

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A STRATEGIC PLANNING MEETING MARCH 16, 2005
GLENDALE, ARIZONA**

The following Board Members and staff were present: President Linda McCoy, Vice President Chuck Dutcher, Dennis McAllister, Bryan Tippet, and Tom Van Hassel. Compliance Officers Rich Cieslinski and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Roberto Pulver.

President McCoy convened the meeting at 9: 00 A. M. and welcomed the audience to the meeting. Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 1 - Introduction of New Board Member

President McCoy introduced newly appointed Board Member, Ridge Smidt. Mr. Smidt was present in the audience. Mr. Smidt has not been confirmed by the legislature, so he was not able to take the Oath of Office at this meeting.

AGENDA ITEM 2 - Hearing

President Linda McCoy opened the administrative hearing. This is the time and place for the consideration of the matter of the hearing to determine whether to revoke or suspend the Pharmacy Technician License Number 4794, issued to William Corona, Notice of Hearing No. 2004-29- PHR.

The licensee, Mr. Corona was present with counsel. Attorney Michael Yucevicius represented him. The licensee did not have any witnesses who would be testifying on his behalf.

Assistant Attorney General Roberto Pulver represented the state. Sharon Chadwick and Dean Wright were sworn in by the Court Reporter as witnesses for the state.

The counsel for the licensee stated that the licensee had received a copy of Notice of Hearing No. 2004-29-PHR.

Both counsels waived the reading of the Notice of Hearing.

The counsel for the state made an opening statement. The counsel for the licensee did not make an opening statement.

The attorney for the state presented his witnesses and introduced evidence pertinent to the proceedings. The witnesses were cross-examined by the counsel for the licensee. The Board Members asked questions of the witnesses.

The attorney for the licensee did not present any witnesses, but did introduce evidence.

After presentation of the evidence, the attorney for the state made a closing statement. The counsel for the licensee made a closing statement.

On motion by Mr. McAllister and Mr. Dutcher, all Board Members agreed unanimously to adopt the findings of fact.

On motion by Mr. Dutcher and Mr. McAllister, all Board Members agreed to adopt the conclusions of law.

On motion by Mr. McAllister and Mr. Van Hassel, a roll call vote was taken and the Board Members agreed to revoke license number 4794 issued to William Corona. Following are the results of the roll call vote:

Mr. McAllister-aye, Dr. Tippet -nay, Mr. Van Hassel- aye, Mr. Dutcher -aye, and Ms. McCoy - aye.

President McCoy advised the respondent that if he is aggrieved by the Board's decision that he may file, with the Board, a written request for a rehearing in the matter specifying the grounds for said rehearing and within thirty (30) days, of the service of the decision. The date of service shall be deemed to have been when the Order is delivered or mailed by certified mail to the last known residential or business address of the respondent.

President McCoy concluded the hearing.

A transcript of the hearing will be available at the Board office in two weeks.

The Board took a brief break.

President McCoy reconvened the meeting.

AGENDA ITEM 3 - Approval of Minutes

Following a review of the minutes and on motion by Mr. Dutcher and Mr. McAllister, the minutes of the Regular Meeting and the Executive Session held on January 12, 2005 were unanimously approved by the Board Members.

AGENDA ITEM 4 - Permits/Licenses

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

Los Ninos Hospital

The following individuals were present to answer questions from Board Members: Dale Skurdahl-Hospital Administrator, Scott Russell- Consultant, and Michael White - Omnicare.

President McCoy opened the discussion by asking the applicants if they were present to request a change in ownership of the hospital. Mr. Skurdahl replied yes.

Mr. Wand stated that they were requesting a waiver of R 4-23-653 (B) which states that pharmacy services shall be provided for a minimum of 40 hours per week, unless an exception for less than the minimum hours is made upon written request by the hospital and with express permission of the Board or its designee.

Ms. McCoy asked if they were requesting a reduction in the number of hours. Mr. Russell stated that they have been operating on reduced hours since the hospital opened. Mr. Russell explained that the hospital has changed pharmacy providers. Mr. Russell stated the new provider has a pharmacist on-site for 8 hours a week. Mr. Russell stated that the pharmacy provider would provide services 24/7 from their site. Ms. McCoy asked if a pharmacist is available for consultation. Mr. Russell stated that the pharmacy provider has someone available 24 hours.

Mr. Wand stated that Pharmerica provided services to the hospital in the past. Mr. Wand stated that the Board had approved the waiver about ten years ago when the hospital opened.

Mr. Russell stated that the pharmacy area is currently a room that contains an emergency kit. Mr. Russell stated that the nursing staff removes items from the emergency kit for orders received after hours and for stat orders. Mr. Russell stated that the nursing staff would call the pharmacy to verify that there are no drug interactions.

Mr. Wand asked about the hospital census. Mr. Skurdahl stated that the hospital could accommodate fifteen patients and the average census is nine patients. Mr. Wand asked if they were all pediatric patients. Mr. Skurdal stated that the patients are pediatric patients.

Mr. Wand stated that a waiver would be required since services will not be provided on-site.

Unit Dose Pharmacy

Tom Bethune, the owner was present to answer questions from Board Members.

President McCoy opened the discussion by asking Mr. Bethune to describe his business. Mr. Bethune stated that he would like to open a limited use pharmacy. Mr. Bethune stated that his pharmacy would compound specialized medications for use in physician's offices. Ms. McCoy asked Mr. Bethune about the products. Mr. Bethune stated that he would be compounding skin creams.

Mr. Wand asked Mr. Bethune how many products he planned to compound. Mr. Bethune stated that he planned to compound one product.

Mr. Wand asked if the physician would administer the product. Mr. Bethune stated the product would be administered by the physician. Mr. Wand asked if the product would be labeled for a specific patient. Mr. Bethune stated that the product would not be labeled for a specific patient. Mr. Bethune stated that he is selling the product to the physician to be administered to the patient by the physician.

Mr. Wand asked Mr. Bethune if he had made this product at another pharmacy. Mr. Bethune stated that he makes the product at the pharmacy where he is currently employed. Mr. Wand asked if the compounding has been more than 5% of the total pharmacy sales. Mr. Bethune replied that it was not more than 5% of the total pharmacy sales. Mr. Wand informed Mr. Bethune that the Board has a rule that states that a pharmacy cannot supply medications to physician's offices unless it is less than 5% of total sales. Mr. Wand stated that it appears 100% of his sales would be to physicians. Mr. Bethune stated that he was under the impression that the rule was no longer in effect. Mr. Wand stated that he is not aware of the rule no longer being in effect. Mr. Wand told Mr. Bethune that the compounding of this product would be considered manufacturing. Mr. Bethune stated that he would not consider it manufacturing because it is prescribed by the physician for the physician. Mr. Wand stated that Mr. Bethune needs to review the definition of a wholesaler, which states that not more than 5% of a pharmacy's total sales could be sold to someone other than a patient.

Mr. Dutcher asked Mr. Bethune if his intention is to open a pharmacy to sell this one product to physicians for use in their offices. Mr. Bethune replied yes. Mr. Dutcher stated that the rules state that only 5% and not 100% of the total sales could be made to physician's offices.

Mr. Wand asked if this is a prescription item. Mr. Bethune stated that it is a prescription cream. Mr. Wand stated that this would be considered manufacturing.

President McCoy stated that the Board is bound by the rules and the Board would not be able to approve his pharmacy application.

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

The Board approved the waiver for Los Ninos Hospital. The Board agreed that Omnicare would provide 24/7 service off-site and will have a pharmacist on-site 8 hours a week.

The Board denied the permit for Unit Dose pharmacy.

RESIDENT (In Arizona)

- Food City United Drug # 26
1005 N. Arizona Ave., Chandler, AZ 85224
Bashas' Inc.
- Fry's Pharmacy # 672
20797 N. John Wayne Pkwy., Maricopa, AZ 85239
Smith's Food & Drug Centers, Inc.
- Fry's Pharmacy # 675
1305 N. Watson Rd., Buckeye, AZ 85326
Smith's Food & Drug Centers, Inc.
- Foothills Professional Pharmacy
4545 E. Chandler Blvd., Suite 100, Phoenix, AZ 85044
Foothills Professional Pharmacy, LTD
- Los Ninos Hospital
2303 E. Thomas Rd., Phoenix, AZ 85016 (O)
Los Ninos Hospital, Inc.
- Wal-Mart #10-3316
8921 W. Thomas Rd., Phoenix, AZ 85037
Wal-Mart Stores, Inc.
- Walgreens
14506 W. Granite Valley Dr. #100, Sun City West, 85375 (O)
Walgreen Arizona Drug Co.
- Walgreens
13640 N. Plaza Del Rio Blvd. #110, Peoria, AZ 85381 (O)
Walgreen Arizona Drug Co.
- Walgreens

10503 W. Thunderbird Blvd, Ste. 101B Sun City, AZ 85351 (O)
Walgreen Arizona Drug Co.

- CVS/Pharmacy # 6718
5835 W. Indian School Rd., Phoenix, AZ 85031
Indian 59th Phoenix CVS, LLC
- CVS/Pharmacy # 6862
1850 Dunlap Ave., Phoenix, AZ 85021
Dunlap Phoenix CVS, LLC
- CVS/Pharmacy # 7872
7499 W. Bethany Home Rd., Glendale, AZ 85301
CVS EGL 75th Bethany AZ, LLC
- CVS/Pharmacy # 7876
3832 E. Speedway, Tucson, AZ 85716
Tucson AZ CVS, LLC

(O) = Ownership Change

Mr. Dutcher asked about the Non-Resident pharmacies that have dot com names. He was concerned that they are filling Internet prescriptions. Mr. Wand stated that the pharmacies must send a copy of their state permit. Mr. Wand stated that the pharmacies could have a dot com name as long as the pharmacy is not filling prescriptions based on an Internet diagnosis.

On motion by Mr. Dutcher and Dr. Tippet, the Board unanimously approved the Non-Resident permits listed below.

NON-RESIDENT (Out of State)

- NuCara Pharmacy #3
209 E San Marnan , Waterloo, IA 50702
NuCara, LLC
- Fallbrook Pharmacy
343 E. Alvarado, Fallbrook, CA 92028
Fallbrook Pharmacy
- Sigma Medical
4343 W. Royal Ln. Suite 118, Irving, TX 75063
Sigma Global Corp.
- Promotech Research Associates Inc.
1480 Arthur Ave. Suite D, Louisville, CO 80027
Promotech Research Associates Inc.
- Professional Arts Pharmacy
620 Guilbeau Rd; Suite A, Lafayette, LA 70506
Compounding Pharmacies of LA
- Aetna Specialty pharmacy, LLC
250 Technology Park Dr, Suite 124 A, Lake Mary, FL 32746
Aetna Specialty Pharmacy LLC
- Rx.com
4710 Mercantile Dr., Fort Worth, TX 76137
Rx. com Partners, L.P.
- Smithfield Family Medical Ctr.
16826 NC Hwy 87 W, Tar Heels NC 28392
Corporate Health Dimensions, Inc.
- NeighborCare -San Diego
3825 Oberlin Ir., Suite 300, San Diego, CA 92121
NeighborCare -San Diego
- Rx Innovations of America, Inc.
77 E. Monroe . St, Suite 420, Chicago, IL 60603
Rx Innovations of America, Inc.
- Drugplace. Com
2201 W. Sample Rd., Bldg 9-3A, Pompano Beach, FL 33093
Drugplace. Com, Inc.
- Medcenter, Inc.
4607 N. Clark Ave. Tampa, FL 33614
Medcenter, Inc.
- Worthington Industries Med. Ctr. Pharmacy
1250 Dearborn Dr., Columbus, OH 43085

Worthington Med. Ctr. Inc.

- Express Scripts Specialty Dist. Services
3171-3183 Riverfront Tech. Ctr. Dr. Maryland Heights, MO, 63043
Express Scripts Specialty Dist. Services

Manufacturer Permits

President McCoy indicated that there was one manufacturer permit.

21st Century HealthCare, Inc.

The following individuals were present to answer questions from Board Members: President Steven Snyder, Pharmacist Roy Lacey, and Director of Research and Development Scott McCunn.

President McCoy opened the discussion by asking the applicants about their business. Mr. Snyder stated that they want to repackage OTC products

Mr. Wand stated that the company has FDA approval to repackage products. Mr. Wand stated that the company needs the manufacturers permit to insure their overseas customers that the products are made using good manufacturing guidelines.

On motion by Mr. Dutcher and Mr. Van Hassel, the Board unanimously approved the resident manufacturer permit listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

- 21st Century Healthcare, Inc.
2119 S. Wilson St, Tempe, AZ 85282
21st Century HealthCare, Inc.

Pharmacist, Pharmacy Intern and Pharmacy Technician Licenses

Following a review of the roster of applicants for licensure as pharmacists, pharmacy interns, and pharmacy technicians and on assurance by the staff that all applications are in order and all fees paid: **on motion by Dr. Tippett and Mr. Dutcher**, the Board unanimously approved the following licenses:

Pharmacists licenses 14559 through 14658, Pharmacy Intern licenses 6780 through 6842, and Pharmacy Technician licenses 6500 through 6997. Also, approved were 80 licensee changes from pharmacy technician trainee to pharmacy technician. For a complete list of names see attachments.

AGENDA ITEM 5- Consent Agreement

President McCoy asked Board Members if there were any questions or discussions concerning the consent agreement for Robert Balin - Number 2004-0022-PHR. Executive Director Hal Wand indicated that the consent agreement has been reviewed and approved by the Attorney General's Office and has been signed. **A roll call vote** was taken. (Mr. McAllister-aye, Dr. Tippett-aye, Mr. Van Hassel-aye, Mr. Dutcher-aye, and President McCoy-aye). All Board Members present voted to unanimously accept the Consent Agreement as presented in the meeting book and signed by the respondent:

AGENDA ITEM 6- Special Requests

- **#1 Kanu Patel**
Kanu Patel appeared on his own behalf to request that the probation imposed by his Consent Order be terminated. President McCoy opened the discussion by asking Mr. Patel about the nature of his request. Mr. Patel stated that he had made an error when he filled a prescription and had signed a Consent Order with the Board. Mr. Patel stated that he had completed the requirements of the Consent Order and is requesting that his probation be terminated. Ms. McCoy noted that Mr. Patel had completed several CE programs about error prevention. Ms. McCoy asked Mr. Patel if he had changed his practice as a result of completing these CE programs. Mr. Patel replied that he has changed the way he practices. Mr. Patel stated that he double-checks every prescription that he fills. Mr. Patel stated that if the prescription is illegible he calls the doctor for clarification.
On motion by Dr. Tippett and Mr. Dutcher, the Board unanimously agreed to terminate the probation of Mr. Patel's license subject to the terms of Board Order Number 04-0020- PHR.
- **#2 James Liberatore**
James Liberatore appeared on his own behalf to request that the probation imposed by his Consent order be

terminated.

President McCoy opened the discussion by asking Mr. Liberatore about the nature of his request. Mr. Liberatore stated that he has met the requirements of his Consent Order and is requesting that his probation be terminated.

Ms. McCoy asked Mr. Liberatore what he has learned from this experience. Mr. Liberatore stated that he would not make the same mistake again.

Mr. McAllister asked the staff if all requirements of the Order have been met. Mr. Wand stated all requirements had been met.

On motion by Mr. Van Hassel and Dr. Tippett, the Board unanimously agreed to terminate the probation of Mr. Liberatore's license subject to the terms of Board Order Number 03-0017-PHR.

- **#3 Eloisa Martinez**

Eloisa Martinez appeared on her own behalf to request permission to proceed with technician licensure.

President McCoy opened the discussion by asking Ms. Martinez to describe her request. Ms. Martinez stated that she had appeared at the November 2004 meeting requesting to proceed with technician licensure. Ms. Martinez stated at that time she had pending legal issues. The Board advised Ms. Martinez to resolve her issues with the court and provide the paperwork to the Board. Ms. Martinez stated that she has resolved her court issues and is requesting to proceed with technician licensure.

Mr. Pulver asked Ms. Martinez if her fine has been paid to the Court. Ms. Martinez replied the fine has been paid.

On motion by Mr. McAllister and Mr. Dutcher, the Board unanimously agreed to approve the request by Ms. Martinez to proceed with technician licensure.

AGENDA ITEM 7- Approval of Attendance and Reimbursement for Delegates to NABP Convention

President McCoy stated that the Board would be able to send two delegates from the Board to the NABP's 101SUP>st Annual Meeting to be held from May 21-24, 2005 in New Orleans, Louisiana.

Ms. McCoy stated that she has received a grant to attend the meeting. Ms. McCoy stated that Mr. McAllister would assume the role of NABP President at this meeting.

The Board decided that Mr. Wand would attend the meeting as a delegate. Mr. Dutcher expressed interest in attending the meeting if he could arrange his work schedule.

The Board decided that Ms. McCoy would be the official voting delegate for the Board and Mr. Wand would serve as the alternate voting delegate.

On motion by Dr. Tippett and Mr. Van Hassel, the Board unanimously agreed to allow two individuals, in addition to Ms. McCoy, to attend the NABP Convention.

The Board recessed for lunch and President McCoy reconvened the meeting at 1:00 P.M.

AGENDA ITEM 8 - Update on Open Meeting Rules

Mr. Pulver gave an update on the Open Meeting rules. Mr. Pulver reminded the Board Members that they must follow the agenda and cannot discuss items that are not noticed in the agenda. Mr. Pulver stated that if the Board discussed an item that is not on the agenda that the Board would be in violation of the Open Meeting rules. Mr. Pulver stated that audience members could speak during a Call to the Public. Mr. Pulver stated that the Board could not respond to comments from the public. Mr. Pulver stated that the Board could direct that an issue put forth by a member of the public could be put on another agenda or studied by the Board staff.

The Board decided that they would make a Call to the Public for each Agenda Item at the beginning of the discussion of each topic.

AGENDA ITEM 9 - Board Mission Statement

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

The Board Members reviewed the Mission Statement of the Board of Pharmacy and several other state agencies.

Several Board Members stated that they felt that the first line of the mission statement should state that the Board's purpose is to protect the public health, safety, and welfare.

President McCoy asked each Board Member to write a Mission Statement and the Board would review the Mission Statements and consider a new Mission Statement at a future Board Meeting.

AGENDA ITEM 10 - Inspection Policies

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

President McCoy asked Mr. Wand to open the discussion on this topic. Mr. Wand stated that he has enclosed a copy of the statutes that apply to inspections. The statute states that a regulatory agency may provide a regulated person an opportunity to correct the deficiencies. Mr. Wand stated that there is proposed legislation that states that a regulatory agency shall give the regulated person an opportunity to correct the deficiencies unless certain conditions exist.

The Board Members felt the current process works well. The Board Members felt that the Compliance Staff issues violation letters and educates licensees on how to correct their deficiencies. The Board Members felt the current practice of voluntary compliance should be continued. The Board Members felt that the Compliance Staff spends time educating the licensees to improve their practices to protect the public.

AGENDA ITEM 11 - Board and NABP Newsletter

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

President McCoy asked Mr. Wand to open the discussion on this topic. Mr. Wand opened the discussion by stating that there are two issues concerning the newsletter. Mr. Wand stated the first issue is should the Board continue sending the newsletter by mail or reduce costs by sending the newsletters to licensees by e-mail. Mr. Wand stated that the second issue is should the newsletter be sent to the newly licensed technicians, thus increasing costs.

Mr. Wand stated the newsletter is available on the Board's website.

Mr. Wand stated that he has budgeted money to upgrade the website and it may be possible to have licensees subscribe to receive the newsletter by e-mail.

The Board Members felt the licensees should be notified in a future newsletter mailed to them at their home that newsletters in the future will be sent by e-mail to subscribers. If they do not want to subscribe to receive the newsletter by e-mail, the letter will be available for viewing on the Board's website.

AGENDA ITEM 12 - Precursor Chemicals

President McCoy issued a Call to the Public. Kathy Boyle spoke concerning proposed legislation.

Mr. Wand stated that the Board has supported the section of the bills that changes the permissible amount of precursor chemicals that may be possessed from 24 grams to 9 grams, since this matches the Federal Requirements.

AGENDA ITEM 13 - Complaint Review Process

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

President McCoy opened the discussion by asking the Board Members if they felt the current complaint review process was working or if changes needed to be made to the process.

The current complaint review process sends the Compliance Officer's written report and all pertinent materials to the complaint to the Complaint Review Committee. The Complaint Review Committee will provide a review, analysis, and recommendation on the professional aspects of the complaint and will present their recommendations to the other Board Members at the next scheduled meeting.

Currently, two Board Members serve as Complaint Review Officers. One Complaint Review Officer is a Public Member and the other Complaint Review Officer is a Pharmacist.

The Board Members agreed to continue with the current complaint review process. The Public Member felt that the complaint review process helped him to understand the rules and the profession. The Pharmacist felt that by reviewing the complaints he

was able to determine what issues concern the Public.

The Board Members agreed that Mr. Dutcher and Dr. Tippettt would continue to serve as the Complaint Review Officers for the next year.

Mr. Wand asked the Board Members if they would like to receive the complaints on a CD. The Board Members stated that they would like to continue receiving the paper copies of the complaints.

The Board Members agreed to continue to provide an overview of the complaints for the Public at the Board Meeting.

AGENDA ITEM 14 - Board Personnel and Training

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

The Board Members were asked if they would like any additional training in addition to the required ethics training class offered by the state.

The Board Members felt that the material that they received from NABP was valuable in understanding their obligations as a Board Member.

The Board Members felt that no additional training was necessary. The Board Members felt that experience is the best trainer.

Mr. Wand stated the Compliance Staff attends an investigative class offered by the state and the Board Members could also attend this class.

AGENDA ITEM 15 - Compliance Officer Position

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

The Board Members were asked to express their thoughts on the hiring of non-pharmacists as Compliance Officers. Mr. Wand stated that several states are hiring technicians to fill vacant Compliance Officer Positions. He stated that the states are unable to hire pharmacists due to pay issues. Mr. Wand stated that the Board does hire a certified technician to inspect non-prescription retail sites.

The Board Members felt that the Board should only hire pharmacists as Compliance Officers. The Board Members felt that a pharmacist wants to be inspected and judged by a peer who understands the practice of pharmacy.

Mr. Pulver stated that he would prefer the hiring of pharmacists as Compliance Officers. Mr. Pulver stated that during litigation if the Compliance Officer was not a pharmacist that he would need to bring in an additional individual to serve as an expert witness.

The Board Members felt that it may not be necessary to inspect every pharmacy every year if the Compliance Staff is needed to assist with other projects.

AGENDA ITEM 16 - Expansion of Scope of Practice

President McCoy issued a Call to the Public. Kathy Boyle spoke concerning the sunrise process. Ms. Boyle stated that there is talk at the legislature that the sunrise process may occur every two years instead of yearly.

Mr. Wand stated that in order to change the scope of practice the agency must participate in the sunrise process.

Mr. Wand stated that the Board participated in the sunrise process in order to license technicians. Mr. Wand stated that the Pharmacy Association participated in the sunrise process in order to allow collaborative practice agreements. Mr. Wand stated that by licensing the technicians the Board was protecting the Public.

The Board Members expressed concerns that the driving force for a scope of practice change should be the safety of the public and not the enhancement of a business position or to place the profession in a better territorial position.

AGENDA ITEM 17 - Pharmacist Administered Immunizations

President McCoy issued a Call to the Public. Kathy Boyle spoke concerning the issue. Ms. Boyle stated that the Alliance has not received any feed back from the pharmacists concerning the prescription requirement for administering immunizations. Ms. Boyle stated that the Alliance Board might want to participate in the sunrise process to change the prescription requirement. Ms. Boyle stated that a provider indicated they felt that pharmacists should be able to administer childhood immunizations. Ms. Boyle stated that the Alliance would not support the administration of childhood immunizations.

Mr. Wright addressed the Board concerning requested rule changes. The changes would include the following: Change pneumonia to pneumococcal, Change tetanus toxoid to tetanus booster, and add the administration of diphenhydramine in addition to epinephrine during emergency situations. The Board authorized Mr. Wright to proceed with the changes.

AGENDA ITEM 18 - Prescription Drug Monitoring Program

President McCoy issued a Call to the Public. Kathy Boyle spoke concerning the issue. Ms. Boyle stated that the Legislature is interested in the Board's progress in developing a Prescription Drug Monitoring Program.

Mr. Wand stated that the Board should be notified by August if the Board will receive a federal grant. Mr. Wand stated that he and Mr. Wright would use the \$50,000 to plan and meet with the stakeholders.

AGENDA ITEM 19 - Task Force

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

Mr. Wand stated in the past the Board had a task force that approved Non-ACPE Continuing Education.

The Board Members discussed the possibility of offering CE credit for programs that are accredited by Medical or Nursing Boards. Mr. Wand offered to check with other State Boards to determine how they issue credit for Non-ACPE programs.

The Board Members discussed the inclusion of USP 797 within the pharmacy rules. The Board Members decided that a Task Force might be appropriate to study the issues involved with the inclusion of USP 797 within the rules. President McCoy suggested that Mr. Van Hassel and Mr. Smidt could lead the task force because of their hospital and home infusion background.

President McCoy discussed the issue of medication reconciliation. Ms. McCoy stated one of JCAHO's national patient safety goals is to require JCAHO accredited hospitals to review a patient's medication profile at the time of admission and the list of discharge medications. Ms. McCoy stated that the hospital would then provide a list for the next provider. The purpose of the goal is to avoid medication duplication and drug interactions. Ms. McCoy stated that JCAHO is encouraging hospitals to call the local pharmacy to obtain a list of the patient's medication. Ms. McCoy stated that the Board may want to consider a task force in the future to consider the issues and how it affects public safety.

AGENDA ITEM 20 - Board Web Page and Online Services

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

Mr. Wand stated that \$10,000 has been budgeted to upgrade the web page. Mr. Wand stated that the new page would be patterned after other state web pages. The web page will be designed in a horizontal format with drop down menus.

The Board Members indicated that it would be beneficial for the public to be able to verify licensure and disciplinary action online.

AGENDA ITEM 21 - Electronic Prescription Requirements

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

Mr. Wand stated that the Board is currently waiting for the DEA to complete their rules. Mr. Wand stated that many physicians do not have the capability of generating electronic prescriptions.

AGENDA ITEM 22 - Intern Licensure Requirements

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

President McCoy addressed the issue of foreign graduates applying for intern licenses and never reporting any intern hours.

Mr. Wright stated that he has written some proposed rules to change the requirements for foreign graduates to apply for an intern license. Mr. Wright stated that our current rules state that a foreign graduate can apply for an intern license upon receiving a passing score on the FPGEE or upon acceptance to take the FPGEE. Mr. Wright stated that the proposed rules would require that the applicant has completed the FPGEC certification.

The Board Members supported the change and authorized Mr. Wright to proceed with the rule changes.

AGENDA ITEM 23 - Licensing Database

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

Mr. Wand stated that the Board Staff is researching the purchase of a new licensing database that would allow online renewals. Mr. Wand stated that some of the databases would track complaints. Mr. Wand stated that the server for the web page and the licensing database would need to be housed in the office and he is currently researching the cost of a server.

AGENDA ITEM 24 - Intern Hours required for non-practicing pharmacists

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

The Board Members felt a committee may be necessary to review the individual's resume and determine if intern hours are necessary for an individual seeking reciprocity.

The Board Members decided that Mr. Van Hassel and Mr. McAllister would serve as the review committee for this year.

AGENDA ITEM 25 - Office of Administrative Hearings

Judge Cliff Vannell, Director of the Office of Administrative Hearings addressed the Board Members. Judge Vannell explained the services offered by his agency. Judge Vannell explained to the Board Members that the Board could refer cases to his office to be heard. Judge Vannell stated that his office ensures that the public receives fair and independent administrative hearings.

Judge Vannell stated at the conclusion of a hearing referred by the Board to his office, the Board would receive an order. The Board Members could then accept, modify, or reject the order.

The Board Members asked about the cost of referral. Judge Vannell gave an overview of the costs. Mr. Pulver stated that if the legislature approves the statute changes, the Board would be able to recoup the costs of a hearing.

AGENDA ITEM 26 - Pharmacy Practice Issues

President McCoy issued a Call to the Public. No member of the Public came forth to speak.

Third Class of Drugs

The Board Members discussed the idea of a Third Class of Dugs. The Board Members decided that this might be an issue they would like to consider in the future. The Board Members decided that this change would be a change in the scope of practice and would require the Board to participate in the sunrise process.

Legislative Oversight of PBM's

The Board Members decided that the Board of Pharmacy could not license PBMs. The Board Members decided that they could meet with the Department of Insurance and Board of Medical Examiners to discuss the licensure of PBMs.

Freedom of Choice Issues and Universal Cards

The Board Members decided that the Board has no regulatory authority concerning these issues.

Controlled Substance Refills

Mr. Dutcher expressed concern about the early refill of controlled substance prescriptions. Mr. Dutcher stated that if he refuses to refill a prescription because it is too soon to fill the customer would have the prescription transferred to another pharmacy to be filled.

The Board Members decided that the Prescription Drug Monitoring Program would decrease this practice. Mr. Wand stated that the Compliance Staff could educate pharmacists involved in this practice and give the pharmacists a chance to correct the problem.

Current Compounding Rules

Mr. Dutcher asked if there is a definition for the term "commercially available" . It was determined that this is a judgment call on the part of the pharmacist if the product is available commercially.

AGENDA ITEM 27 - Call to the Public

There being no further business to come before the Board, **on motion by Mr. Dutcher and Dr. Tippett** , the Board unanimously agreed to adjourn the meeting at 4:05 P.M.