape over the label on the container. Mr. Redford replied no.

Dr. Sypherd asked at what stage in the pharmacy is the label and L-clips applied. Mr. Redford stated that there are two labels generated. Mr. Redford stated that once the order is completed the medications are placed in a mailer bag and a label is generated. Mr. Redford stated a barcode label is placed on the side of the cooler. Mr. Redford stated that the barcode is read at the last step of the process. Mr. Redford stated that a manifest label is then generated and placed on top of the container.

Dr. Sypherd asked if the medications are placed in a bag in the cooler. Mr. Redford replied that the bottle is scanned, the bottle is then placed in a bag, and a barcode is sprayed onto the bag that is placed in the cooler.

Dr. Sypherd asked Mr. Redford if the same person does both processes involved in packaging the coolers. Mr. Redford replied yes.

Dr. Berry asked if the bag was intact. Mr. Redford stated that he is not sure because the complainants did not indicate that the internal packaging was damaged.

Dr. Berry asked if the packages were both on the same carrier vehicle. Mr. Redford replied yes that both packages were on the same truck.

Mr. Van Hassel asked if the prescriptions were filled at the facility at the same time. Mr. Redford stated that they were filled close to the same time.

Mr. Van Hassel asked if it was possible that the packages were switched at filling. Mr. Redford stated that the orders were filled back-to-back but there was an order manifested in between the two orders.

Mr. Milovich asked if the containers had any structural damage. Mr. Redford stated that he does not know. Mr. Redford stated that the complainant stated that the container was sealed with cellophane tape and noted that the L-Clips were missing.

Dr. Smidt asked if they had a policy with the courier concerning damaged packages. Mr. Redford stated that they have undertaken reasonable efforts with the courier to return damaged containers.

Dr. Smidt asked if the driver admitted to trying to fix the container. Mr. Vandervoort stated that any repairs would occur at the hub and not by the driver.

Dr. Smidt asked if the pharmacy receives a report stating that the container had been repaired. Mr. Vandervoort replied no.

Mr. Vandervoort stated that they are looking at placing stickers on the container stating that if the integrity of the container is violated then the container should be returned to the sender.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to dismiss the complaint.

AGENDA ITEM 10 - Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 49 complaints. Dr. Berry, Ms. Honeyestewa and Dr. Sypherd served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously accepted the recommendation of the Consumer Complaint Review Committee for the following complaint. Dr. Smidt was recused due to a conflict of interest.

Complaint #3558 - Dismiss

On motion by Dr. Sypherd and seconded by Dr. Berry the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Mr. Haiber was recused due to a conflict of interest.

Complaint #3590 - Dismiss

Complaint #3618 - Dismiss

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Berry was recused due to a conflict of interest.

Complaint #3592 - Conference – Pharmacist and Pharmacy Technician Trainee

Complaint #3593 - Conference – Pharmacist in Charge

Complaint #3594 - Consent Agreements offered to Both Pharmacists with the following terms: \$1,000 fine and 8 hours of pre-approved CE on error prevention in addition to required CE. Terms must be completed within 90 days. If not signed, the case would proceed to hearing.

Complaint #3598 - Advisory Letter – Pharmacy Technician

Complaint #3599 - Conference – Pharmacist in Charge

Complaint #3601 - Dismiss

Complaint #3609 - Dismiss

- Complaint #3612 - Dismiss
- Complaint #3620 - Advisory Letter – Pharmacist
- Complaint #3628 - Consent Agreement for Standard PAPA contract. If not signed, the case would proceed to hearing.
- Complaint #3636 - Consent Agreement for Standard PAPA contract. If not signed, the case would proceed to hearing.

On motion by Dr. Sypherd and seconded by Dr. Berry, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Mr. McAllister was recused due to a conflict of interest.

- Complaint #3600 - Dismiss
- Complaint #3611 - Dismiss
- Complaint #3615 - Dismiss
- Complaint #3616 - Dismiss
- Complaint #3617 - Dismiss

On motion by Mr. Haiber and seconded by Ms. Honeystewa, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

- Complaint #3555 - Table
- Complaint #3557 - Consent Agreement offered to the Pharmacy Technician Trainee for revocation. If not signed the case would proceed to hearing.
- Complaint #3559 - Consent Agreement offered to the Pharmacy Technician for revocation. If not signed the case would proceed to hearing.
- Complaint #3561 - Advisory Letter to the Permit Holder for unethical conduct
- Complaint #3562 - Advisory Letter to the Permit Holder for unethical conduct
- Complaint #3579 - Advisory Letter to the Pharmacist for documentation of counseling
- Complaint #3595 - Consent Agreement offered to the Pharmacy Technician Trainee for revocation. If not signed the case would proceed to hearing.
- Complaint #3596 - Dismiss
- Complaint #3597 - Dismiss
- Complaint #3602 - Dismiss
- Complaint #3603 - Consent Agreement offered to the Pharmacist with the following terms: 8 hours of pre-approved CE on pain management in addition to required CE. Terms must be completed within 60 days. If not signed, the case would proceed to hearing.
- Complaint #3604 - Dismiss
- Complaint #3605 - Conference – Pharmacist
- Complaint #3606 - Dismiss
- Complaint #3607 - Consent Agreement offered to the Pharmacist with the following terms: \$1,000 fine and 8 hours of pre-approved CE on pain management in addition to required CE. Terms must be completed

- within 90 days. If not signed, the case would proceed to hearing.
- Complaint #3608 - Dismiss
 - Complaint #3610 - Dismiss
 - Complaint #3613 - Consent Agreement offered to the Pharmacy Technician for revocation. If not signed the case would proceed to hearing.
 - Complaint #3614 - Consent Agreement offered to the Pharmacist with the following terms: \$1,000 fine and 4 hours of pre-approved CE on pain management and 4 hours of pre-approved CE on counseling in addition to required CE. Terms must be completed within 90 days. If not signed, the case would proceed to hearing.
 - Complaint #3619 - Consent Agreement offered to the Pharmacist with the following terms: \$500 fine. Terms must be completed within 90 days. If not signed, the case would proceed to hearing.
 - Complaint #3621 - Consent Agreement offered to the Pharmacist with the following terms: 6 month suspension and successfully complete the MPJE exam. If not signed, the case would proceed to hearing.
 - Complaint #3627 - Consent Agreement offered to the Pharmacy Technician for revocation. If not signed the case would proceed to hearing.
 - Complaint #3630 - Consent Agreement offered to the Pharmacist for revocation. If not signed the case would proceed to hearing.
 - Complaint #3631 - Consent Agreement offered to the Permit Holder for revocation. If not signed the case would proceed to hearing.
 - Complaint #3632 - Consent Agreement offered to the Pharmacy Technician for revocation. If not signed the case would proceed to hearing.
 - Complaint #3633 - Consent Agreement for Decree of Censure. If not signed the case would proceed to hearing.
 - Complaint #3634 - Consent Agreement offered to the Pharmacy Technician Trainee for revocation. If not signed the case would proceed to hearing.
 - Complaint #3635 - Conference – Pharmacy Technician
 - Complaint #3637 - Consent Agreement for Standard PAPA contract with a minimum of 6 month suspension. If not signed, the case would proceed to hearing.
 - Complaint #3629 - Consent Agreement offered to the Pharmacy Technician for revocation. If not signed the case would proceed to hearing.

Mr. Van Hassel asked for clarification about the complaints where the Board was issuing Consent Agreements for revocation because the individuals violated their consent agreement.

Ms. Campbell stated that if there is non-compliance with a consent agreement then a new complaint is opened because the individual is entitled to due process.

Dr. Sypherd stated that he feels that the Board should place on a future agenda an item to discuss inventory control at the pharmacies where medications are being stolen.

Mr. McAllister stated that he feels that the Permit Holder and Pharmacist in Charge should be held accountable for missing medications and inventory control.

AGENDA ITEM 11 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President McAllister asked Mr. Wand to address this agenda item.

Mr. Wand stated that he has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Dr. Berry and seconded by Dr. Sypherd, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

- | | |
|---------------------------|----------------------|
| 1. Robyn Smith | 17. Diana Arnov |
| 2. Barbara McElfresh | 18. Tricia Jefferson |
| 3. Mona Schalen | 19. Greg Helton |
| 4. Adriana Padilla | 20. Gina McCullough |
| 5. Bruce Mendelson | 21. Shirley White |
| 6. Mary Romero | 22. Tara Bond |
| 7. Heather Brown | 23. Cinthia Aala |
| 8. Jennifer Jaase | 24. Olga Boystova |
| 9. Sedina Muslim | 25. Sandra Cameron |
| 10. Marie Francis | 26. Briea Banzhof |
| 11. Christine Blenman | 27. Rosa Fuentes |
| 12. Lanette Bloomer | 28. Malynn Helton |
| 13. Christine Hardyway | 29. Keisha Neal |
| 14. Phyllis Skurda | 30. John Wilkes |
| 15. Kimberly Way | 31. Belinda LaRosa |
| 16. Stephanie Wyble-Jones | 32. Sakeerah Kennedy |

AGENDA ITEM 12 – Proposed Rules

The Board did not discuss this agenda item due to the Governor's moratorium on rule writing and approval until after April 30, 2009.

AGENDA ITEM 13 – Five Year Review of Rules – Article 11

The Board did not discuss this agenda item due to the Governor's moratorium on rule writing and approval until after April 30, 2009.

AGENDA ITEM 14 – Consent Agreements

President McAllister asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed.

On motion by Dr. Berry and seconded by Dr. Smidt, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Patricia Stucks	-	08-0027-PHR
Brian Schreckengost	-	09-0006-PHR
Lameck Nyakweba	-	09-0009-PHR
Scott Anderson	-	09-0016-PHR
Gloria Martinez -Howell	-	09-0018-PHR
Daniel May	-	09-0019-PHR
Hyman Abramchick	-	09-0010-PHR
Arleen Kaizer	-	08-0051-PHR

A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Smidt – aye, Mr. Milovich – aye, Dr. Berry – aye, Dr. Sypherd – aye, Mr. Haiber- aye, President McAllister – aye)

AGENDA ITEM 15 – Continuous Quality Assurance Program Rules

The Board did not discuss this agenda item due to the Governor's moratorium on rule writing and approval until after April 30, 2009.

AGENDA ITEM 16 – Attendance at NABP Annual Meeting – Miami, Florida - May 16 – 19, 2009

President McAllister stated that the Board Members must select a delegate and alternate voting delegate to vote at all the business sessions at the NABP Annual Meeting.

Mr. Wand stated in the past the President is usually the voting delegate and the alternate delegate is a Board Member or staff attending the meeting.

The Board Members decided that Mr. McAllister would be the voting delegate and Mr. Haiber would serve as the alternate delegate.

AGENDA ITEM 17 – Jon Bach

President McAllister opened the discussion by stating that Mr. Bach was asked to appear before the Board because of concerns expressed by the PAPA program.

Mr. McAllister stated that PAPA was concerned because Mr. Bach was asked not to take Tramadol and then presented a prescription to the administrator indicating that he was taking Tramadol.

Mr. Bach stated that he obtained the Tramadol prescription from his addictionologist.

Mr. McAllister asked Mr. Bach if he would be willing to see the new addictionologist that the PAPA program would be recommending to all participants. Mr. Bach stated that he would have no problems.

Mr. McAllister asked Mr. Bach if he is compliant with his PAPA contract. Mr. Bach stated that he has been compliant with his contract and has been clean.

AGENDA ITEM 18 – ExCPT Exam Approval Request

The discussion of this agenda item was postponed and will be discussed at a future meeting.

AGENDA ITEM 19 – Walgreens POWER project

The following individuals were present to discuss Walgreens POWER project: Phil Burgess (National Director of Pharmacy Affairs), Dan Luce (Corporate Manager of Pharmacy Affairs), Joe Leyba (Pharmacy District Manager), and Matt Cook (Operations Director at Tempe Mail Order Facility).

Mr. Burgess and Mr. Luce gave a brief overview of the project. Mr. Luce stated that the mail order facility would serve as the centralized facility for filling prescriptions. Mr. Luce stated that the centralized facility would type new prescriptions, data review new prescriptions, handle phone calls, and resolve insurance issues for the retail stores.

Mr. Luce indicated that in the store two-thirds of the prescriptions would be filled. Mr. Luce stated that the pharmacists at the store would be responsible for counseling all patients.

Mr. Luce stated that the staff at the store would have a decreased workload with fewer distractions. Mr. Luce stated that the pharmacy staff would be able to spend more time with the patients and there would be increased pharmacist interaction.

Mr. Luce stated that they are proposing that pharmacy technicians licensed with the Arizona Board would be able to enter prescriptions at home. The technicians that would be selected to work at home must be a high quality performer and had demonstrated work experience as a technician.

Mr. Luce stated that the all computer equipment would be provided by Walgreens. Mr. Luce stated that the computers will not contain any hard drives or installed software. Mr. Luce stated that all ports will be disabled so that no printer can be attached to the system.

Mr. Luce stated that the technician at home will enter only prescription data and will not be able to search the patient database. Mr. Luce stated that the patient is matched to the profile at the store before the script is sent to the technician at home to enter the prescription.

President McAllister stated that Walgreens is requesting to deviate from R4-23-1104 (4) which would allow pharmacy technicians to enter data remotely.

Mr. McAllister asked the respondents if the pharmacists at the store would counsel every prescription filled. Mr. Burgess stated that by eliminating the mundane tasks the

pharmacists would be able to counsel the patients on all prescriptions, which would include new prescriptions, refills, and offer assistance in the OTC area.

Mr. Burgess stated that at the store level the pharmacist would not be dealing with prior authorizations, phone calls, or insurance issues.

Mr. Milovich asked if they would be reducing staff at the store or cutting hours that the stores are open. Mr. Burgess stated that the stores would be re-evaluated for any changes required in staffing.

Dr. Smidt asked if the technicians would be located in Arizona. Mr. Burgess replied yes.

Dr. Smidt asked about the supervision of the technicians. Mr. Burgess stated that the technicians would be doing limited data entry. Mr. Burgess stated that the technician would be supervised by the pharmacist who reviews the completed prescription. Mr. Burgess stated that the technician would not have any access to any product. Mr. Burgess stated that they would supervise through technology and would have a full audit trail of the technician's activities.

Mr. McAllister stated that he feels that they are meeting the intent of supervision by using technology. Mr. McAllister stated that the Board may need to broaden the definition of supervision.

Mr. Van Hassel asked if the project would be rolled out to all Arizona stores or would it be rolled out to select stores. Mr. Burgess stated that the project would be implemented through out Arizona.

Ms. Galindo asked about the program that they implemented in Florida. Mr. Luce stated that the program has been implemented in about 350 stores in a year.

Ms. Galindo asked if they found any glitches when they implemented the project in Florida. Mr. Burgess stated that in some stores the volume decreased and the pharmacists still did not counsel the patient.

Mr. Cook stated that they have initiated a program to retrain pharmacists on how to counsel patients.

Dr. Smidt asked if prescriptions would still be routed to other stores for entry and data review. Mr. Luce stated that in states where the POWER project is implemented they would not be using the balancing program where prescriptions are off loaded to less busy stores.

Dr. Smidt asked how insurance issues would be handled. Mr. Luce stated that there would be a special team at the centralized facility. These individuals would be experts on various insurance plans and they would handle the insurance issues.

Mr. Milovich asked if there were any requirements that the technicians enter a certain number of prescriptions daily. Mr. Burgess stated that they have not set maximum levels. Mr. Burgess stated that they have statistics from the mail order facilities, but the home environment may be different.

Mr. Haiber asked if the remote technician would only be entering new prescriptions.

Mr. Burgess stated that the technicians would enter data on new prescriptions.

Mr. Haiber asked what would happen if the technician was unable to enter the prescription because of missing information. Mr. Cook stated that the store personnel or individuals at the centralized facility would resolve the issues.

Mr. Van Hassel asked how e-prescribing would impact this program. Mr. Burgess stated that e-prescribing would impact the program because there would be no need for data entry.

Mr. Wand stated that there are some concerns about working parents at home. Mr. Burgess stated that as part of the program, the technicians must sign a contract. Mr. Burgess stated that the contract indicates that the company and State Board of Pharmacy could visit the home site.

On motion by Dr. Smidt and seconded by Mr. Haiber, the Board unanimously agreed to grant the request by Walgreens to deviate from R4-23-1104(4) which would allow pharmacy technicians to work at home entering prescription data based on experimental and technological advances.

AGENDA ITEM 20 – Approval of Exams

President McAllister opened the discussion by stating that the Board approves the licensing exams every year.

On motion by Mr. Van Hassel and seconded by Dr. Berry, the Board unanimously approved the NAPLEX exam, the MPJE exam, the FPGEEC exams, and the PTCB as the Board approved exams for licensure.

AGENDA ITEM 21 – Approval of Colleges and Schools of Pharmacy

President McAllister opened the discussion by stating that the Board approves the Colleges and Schools of Pharmacy annually.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously approved the colleges and schools of pharmacy listed in the attachment.

AGENDA ITEM 22 – Technician check Technician (Hospitals)

Mr. Wand opened the discussion by stating that Linda McCoy asked the Board to re-evaluate the possibility of a pharmacy technician checking the work of another pharmacy technician.

Mr. Wand stated that the only state that allows for a technician to check the work of another technician is California. Mr. Wand stated that the California law stipulates that the pharmacist must be involved in a clinical program at the hospital.

Mr. Wand stated currently the Board cannot change any rules because of the moratorium on rules.

Mr. Wand stated that if any one wanted to request a deviation to the rules they would have to request an appearance at a future board meeting. Mr. Wand stated that they would have to apply for the deviation as a result of technological advancement.

Mr. McAllister stated that the technicians are basically moving stock when they are loading the Pyxis machines.

Mr. Wand noted that Kentucky allows technicians to check other technicians when they are certifying product for delivery.

Mr. Van Hassel stated that he would be in favor of the technicians checking other technicians if the pharmacist was involved in clinical activities.

Mr. McAllister stated that he would be in favor of wording similar to the Kentucky regulation.

Mr. Wand stated that the Board could pursue changing the rules after April 30, 2009 due to the moratorium

AGENDA ITEM 25 – Pharmacist Administered Immunizations

President McAllister asked Mr. Wand to address this issue.

Mr. Wand stated that he would like the Board to take a position on the Arizona House of Representatives Bill 2164 allowing for Pharmacist Administered Immunizations without a prescription.

Mr. Wand stated that the sunrise proposal removed the requirement for pharmacists to obtain a prescription prior to administering an immunization.

Mr. Wand stated that the only impact that the Bill may have on the Board is that the Board Staff issues the certificates after ensuring that all requirements have been met. Mr. Wand stated that the Board Office does this for free, but may have to ask for a fee in the future if the number of applicants for a certificate increases.

On motion by Mr. Van Hassel and seconded by Dr. Berry, the Board unanimously agreed to support the House Bill 2164 for Pharmacist Administered Immunizations without a prescription.

AGENDA ITEM 26 – Assistant Attorney General’s Update on Low Cost Supreme Court Case No. CV-08-0250-PR

President McAllister asked Ms. Campbell to address this agenda item.

Ms. Campbell stated that Low Cost lost their appeal to the Supreme Court and the case would come back to the Board.

Ms. Campbell stated that the case would be considered by the Board at the March meeting.

AGENDA ITEM 27 – Update on the Controlled Substance Prescription Monitoring Program

President McAllister asked Mr. Wright to address this agenda item.

Mr. Wright stated that the program has started collecting data from pharmacies. Mr. Wright stated that the pharmacies have submitted data starting from April 2008 and going forth will submit data on a routine basis.

Mr. Wright stated that there are 228 approved users.

Mr. Wright gave a brief overview of the number of requests that he has received for data.

AGENDA ITEM 28 – Call to the Public

President McAllister announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Mark Boesen came forth as a representative for the Arizona Pharmacy Alliance. Mr. Boesen stated that Ms. Rasmussen was not able to attend the meeting.

Mr. Boesen stated that the website for the Alliance is currently under construction.

Mr. Boesen stated that the Alliance has received requests from family physicians that they would like prescriptions to be issued for some immunizations.

Mr. Boesen stated that the Alliance is working with Quarles and Brady to help restore funding to the Board.

Mr. Boesen stated that the Alliance is recommending that the University of Arizona Poison Center not be closed. Mr. Boesen stated that the Poison Center at Banner Hospital does not employ pharmacists and by keeping both centers open they would compliment each other.

Mr. Boesen stated that the Alliance is offering an online Law Course.

AGENDA ITEM 29 – Discussion of items to be placed on a future meeting agenda

Dr. Sypherd asked that a discussion of the controlled substance inventory requirements be placed on a future agenda.

The Board Meeting recessed at 4:00 P.M.

AGENDA ITEM 1 – Call to Order – January 29, 2009

President McAllister convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Dennis McAllister, Vice President Ridge Smidt, Zina Berry, Joanne Galindo, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Paul Sypherd and Tom Van Hassel. The following staff

members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 23 – Harold Olshansky Proposed Consent

Mr. Olshansky and his attorney, Teresa Santiago, were present to present a proposed consent order to the Board.

President McAllister asked the respondents if they would like to address the Board. Ms. Santiago stated that they have submitted documents to the Board that they hoped would resolve the matter.

Ms. Santiago told the Board that Mr. Olshansky was remorseful for his actions and that this would never happen again.

Ms. Santiago noted that Mr. Olshansky acknowledges the error and is willing to do whatever the Board requires for him to keep his license.

Ms. Santiago stated that she feels that revocation is very severe and would request that the Board consider the proposed consent which includes remedial courses and a civil penalty.

Mr. Olshansky stated that the patient was a regular customer. Mr. Olshansky stated that the patient had an expired prescription and he had faxed the doctors numerous times. Mr. Olshansky stated that the medication was a non-controlled medication and when the doctor did not respond to his request he would lend the patient 1 or 2 tablets. Mr. Olshansky stated that the patient would come back every few days. Mr. Olshansky stated that the patient would place 5 dollars on the counter and he would tell her he could not accept the money.

Mr. Olshansky stated that he told the patient several times to go to a doctor and she would tell him that she could not see a doctor for three days.

Mr. Olshansky stated that the patient would occasionally leave 5 dollars on the counter and he could not ring up the money. Mr. Olshansky stated that he had no way to ring up the sale on the register.

Mr. Olshansky stated that he suggested that she go to a walk-in clinic. Mr. Olshansky stated that he kept giving her one or two tablets each time. Mr. Olshansky stated that he had honorable intentions. Mr. Olshansky stated that it was company policy to take care of the customer and he may have been too over zealous. Mr. Olshansky stated that his reputation has been sullied and he is remorseful.

President McAllister stated that the Board has the option to re-offer the current consent, modify the consent, or mover to hearing.

Dr. Smidt stated that he does not know if this is an isolated case or a common practice by Mr. Olshansky.

Mr. Van Hassel stated that he has reviewed the proposed consent and feels that the Board needs to go to hearing if he does not accept the offered consent.

Mr. Milovich stated that he would like to go to hearing to hear what CVS has to say about the situation and view the exchanges that took place at the counter.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to re-offer the original consent and if the consent is not signed then the case would proceed to hearing. A roll call vote was taken. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Smidt –aye, Mr. Milovich – aye, Dr. Berry – aye, Dr. Sypherd – aye, Mr. Haiber- aye, President McAllister – aye)

AGENDA ITEM 24 – Ivan Lau Proposed Consent

Mr. Lau and his attorney, Barry Mitchell, were present to present a proposed consent order to the Board.

President McAllister opened the discussion by asking the respondent if he would like to address the Board.

Mr. Mitchell stated that Mr. Lau has submitted a detailed package of information to the Board.

Mr. Mitchell stated that Mr. Lau has had no other incidences since that time.

Dr. Smidt stated that he feels that the Board needs additional information and would consider a conference.

Mr. Mitchell indicated that the medication was not considered a Dangerous Drug.

Mr. McAllister stated that the medication was a prescription only medication.

Mr. Van Hassel stated that he feels that a conference would delay the process. Mr. Van Hassel stated that if there was a hearing then the Board could hear from Loss Prevention and view the tapes.

Mr. Haiber stated that he feels tablets were given under the guise of customer service. Mr. Haiber stated that the pharmacists accepted gifts of value and he feels that is a serious activity.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to re-offer the original consent and if the consent is not signed then the case would proceed to hearing. A roll call vote was taken. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Ms. Honeyestewa – aye, Dr. Smidt –nay, Mr. Milovich – aye, Dr. Berry – aye, Dr. Sypherd – aye, Mr. Haiber- aye, President McAllister – aye)

AGENDA ITEM 28 – Call to the Public

President McAllister announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Mr. Morris came forth to update the Board concerning the law suits that will be filed on behalf of the health associations to help restore the funds to the Board. The sweeps are

considered to be a danger to the public because due to the loss of funding the Boards would not be able to engage in protecting the public.

AGENDA ITEM 30 – Adjournment

There being no further business to come before the Board, **on motion by Mr. Van Hassel and seconded by Dr. Berry**, the Board unanimously agreed to adjourn the meeting at 9:45 A.M.