



**Arizona State Board of Pharmacy**  
1700 W. Washington, Suite 250  
Phoenix, AZ 85007  
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING MARCH 18, 2009  
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE  
PHOENIX, AZ**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – March 18, 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, Zina Berry, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Paul Sypherd and Tom Van Hassel. The following Board Members were not present: Vice President Ridge Smidt and Joanne Galindo. The following staff members were present: Compliance Officers Rich Cieslinski, 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. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 8, Schedule D, Conference for Complaint #3635.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 8, Schedule D, Conferences for Complaint #3592 and Complaint #3598.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 9, Schedule E, Complaint Numbers #3622, #3623, and #3640.

**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 Mr. Van Hassel**, the minutes of the Regular Meeting held on January 28 and 29, 2009 were unanimously approved by the Board Members.

## **AGENDA ITEM 4– 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.

### **Community Pharmacy IV and Community Pharmacy V**

Jeffrey Gubernick, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Gubernick to describe the nature of his business. Mr. Gubernick stated that the pharmacies are independent pharmacies with most of his pharmacies located in medical complexes. Mr. Gubernick stated that the Prescott Valley store would be located in a mini shopping mall across from the hospital

Mr. McAllister asked Mr. Gubernick if he was compounding prescriptions. Mr. Gubernick replied no.

Mr. McAllister asked Mr. Gubernick if any of his pharmacies had been disciplined by the Board. Mr. Gubernick replied no.

Mr. Haiber asked Mr. Gubernick if he planned to prepare any sterile products. Mr. Gubernick replied no.

Mr. Haiber asked Mr. Gubernick if he planned on filling internet prescriptions. Mr. Gubernick replied no.

Mr. McAllister asked Mr. Gubernick where his first three stores are located. Mr. Gubernick stated that one store is located off Bell Road, the second store is located in Mesa, and the third store is located in the Biltmore area.

Dr. Berry asked Mr. Gubernick if would be wholesaling any medications to physician offices. Mr. Gubernick replied no.

Mr. Van Hassel asked Mr. Gubernick if he has an OTC section in the front of his stores. Mr. Gubernick replied no that the front areas are waiting rooms.

Mr. Wand asked Mr. Gubernick about the high quantity of controlled substances that are being purchased by his pharmacies. Mr. Wand stated that the wholesalers are indicating that the pharmacies are buying a large quantity of pain medications.

Mr. Gubernick stated that his pharmacies fill a large number of pain medications. Mr. Gubernick stated that all his pharmacists are schooled in pain management. Mr. Gubernick stated that he has been in contact with the DEA concerning policies and procedures for dispensing pain medications.

Mr. Wand reminded Mr. Gubernick that the physician cannot refer patients to his pharmacy but must give the patient a prescription to go to the pharmacy of their choice.

Mr. Van Hassel asked Mr. Gubernick if he has any connections to a hospital or hospice. Mr. Gubernick replied no.

Mr. Gubernick stated that one of his pharmacies is located next to Phoenix Pain Management. Mr. Gubernick stated that the primary practice at the medical office is pain management. Mr. Gubernick stated that since they are located next to the pain management office they do fill a lot of prescriptions for pain medications.

Mr. McAllister reminded Mr. Gubernick that a true doctor-patient relationship must exist. Mr. Gubernick stated that 95% of the prescriptions are from one source and he is in constant contact with the provider.

Mr. Wand asked Mr. Gubernick if all the prescriptions are filled for Arizona patients. Mr. Gubernick replied that he is not aware of filling any out of state prescriptions.

### **Thatcher Drugs**

Casey Allen, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Allen if he was planning to open a new pharmacy. Mr. Allen replied yes.

Mr. McAllister asked Mr. Allen if he had opened three pharmacies in the past and closed all three pharmacies in a relative short time period.

Mr. Allen stated that he closed the pharmacies because of bad money flow. Mr. Allen stated that each time he moved he hoped for better volume. Mr. Allen stated that a low prescription volume and delay in payment from the insurance companies created money flow problems.

Mr. McAllister asked Mr. Allen what he did with the inventory from the stores. Mr. Allen stated the first two times the inventory was moved to the new store. Mr. Allen stated when he closed the last store he sold some of the stock to an independent pharmacy and the rest he returned to the wholesaler.

Mr. Milovich asked Mr. Allen what makes him think that his money flow situation would be different in Thatcher. Mr. Allen stated that he has family in the area and would be living with family. Mr. Allen stated that his only real expense would be the pharmacy rent.

Mr. Milovich asked Mr. Allen why he had previously selected Pine for a pharmacy site. Mr. Allen stated that the location was good and he was located about 15 to 20 miles from Payson. Mr. Allen stated that his business was doing well.

Mr. Milovich asked Mr. Allen how long he was open at the Pine location. Mr. Allen stated that he was open about 5 months.

Mr. Milovich asked Mr. Allen if he had a timeline in place and knew how much cash he had available. Mr. Allen stated that he was doing well in Pine and then he had issues being paid by the insurance companies. Mr. Allen stated that it was taking up to three months to be paid by some insurance companies.

Mr. Milovich reminded Mr. Allen that he does not want to give the community hopes of having a pharmacy and then bail out in a short period of time.

### **Desert Senita**

Tony Allen, Pharmacist in Charge, and Fatima McCasland, Chief Executive Officer of Desert Senita Health Center, were present to answer questions from Board Members.

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

Ms. McCasland stated that Desert Senita Health Center located in Ajo is the sole health care provider in the area. Ms. McCasland stated that there are 4 medical providers and a dental facility in the health center. Ms. McCasland stated that they have been awarded additional funds and they would like to provide in house pharmacy services. Ms. McCasland stated that they would have expanded space within three years because the ambulance service would be moving to another building.

Mr. McAllister asked about the anticipated prescription volume. Ms. McCasland stated that they would fill approximately 80 to 100 prescriptions daily.

Mr. Felix stated that the pharmacy would be a 340B pharmacy and would service patients of the health facility only and these patients qualify as 340B patients. Mr. Felix stated that they would need to have dual inventories to service the community.

Mr. Haiber asked if they were counting the 67 square feet of storage as pharmacy space. Mr. Felix stated that the storage space would be used to store non-pharmaceutical items such as prescription vials. Mr. Felix stated that only pharmacy personnel would have keys to the area.

Mr. Wand asked Mr. Felix if he planned to be the Pharmacist in Charge. Mr. Felix stated that he would be assisting them in the opening of the pharmacy but he would not be the pharmacist in charge.

Mr. Van Hassel stated that he feels that the space is inadequate.

Mr. Van Hassel asked where the patients are currently having their prescriptions filled. Ms. McCasland stated that they are having their prescriptions filled at the local pharmacy, at mail order pharmacies, and some patients travel to Buckeye. Ms. McCasland stated that some patients go without their medications because they do not have access to transportation and cannot fill their prescriptions locally.

Mr. Wand asked if they have any prospects for pharmacists to staff the pharmacy. Ms. McCasland stated that they have two applicants interested in public health.

Mr. Felix stated that if they are not able to find a pharmacist then they would need to explore other options to provide pharmacy services.

Mr. Wand stated that the Board has never given a deviation to a community pharmacy for less than the required square footage unless the pharmacy is a ghost pharmacy.

Mr. Wand asked how much inventory would be carried in the pharmacy. Mr. Felix stated that they would have approximately \$15,000 in inventory. Mr. Felix stated that 70 to 75% of the stock would be generic medications.

Mr. Van Hassel asked if he could have a prescription filled at the pharmacy. Mr. Felix stated that if he was not registered at the clinic as a patient and did not qualify to receive prescriptions under 340B then he could not have his prescriptions filled at the pharmacy.

Dr. Sypherd asked Ms. McCasland if she has any expansion plans at this time. Ms. McCasland said that she does have a schematic of the building and could show the Board where the proposed expansion would occur.

Mr. Wand suggested that they may be able to find a larger space in the community to rent for the pharmacy.

Ms. Campbell reminded the Board Members that they could only grant a deviation for experimentation and technological advances.

### **Sterling Medical Services**

Steven Hoffman, Pharmacist in Charge, and Brian Hewlett, Distribution Center Manager, were present to answer questions from Board Members. Roger Morris and Christine Cassetta were present as Legal Counsel for the applicants.

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

Mr. Hewlett stated that they currently have a distribution center in Phoenix. Mr. Hewlett stated that they would be filling prescriptions for their client Davita. Mr. Hewlett stated that they currently ship 5 items from their east coast pharmacy to the west coast. Mr. Hewlett stated that it is very expensive to ship the products and they would like to fill the prescriptions locally and ship to their clients at a lower cost.

Mr. Hoffman stated that the company operates a similar pharmacy in Pennsylvania. Mr. Hoffman stated that the medications are for home dialysis patients. Mr. Hoffman stated that it would be a closed door pharmacy.

Mr. Van Hassel asked about the inventory.

Mr. Hoffman stated that they would be carrying 6 items. Mr. Hoffman stated that the pharmacist would be placing the prescription items into a kit with non-prescription items and the pharmacist would be labeling the kit.

Mr. Van Hassel asked if they would be hiring a fulltime pharmacist.

Mr. Hoffman stated that they would hire a pharmacist for a couple of hours a day to dispense approximately 20 shipments daily.

Mr. Van Hassel asked if they would be filling any controlled substances.

Mr. Hoffman replied no.

Mr. Haiber asked if any patients would come to the pharmacy.

Mr. Hoffman replied no and stated that all prescriptions would be sent to the patient.

Mr. Hoffman stated that they would be meeting the required square footage for the pharmacy.

Dr. Berry asked if each prescription item would be labeled.

Mr. Hoffman stated that each prescription item would be labeled separately.

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

**RESIDENT (In Arizona)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Community Pharmacy IV	3050 Windsong Dr. Ste. #103, Prescott Valley, AZ 86314	Community Drugstore, LLC
Community Pharmacy V	59 <sup>th</sup> Ave and Paradise Lane, Glendale, AZ	Community Drugstore, LLC
Wal-Mart 10-4430	41600 W. Maricopa Casa Grande Hwy, Maricopa, AZ 85239	Wal-Mart Stores, Inc.
QoL Meds	3220 B E 40th St., Yuma, AZ 85365	QoL Meds
Guidance Center Cottonwood	4. E. Cottonwood, Cottonwood, AZ 86326	The Guidance Center, Inc.
Walgreens #13677	1432 S. Dobson Rd, Suite 101, Mesa, AZ 85202 (O)	Walgreen Arizona Drug Co.
Thatcher Drugs	3915 W. Main St., Thatcher, AZ 85552	Casey Allen
Fry's Pharmacy #680	15215 N. Cotton Lane , Surprise, AZ 85379	Smith's Food & Drug Centers, Inc.
Cigna Healthcare	4360 E. Brown Rd., Ste 114, Mesa, AZ 85205	Cigna Healthcare of Arizona
Sterling Medical Services, LLC	7343 South Hardy Dr., Tempe, AZ 85283	Sterling Medical Services, LLC

(O) = Ownership Change

**On motion by Mr. Van Hassel and seconded by Dr. Sypherd**, the Board unanimously denied the application as presented by Desert Senita Pharmacy. The Board Members felt that there were other alternatives instead of granting a deviation for the square footage of the pharmacy. The Board Members can only grant a deviation for experimentation and technological advances and the Board Members felt that the request did not meet these requirements. (A.R.S. § 32-1904 (B) (6))

**Non-Resident Permits**

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

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

**NON-RESIDENT (Out of State)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Rx Stat	3251 Tech Dr., St. Petersburg, FL 33716	Rx Stat, Inc
Pavillion Compounding Pharmacy	3193 Howell Mill Rd., Atlanta, GA 30327	Lou Norton
Ameridose, LLC	205 Flanders Rd., Westborough, MA 01581	Ameridose, LLC
Ameridose, LLC	50 Fountain St., Framingham, MA 01702	Ameidose, LLC
Heartland Pharmacy At North Platte	3700 W. Phillip at the Atrium, North Platte, NE 09101	Heartland Pharmacy Care, Inc.
Midwest Compounders, Inc.	13330 Santa Fe Trail Dr., Lenexa, KS 66215	Midwest Compounders, Inc.
NuCara Pharmacy #1	1150- 5 <sup>th</sup> St., Suite 140, Coralville, IA 52241	NuCara of Iowa, LTD.
Pharmco, LLC	901 N. Miami Beach Blvd, , Ste. 1,2 , N. Miami Beach, FL 33162	Pharmco, LLC
Care for Life	3305 Main St., Suite #205, Vancouver, WA 98663	NCS Healthcare of Washington, Inc.
HealthPartners Central Pharmacy Services	9700 W. 76 <sup>th</sup> St., Eden Prairie, MN 55344	HealthPartners Corporation
Heartland Pharmacy Care, Inc.	11028 Q Street, Omaha, NE 68510	Hearthland Pharmacy Care, Inc.

**Manufacturer/Repackager Permits**

President McAllister stated that all permits were in order for manufacturer/repackager permits.

Mr. Wand stated that the two companies listed on the agenda are only repackagers. Mr. Wand stated that Arizona does not have a separate category for repackagers and all repackagers are licensed as manufacturers.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously approved the manufacturer/repackager permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

## MANUFACTURERS/REPACKAGERS

Pharmacy	Location	Owner
Apothecary Shop of Deer Valley	23620 N. 20 <sup>th</sup> Dr. #12, Phoenix, AZ 85085	Apothecary Holdings, Inc.
PSS World Medical, Inc	3103 E. Broadway Rd. #100, Phoenix, AZ 85040	PSS World Medical, Inc.

### **Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees**

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

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

**On motion by Dr. Berry and seconded by Ms. Honeyestewa**, 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 5– Special Requests**

#### **#1 Thomas Branson**

**Thomas Branson** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 07-0032-PHR be terminated. Roger Morris, Legal Counsel for Mr. Branson was also present.

President McAllister opened the discussion by asking Mr. Branson to describe the nature of his request.

Mr. Morris stated that Mr. Branson is requesting the termination of his probation. Mr. Morris stated that Mr. Branson has completed all the requirements of his Consent Agreement.

Mr. Wand stated that Mr. Branson had signed an agreement with Affiliated Monitoring. Mr. Wand stated that they evaluated his pharmacy and suggested areas that Mr. Branson could improve his practice.

Mr. Branson stated that they worked with him on his paperwork and he has become stricter on completing his paperwork.

Mr. Milovich asked Mr. Branson if he completed his compliance manual. Mr. Branson replied yes.

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously approved Mr. Branson's request to terminate his probation.



## #2 Gloria Silmone

**Gloria Silmone** 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. Silmone to describe the nature of her request.

Ms. Silmone stated that she would like to take the NAPLEX exam for the fourth time. Ms. Silmone stated that she is currently working as a Certified Pharmacy Technician at Scottsdale Healthcare.

Mr. McAllister asked Ms. Silmone what she has done to prepare for the test since her last appearance.

Ms. Silmone stated that she had completed a review course.

Mr. McAllister asked Ms. Silmone what review course she has taken.

Ms. Silmone stated that she completed the Kaplan online review course. Ms. Silmone stated that she studies three to four hours a day when she works and will study 8 hours a day on her day off.

Mr. McAllister asked Ms. Silmone if she is working on areas that she felt were weak.

Ms. Silmone stated yes.

Mr. McAllister asked Ms. Silmone what duties she performs at the hospital as a technician.

Ms. Silmone stated that she does IV compounding, prescription work, delivers medications to the floors, and answers the telephone.

Mr. Haiber asked Ms. Silmone if she was able to complete the test.

Ms. Silmone stated that she did not complete the test the first and second time. Ms. Silmone stated that she completed the exam the third time.

Mr. Milovich asked Ms. Silmone in what areas did she feel that she needed to improve her skills.

Ms. Silmone stated that she needed to improve in pharmaceuticals and calculations. Ms. Silmone stated that by working in the hospital she is learning the drug names, generic names, and IV calculations

Mr. McAllister asked Ms. Silmone if she was ready to take the exam.

Ms. Silmone replied yes.

Mr. McAllister asked Ms. Silmone if she is prepared to work as a pharmacist.

Ms. Silmone replied yes.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously agreed to approve Ms. Silmone's request to take the NAPLEX exam for the fourth time.

### **#3 James Peterson**

**James Peterson** appeared on his own behalf to request that the suspension imposed on his pharmacist license per Board Order 07-0032-PHR be terminated and probation imposed.

President McAllister asked Mr. Peterson to address the nature of his request.

Mr. Peterson stated that he would like to have his suspension terminated and probation imposed. Mr. Peterson stated that he has sent the required reports from his physicians to the Board.

Mr. Wand stated that there were some concerns if Mr. Peterson was to sign a PAPA contract. Mr. Wand stated that the consent implied that Mr. Peterson would need to attend inpatient treatment and sign a PAPA contract if his psychiatrist felt that was necessary. Mr. Wand stated that Mr. Peterson submitted two evaluations from two different physicians and both physicians indicated that he did not have a substance abuse problem.

Mr. Van Hassel asked Mr. Peterson what he has been doing since his license was suspended. Mr. Peterson stated that he has not practiced for 15 months.

Mr. Peterson stated that he has been teaching Biology classes part-time at the community college.

Mr. Van Hassel asked Mr. Peterson if he has made all his appointments.

Mr. Peterson replied yes. Mr. Peterson stated that he has had drug screens and has not tested positive on any of the screens.

Mr. McAllister asked Mr. Peterson if he is seeing Dr. Ahmed regularly.

Mr. Peterson replied yes.

Mr. McAllister asked Mr. Peterson if he is ready to return to practice.

Mr. Peterson replied yes.

Dr. Berry asked Mr. Peterson if he has a job.

Mr. Peterson replied not at this time. Mr. Peterson stated that he would finish teaching his classes for the year and then look for a pharmacy job. Mr. Peterson stated that he would like to practice part-time in a clinical area.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to approve Mr. Peterson's request to remove the suspension and impose probation. The Board also unanimously agreed to amend Mr. Peterson's consent agreement to require him to continue seeing Dr. Ahmed at least once every two months and have quarterly reports sent to the Board Office during the term of his probation.

## **AGENDA ITEM 6 – License Applications Requiring Board Review**

### **#1 Thomas Coppola**

**Thomas Coppola** appeared on his own behalf to request to proceed with reciprocity.

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

Mr. Coppola stated that he would like to apply for reciprocity in Arizona and his license was disciplined in New York. Mr. Coppola stated that he is currently working in North Carolina.

Mr. McAllister asked Mr. Coppola why he was disciplined in New York.

Mr. Coppola stated that he waived co-pays for family members and friends. Mr. Coppola stated that he had legitimate prescriptions for all the drugs but he gave the drugs away without the patients paying for the drugs.

Mr. McAllister asked Mr. Coppola if his license was suspended.

Mr. Coppola stated that his license was suspended. Mr. Coppola stated after the suspension he was placed on probation and had to pay a fine. Mr. Coppola stated that he met all the requirements of his order. Mr. Coppola stated that he works for CVS in North Carolina. Mr. Coppola stated that he works in challenged stores. Mr. Coppola stated that he is sent to the challenge stores to help manage the store.

Mr. Milovich asked Mr. Coppola what he sold over the internet.

Mr. Coppola stated that he sold diabetic testing strips and glucose monitors on e-bay. Mr. Coppola stated that when someone returned the items they were given a refund and he would take the items and sell them on e-bay because the company could not get a refund.

Mr. Haiber asked Mr. Coppola if he sold any other products such as prescription medications on the internet.

Mr. Coppola replied no.

Mr. Haiber asked Mr. Coppola if he is currently a Pharmacist in Charge.

Mr. Coppola replied yes.

Dr. Berry asked Mr. Coppola if he diverted Controlled Substances because NABP has listed that he diverted Controlled Substances.

Mr. Coppola replied no that he only waived co-pays.

Mr. Wand stated that the Board could table the matter and a call could be made to NABP for clarification

**On motion by Mr. Haiber and seconded by Mr. Van Hassel**, the Board unanimously agreed to table the license review until NABP was called for clarification.

A call was made to NABP and they stated that it appears that no controlled substances were diverted.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to allow Mr. Coppola to proceed with licensure.

## **#2 Andrew Thomas**

**Andrew Thomas** appeared on his own behalf to request approval to renew his Arizona Pharmacist license that was last renewed in 2000. Mr. Thomas has not practiced in the last year.

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

Mr. Thomas stated that he did not renew his license about 9 years ago. Mr. Thomas stated at the time he retired and did not plan on returning to work. Mr. Thomas stated that with the current economic situation he would like to return to work.

Mr. McAllister asked Mr. Thomas when he last worked in a pharmacy.

Mr. Thomas stated that the last time he worked in a pharmacy was on May 1, 1999 when he retired.

Mr. Wand stated that the Board could require Mr. Thomas to perform up to 400 hours of internship prior to allowing him to reinstate his license.

Mr. Thomas stated that he was told that he had to appear for the Board to approve his request.

Ms. Frush stated that the rules state that a non-practicing pharmacist holding a delinquent license over 5 years must appear before the Board to furnish satisfactory proof of fitness to be licensed as a pharmacist. Ms. Frush stated that Mr. Thomas would also be required to take the MPJE exam and pay all fees to bring his license current.

**On motion by Mr. Van Hassel and seconded by Dr. Berry,** the Board unanimously agreed to allow Mr. Thomas to proceed with renewal of his license with the following requirements: obtain an Arizona Intern license and complete 400 Intern hours, pass the MPJE exam, and pay all licensing fees.

**#3 David Westenfelder – Postponement until the May meeting.**

**#4 Jeffrey McKinney**

**Jeffrey McKinney** appeared on his own behalf to request to reinstate his pharmacy technician license that was voluntarily surrendered.

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

Mr. McKinney stated that he would like to reinstate his pharmacy technician license that he surrendered in 2006. Mr. McKinney stated that he tested positive for cannabis on a pre-employment screening. Mr. McKinney stated that he had moved to Texas and is now returning to Arizona and would like to work in the pharmacy field. Mr. McKinney stated that he had made a mistake and is ready to move on with his life.

Mr. McAllister asked Mr. McKinney how long he worked in a pharmacy.

Mr. McKinney stated that he never worked in a pharmacy. Mr. McKinney stated that he attended pharmacy technician school in Tucson and tested positive for cannabis on his first job interview. Mr. McKinney stated that he never had a chance to work as a technician. Mr. McKinney stated that he worked in materials management in Texas.

Mr. McAllister asked Mr. McKinney if it was a pre-employment screening.

Mr. McKinney replied yes. Mr. McKinney stated that the cut off level was 50 and he tested at 70.

Mr. Milovich asked Mr. McKinney why he was moving back to Arizona.

Mr. McKinney stated that his girlfriend works for West Valley hospital and he would like to work at a hospital as a pharmacy technician.

Mr. Milovich asked Mr. McKinney if he thought the level of drug made a difference on the test.

Mr. McKinney replied the level does not make a difference and it was a dumb mistake. Mr. McKinney stated that he has kept his certification current with PTCB.

Mr. Van Hassel asked Mr. McKinney why he did not appear in front of the Board when he had the positive screening.

Mr. McKinney stated that he thought it was cut and dry and he would have to pay the penalty for what he did.

Mr. Haiber asked if individuals do not have to go through a process to allow the Board to know that they are drug free. Mr. Haiber stated that an individual can leave and come back and ask for their license back.

Mr. Wand stated that when Mr. McKinney's consent agreement was written technicians could not participate in the PAPA program. Mr. Wand stated that at that time the technician could either voluntarily surrender their license or participate in a non-PAPA program. Mr. Wand stated that currently a technician would need to sign a PAPA contract.

**A motion was placed on the floor by Mr. Haiber to offer a consent agreement for PAPA and if not accepted then the license would not be reinstated.** The motion was not seconded.

Dr. Sypherd asked if there was a process that would allow the individual to just appear for random drug screening.

Mr. Wand stated that the Board could ask the individual to participate in the TASC program. The TASC program could perform random urine screens. Mr. Wand stated that most individuals in the PAPA program are there due to theft. Mr. Wand stated that PAPA requires both drug screening and counseling. Mr. Wand stated that PAPA requires twice monthly screening while the individual is not working in a pharmacy and screening four times a month when they are working. All screens are random. Mr. Wand stated that the Board could table the matter until later in the day to see if TASC is available to Mr. McKinney.

**On motion by Mr. Haiber and seconded by Dr. Sypherd,** the Board unanimously agreed to table the matter.

Mr. Wand stated that the Board Office does not have any objection to receiving the results for custom monitoring programs.

President McAllister opened the discussion and stated that it would be possible for Mr. McKinney to participate in the TASC program.

Mr. Wand stated that since Mr. McKinney resides in the valley he would be able to participate in the TASC program. Mr. Wand stated that TASC has numerous sites in the valley where Mr. McKinney could go for random drug screens. Mr. Wand stated that there is another technician that does participate in the TASC program in Phoenix. Mr. Wand stated that Mr. McKinney would be responsible for paying for the drug screens. Mr. Wand stated that the usual schedule for random screenings is two a month when the participant is not working and four a month when the participant is working. Mr. Wand stated that the results would be reported to the Board Office.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber,** the Board unanimously agreed to offer Mr. McKinney a consent agreement with the following terms: Mr.

McKinney's license would be reinstated on probation for one year. During that time, Mr. McKinney must enter into an agreement with TASC for random drug screens. Mr. McKinney would be required to have two random drug screens monthly when he is not working and four random drug screens monthly when he is working. The results of the drug screens would be sent to the Board office.

#### **#5 George Wiesner**

**George Wiesner** appeared on his own behalf to request to proceed with licensure as a pharmacist.

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

Mr. Wiesner stated that he would like to proceed with reciprocity to Arizona. Mr. Wiesner stated that he is currently working for Walgreens in Nevada. Mr. Wiesner stated that he has lived in Arizona for 13 years and would like to work as a pharmacist in Arizona.

Mr. McAllister asked Mr. Wiesner when he last appeared in front of the Board.

Mr. Wiesner replied that he last appeared about 4½ years ago.

Mr. McAllister asked Mr. Wiesner if he completed the requirements that the Board set forth at that time.

Mr. Wiesner stated that because he had lied on an initial application to the Board the Board had required him to complete intern hours and take the NAPLEX and MPJE exam. Mr. Wiesner stated that he had difficulty finding work as an intern and he decided to return to New Jersey to work as a pharmacist and has worked as a pharmacist in both New Jersey and Nevada.

Mr. McAllister asked Mr. Wiesner where he has worked as a pharmacist.

Mr. Wiesner stated that he worked at CVS in New Jersey. Mr. Wiesner stated that he has worked at Target and Walgreens in Nevada.

Mr. Van Hassel stated that Mr. Wiesner has been working as a pharmacist for the last six years and feels that he has satisfied the requirements.

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to allow Mr. Wiesner to proceed with reciprocity.

#### **#6 Lisa Hunter**

**Lisa Hunter** appeared on her own behalf to request to reinstate her pharmacist license that was voluntarily surrendered per Board Order 08-0003-PHR.

President McAllister opened the discussion by asking Ms. Hunter about the nature of her request.

Ms. Hunter stated that she is requesting the reinstatement of her Pharmacist license. Ms. Hunter stated that she was required to take the NAPLEX and MPJE exams prior to reinstatement.

Mr. McAllister asked Ms. Hunter how long ago she had taken the exams.

Ms. Hunter stated that she took and passed the law exam at the end of last year. Ms. Hunter stated that she did not pass the NAPLEX exam the first time. Ms. Hunter stated that she had received a 74. Ms. Hunter stated that she retook the NAPLEX exam for the second time and passed with a 78 on March 5, 2009.

Mr. McAllister asked Ms. Hunter if she had taken any CE courses during that time.

Ms. Hunter replied no. Ms. Hunter stated that she purchased the Morris Cody review books and used the books to study for her exam

Mr. McAllister noted that Ms. Hunter had received an intern license and a pharmacy technician license from the Board and asked if she had worked in the healthcare field during this time.

Ms. Hunter replied no. Ms. Hunter stated that she tried to find work as a technician through Concentric but never was given an assignment from Concentric. Ms. Hunter stated that she applied for an intern position but was told that since she would be taking the test to have her license reinstated that they did not want to hire her for a short time period. Ms. Hunter stated that she worked as a substitute teacher for approximately 8 months. Ms. Hunter stated that during this time period her stepmother had died and she was helping her father.

Dr. Berry noted that Ms. Hunter was also taking the exams for Colorado and wanted to know if Ms. Hunter was planning to move to Colorado or stay in Arizona.

Ms. Hunter stated that she had went on several skiing trips to Colorado and thought that she may be able to help out in the small pharmacies in the area. Ms. Hunter indicated that her boyfriend has a house in Colorado and she may be staying there and could help in the pharmacies in town if they needed any help.

Dr. Berry asked Ms. Hunter if she knew in what practice site she would like to work.

Ms. Hunter stated that she would like to work in the retail environment. Ms. Hunter stated that she would like to work in certain retail settings because support help is available at these sites. Ms. Hunter stated that she does not want to work in a hospital and is not sure if she would like to work in the PBM setting.



**A motion was made by Mr. Van Hassel offering Ms. Hunter a consent agreement with the following terms: Ms. Hunter's pharmacist license would be reinstated and evaluations from her employers would be sent to the Board at 30 and 90 days with the evaluations indicating that Ms. Hunter is successfully performing the duties of a pharmacist.**

The motion was not seconded.

Dr. Sypherd asked if the NAPLEX exam addresses the types of errors Ms. Hunter made in the pharmacy.

Mr. McAllister stated that the exam addresses calculations and errors. Mr. McAllister stated that the exam is an assessment of minimum competency.

Mr. Wand was asked if the Board could ask Ms. Hunter to work under the supervision of another pharmacist. Mr. Wand stated that the Board could ask Ms. Hunter to not work alone, but it has been difficult in the past for pharmacists to meet the requirement.

**A motion was placed on the floor by Mr. Haiber and seconded by Dr. Berry to offer Ms. Hunter a consent agreement to reinstate her license with the following terms: Ms. Hunter would be on probation for 6 months and she would work in a non-hospital work site under the supervision of a pharmacist with a license in good standing. The employer would submit reports at 30 day intervals and 120 day intervals. Ms. Hunter would need to appear at a Board Meeting to have the probation terminated.**

A roll call vote was taken and the motion failed. (Mr. Van Hassel – nay, Ms. Honeyestewa – nay, Dr. Berry – nay, Mr. Milovich – nay, Dr. Sypherd- nay, Mr. Haiber – aye, President McAllister- nay)

Dr. Sypherd stated that he felt looking at the errors made that Ms. Hunter should not be working in a pharmacy at this time.

Mr. Milovich stated that he has reservations because Ms. Hunter indicated that she wanted technician help and did not like working alone. Mr. Milovich stated that some locations do not have technicians on duty all the time and he has concerns that Ms. Hunter needs to have a technician on duty.

Ms. Hunter stated that she would be fine to work alone as long as she knows the computer system.

**On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to deny Ms. Hunter's request to reinstate her license based upon the findings of fact and conclusions of law in the consent agreement. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa – aye, Dr. Berry – aye, Mr. Milovich – aye, Dr. Sypherd- aye, Mr. Haiber – aye, President McAllister- aye)**

## **AGENDA ITEM 7- Reports**

### **Executive Director Report**

#### **Budget Issues**

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

Mr. Wand stated that documents show that we are 11% under budget because we have not replaced a compliance officer and office receptionist.

Mr. Wand stated that at the end of June the Board would have a balance of \$240,000. Mr. Wand stated that \$240,000 is not enough to carry the Board through the first quarter of the new fiscal year. The renewals would not start until the second quarter. Mr. Wand stated that money would also be necessary to continue the prescription monitoring program.

Mr. Wand stated that he has been receiving calls from the Office of Strategic Planning and Budgeting asking for projections. Mr. Wand stated that it might be possible to postpone some payments such as rent until later. Mr. Wand stated that reserve funds were necessary in case there were computer issues with the web portal contractor or the Board was sued. Mr. Wand stated that it is a possibility that some of the funds could be restored to the Board.

#### **Newsletter Input**

Mr. Wand stated that he recently saw an article in the Oregon newsletter written by the public member giving his views on the drug treatment program. Mr. Wand stated that if any Board Member would like to write an article for an upcoming newsletter to contact him.

### **Deputy Director Report**

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

During the month of January, the Compliance Staff issued letters for the following violations:

#### **Controlled Substance Violations**

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

### **Documentation Violations**

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

### **Dispensing Violations**

1. Outdated Rx and OTC items in the pharmacy - 2

### **Pharmacy Violations**

1. Allowing technician to work with no license -1
2. Failure to have technicians sign training documentation - 2
3. Failure to notify the Board of a change in Pharmacist in Charge - 1

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

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

### **Areas outside the inspection reports that may be of interest:**

1. No Office Use prescriptions
2. Nurse Practitioners have same prescribing authority as a physician

### **Pharmacist Assisting Pharmacists of Arizona (PAPA)**

Ms. Frush presented the PAPA report because Ms. Yates was unable to attend the meeting.

Ms. Frush stated that there are a total of forty-two (42) participants in the PAPA program. Since the last report on January 28, 2009, there has been one (1) completion of contract, one (1) request for termination of contract, and three (3) new PAPA contracts, and there is (1) pending contract upon completion of inpatient treatment.

Ms. Frush stated that there was one concern for a participant who had violated his PAPA contract by testing positive for propoxyphene. Ms. Frush stated that the Board has opened a complaint against the individual and his case would be considered this afternoon during the complaint review.

### **AGENDA ITEM 8 – Conferences**

#### **Complaint #3587**

**This complaint consisted of two separate incidents.**

#### **Incident 1**

The following individuals were present to answer questions from Board Members concerning Incident 1 of this complaint: Michael Schember (Pharmacist), Joshua Santiago (Pharmacy Technician) and Thomas Bakker (Legal Counsel).

Compliance Officer Rich Cieslinski gave a brief overview of Incident 1. Mr. Cieslinski

stated that the complainant presented a prescription to the pharmacy for his four month old daughter for furosemide 10mg/ml. The directions on the prescription were entered incorrectly and dispensed incorrectly. The child was to receive 0.4 ml by mouth twice daily. The directions were entered incorrectly. The directions stated that the child was to take 4 ml by mouth twice daily. The pharmacist counseled the patient and provided him with a larger syringe to give the 4 ml dose. The child was given at least 4 doses and was hospitalized for 5 days.

President McAllister asked Mr. Sember to address the complaint.

Mr. Sember stated that he looked at the prescription several times and had decided that the prescription was correct. Mr. Sember stated that he gave the patient a syringe because it was such a large dose. Mr. Sember stated that when he was called into the manager's office and looked at the prescription he knew it was wrong. Mr. Sember stated that he is very sorry for the error and was glad that the patient was going to be ok. Mr. Sember stated that he should have prevented the error and feels bad.

Mr. Sember stated that he has implemented many changes to assure that an error of this type does not occur again. Mr. Sember stated that he does a visual check of the prescription where he checks off the patient name, the drug, the directions, and the directions. This helps him focus on the prescription. Mr. Sember stated that he has familiarized himself with pediatric doses and ensures that all prescriptions have the age and weight on the prescription if they are a pediatric patient. Mr. Sember stated that he writes all calculations on the front or back of the prescription. Mr. Sember stated that they have a new computer system that alerts the pharmacist to high dosages. Mr. Sember stated that the new computer also has a feature allowing them to scan the label and the bottle to ensure that they have the correct medication. Mr. Sember stated that the new computer also gives the ID of the individual who verifies the prescription, who sells the prescription, and counsels the patient. Mr. Sember stated that he has done CE on identifying errors. Mr. Sember stated that he has redesigned the work flow system, so that there are fewer distractions. Mr. Sember stated that he has made these changes because he does not want an error to occur again in the pharmacy.

Mr. McAllister asked Mr. Sember how long he has worked at the Pharmacy.

Mr. Sember stated that he has worked at the pharmacy for approximately 1-1/2 years.

Mr. McAllister asked Mr. Santiago how the error occurred.

Mr. Santiago stated that he forgot to put the 0 in front of the 4 when he entered the prescription.

Mr. McAllister asked Mr. Santiago how long he had worked at the pharmacy.

Mr. Santiago stated that he has worked at the pharmacy for 5 years.

Mr. McAllister noted that the doctor had listed the mg dose and ml dose on the prescription.

Mr. McAllister asked Mr. Schember if he counseled the patient from the prescription.

Mr. Schember stated that he counseled the patient by reading the bottle label.

Mr. Milovich asked Mr. Schember why he gave the patient a syringe when the medication comes with a dropper.

Mr. Schember stated that the doctors don't trust the accuracy of the dropper and liked the idea that the pharmacy would give the patient a syringe.

Mr. Haiber asked how Mr. Schember was calculating the dosage.

Mr. Schember stated that he would calculate the dose on a piece of scrap paper or in his head.

Mr. Haiber asked if the pharmacy was busier than usual that day.

Mr. Schember stated that they had a lot of compounded prescriptions to do that day and he had someone waiting at the window.

Mr. Haiber asked Mr. Schember has he made any modifications to deal with the stress.

Mr. Schember stated that they now have additional staff. Mr. Schember stated that they have hired new technicians and a new pharmacist. Mr. Schember stated that they are no longer using temporary staffing. Mr. Schember stated that they are currently installing an IVR system to help with the influx of calls.

Mr. Milovich asked Mr. Schember if the old computer system had any warnings for DURs or pediatric doses.

Mr. Schember replied no.

Mr. Milovich asked Mr. Schember if he had ever seen a prescription written for a dose of 4 mls of Furosemide given at one time.

Mr. Schember replied that he had not seen a prescription written as such for a patient of this age.

Mr. Milovich asked if the quantity he dispensed would have triggered him to question the dose.

Mr. Schember replied no because they dispense a three month supply at a time.

Mr. Van Hassel stated that when the pharmacy responded to the complaint several months ago the IVR was being installed at the time and he was questioning when the IVR installation would be complete.

Mr. Schember stated that there have been several requisitions and he is waiting for the official install.

## **Incident 2**

The following individuals were present to answer questions from Board Members concerning Incident 2 of this complaint: Robert Waugh (Pharmacist) and Thomas Bakker (Legal Counsel).

Compliance Officer Rich Cieslinski gave a brief overview of Incident 2. Mr. Cieslinski stated that the same complainant received a new prescription for his daughter's furosemide several months later and the dose was increased. The parents were aware that the dose had increased and the prescription was labeled correctly. The father administered two doses of the medication to the child and the mother noted that the child was dehydrated and her skin was blotchy. The doctor was called and they were told to stop the medication until they saw the cardiologist in two days. The mother noted that the liquid in the new bottle smelled different and was a different color. Upon examining the bottle, the father saw that they had been given digoxin solution labeled as furosemide solution.

President McAllister asked Mr. Waugh to address the error.

Mr. Waugh stated that the error did occur and there were multiple factors that possibly contributed to the error. Mr. Waugh stated that two transitions were taking place at the time. Mr. Waugh stated that they were dealing with a new computer system and a new APIPA formulary.

Mr. Waugh stated that two weeks prior to the error a new computer system was installed. Mr. Waugh stated that there were numerous problems. Mr. Waugh stated that the prices would be wrong or the drug name would not appear on the label. Mr. Waugh stated that as many as 50 prescriptions a day had to be done over again because they did not process properly. Mr. Waugh indicated that the processing problems led to a backlog of work.

Mr. Waugh stated that they were transitioning to the new APIPA contract and many of the drugs that were covered were being rejected.

Mr. Waugh stated on that particular day the pharmacy was busy. Mr. Waugh stated that his senior technician was absent and they were using temporary staffing personnel. Mr. Waugh stated that he was entering the prescriptions because he was the only individual that knew the new program. Mr. Waugh stated that his initials are on the bottle but he does not recall verifying prescriptions that day.

Mr. McAllister asked Mr. Waugh about the staffing.

Mr. Waugh stated at the time they were using temporary staffing. Mr. Waugh stated that they had both pharmacists and technicians from the staffing agency.

Mr. McAllister asked Mr. Waugh who labeled the prescription bottle.

Mr. Waugh stated that the bottle was probably labeled by the technician.

Mr. McAllister noted that the technician did leave the Digoxin name uncovered for the pharmacist to check the product.

Mr. McAllister stated that he is concerned about the management of this pharmacy.

Mr. Waugh stated that he is no longer working at the pharmacy and when he left they had completed the computer transition and felt that it was a much safer pharmacy than it was during the transition.

Mr. Milovich asked Mr. Waugh if he set the stage for the workflow as the pharmacist in charge.

Mr. Waugh stated that it was relatively chaotic in the pharmacy. Mr. Waugh stated that most prescriptions needed corrected. Mr. Waugh stated that he had temporary help doing verification and he had three technicians. Mr. Waugh stated that he had two technicians at the windows and one technician for counting.

Mr. Milovich asked Mr. Waugh about his statement that he stayed in one area the whole day.

Mr. Waugh stated that he entered the prescriptions in the new computer system. Mr. Waugh indicated that production would have halted if he left his area because he was the only one entering the prescriptions.

Mr. Waugh stated at this time he has started his own company and is not working as a pharmacist.

Mr. Haiber asked Mr. Waugh why they were using temporary staffing.

Mr. Waugh stated that they were using temporary staffing because of the two transitions. Mr. Waugh stated that they usually had one pharmacist and two technicians from the temporary agency on a daily basis.

Mr. Haiber asked Mr. Waugh if the temporary staffing was consistent.

Mr. Waugh stated that the temporary agency usually sent the same three pharmacists.

Mr. Haiber asked if the technicians were trained on the computer system.

Mr. Waugh stated that the temporary technicians were not trained on the system. Mr. Waugh stated that the technicians were at the out window and were retrieving prescriptions.

Mr. Haiber stated that Mr. Waugh seems to deflecting his own acceptance of the error. Mr. Haiber stated that Mr. Waugh replied that he printed out 3 CE lessons for his staff. Mr. Haiber asked Mr. Waugh if he recognizes his role in the error.

Mr. Waugh replied that he does recognize his role in the error. Mr. Waugh stated that it is his responsibility to check the NDC number. Mr. Waugh stated that as Pharmacist in Charge he felt that it was his responsibility to educate his staff and increase the safety and efficiency of the staff.

Mr. McAllister asked Mr. Waugh to whom he reported.

Mr. Waugh stated that he reports to David Feldman who is Director of Pharmacy. Mr. Waugh stated that the pharmacy is owned by St. Joseph's hospital.

Mr. McAllister asked Mr. Waugh if he asked Mr. Feldman for assistance.

Mr. Waugh stated that the hospital staff did not know the computer system and did not know if more bodies would have helped. Mr. Waugh stated that help was offered and he did have some additional staffing from the hospital and temporary agencies.

Mr. McAllister stated that he had concerns about the control of the pharmacy.

Dr. Sypherd stated that they are lucky that the child escaped any harm from these errors.

Dr. Sypherd stated that these are not trivial errors.

Dr. Berry stated that she is concerned because there have been previous errors made at this pharmacy.

Mr. Haiber stated that he is concerned because he felt that Mr. Waugh did not respond with appropriate leadership.

**On motion by Mr. Haiber and seconded by Dr. Sypherd**, the Board unanimously agreed to offer a consent agreement to both pharmacists with the following terms: The pharmacists would be placed on probation for 6 months and during that time must pay a \$1,000 fine and complete 9 additional CE hours on error prevention. If the consent agreement is not signed, the case would proceed to hearing.

**On motion by Mr. Haiber and seconded by Dr. Sypherd**, the Board unanimously agreed to issue an advisory letter to the pharmacy technician.

**A motion was placed on the floor by Mr. Haiber and seconded by Dr. Berry to amend the consent agreement and not allow the pharmacists to be a pharmacist in charge during the probation period and notify their employer of this stipulation.**

Mr. Bakker asked the Board if Mr. Schember would need to step down as Pharmacist in Charge because he currently holds that position at the pharmacy.

Dr. Berry stated that Mr. Schember has given the Board a list of extensive changes that he has made in the pharmacy. Dr. Berry stated that she would like to withdraw her second of the amended motion.

Mr. Haiber withdrew his amended motion and the original motion stood.



Mr. McAllister asked the Board Members if they would like to open a complaint against the permit holder.

Mr. Bakker stated that a representative from the hospital management was present if they would like to ask him any questions.

Patrick O'Brien, Pharmacy Systems Manager, came forth to answer questions from Board Members.

Mr. O'Brien stated that they do have procedures in place to prevent errors. Mr. O'Brien stated that the system is now working as it should. Mr. O'Brien stated that he was assured that the IVR would be installed Friday or Monday. Mr. O'Brien stated that they are no longer using registry staff and now have 2 fulltime pharmacists on staff and 3 fulltime technicians. Mr. O'Brien stated that they have confidence in their new staff.

Mr. Haiber asked Mr. O'Brien about the comment that no one got back to the complainant.

Mr. O'Brien stated that Mr. Feldman did speak to the father several times. He is not sure if Mr. Feldman ever spoke with the mother.

Mr. Haiber asked Mr. O'Brien if the complainant still fills prescriptions at the pharmacy. Mr. O'Brien replied no.

The Board did not open a complaint against the permit holder.

### **Complaint #3592**

Dr. Berry recused herself due to a conflict of interest.

The following individuals were present to answer questions from Board Members concerning this complaint: Roger Ngo (Pharmacist) and Matthew Cook (Pharmacy Supervisor). Carrie Lee (Pharmacy Technician Trainee) was not present but did send an e-mail indicating that she had moved out of state and could answer any questions by e-mail.

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that the complainant sent a prescription to the mail order pharmacy for Zantac 150 mg and received Lamictal 150mg. The patient did not take any of the incorrect medication and the patient notified the pharmacy. The pharmacy stated that the prescription was entered incorrectly by the technician and the verifying pharmacist did not catch the error.

President McAllister asked Mr. Ngo to address the complaint.

Mr. Ngo stated that he did make a mistake. Mr. Ngo stated that he misread the prescription when he verified the prescription. Mr. Ngo stated that he was verifying prescriptions for the GSK patient assistance program and both Lamictal and Zantac are

dispensed through the program. Mr. Ngo stated that he has reviewed the methods he uses to review prescriptions.

Mr. McAllister asked Mr. Ngo if he could look at the patient's history or disease states on the computer.

Mr. Ngo stated that he could look at both but did not look at either because he had no reason to look at either. Mr. Ngo stated that he is not sure if he was tired, sick, or distracted that day. Mr. Ngo stated that it was an honest mistake.

Mr. Cook stated that employees do not work in the GSK area for the entire shift.

Mr. Haiber asked if there was a DUR edit for the patient.

Mr. Cook replied that there were no DURs associated with the prescription.

Mr. Cook stated that they have made all employees aware of the two medications in the GSK program so that the error does not occur again. Mr. Cook stated that both products come in the same strength and often are prescribed with the same directions.

Mr. McAllister asked if any ingestion of the incorrect product occurred.

Ms. Sutcliffe replied no.

**On motion by Mr. Haiber and seconded by Mr. Milovich,** the Board unanimously agreed to issue an advisory letter to the verifying pharmacist.

**On motion by Mr. Haiber and seconded by Mr. Milovich,** the Board unanimously agreed to issue an advisory letter to the pharmacy technician trainee.

### **Complaint #3593 – Postponed until the May Meeting**

### **Complaint #3598**

Dr. Berry recused herself due to a conflict of interest.

The following individual was present to answer questions from Board Members concerning this complaint: Matthew Cook (Pharmacist in Charge).

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that the complainant received a refill of Levothyroxine 112mcg after she had submitted a new prescription for a different strength (Levothyroxine 125mcg). The patient stated that the prescription for Levothyroxine 112mcg was on autofill and she stated that she was told that she was responsible for payment since she had not canceled the autofill. The pharmacy stated that it is not their policy to modify the dispensing of a medication unless directed by the patient or physician. There was no indication from the patient or physician at the time the new prescription was received to discontinue the previous dose. The pharmacy has credited the patient's copay as a one time courtesy.

President McAllister asked Mr. Cook to address the complaint.

Mr. Cook stated that the company has started programming changes where an e-mail would be sent out to the patient allowing them to opt out of the autofill process if there is duplicate therapy.

Mr. Milovich asked Mr. Cook if there was a duplicate therapy warning.

Mr. Cook stated that they did acknowledge the therapy. Mr. Cook stated that they concluded that the patient was switching back and forth between the two strengths. Mr. Cook stated that rather than delay the order waiting for a reply from the patient they sent the medication. Mr. Cook stated that the patient was given a refund.

**On motion by Mr. Haiber and seconded by Dr. Sypherd**, the Board unanimously agreed to dismiss the complaint.

### **Complaint #3605**

The following individuals were present to answer questions from Board Members concerning this complaint: Betty Novack (Pharmacist), Mark Boesen (Director of Operations), and Amy Cotton (Legal Counsel)

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that the complainant stated that he received 100% DMSO instead of 50% DMSO for bladder instillation. The complainant stated that at the time of the instillation he experienced severe bleeding and pain. The complainant stated after the instillation he had intermittent bleeding, pain, and increased urinary frequency. The pharmacist stated that the physician's representative called in a DMSO cocktail and the pharmacist sought clarification. The cocktail was picked up by the patient on September 4, 2008. The physician's representative called back the next day and told the pharmacist that 15 ml was not the correct quantity. The pharmacist offered to compound the additional quantity. The pharmacist stated that representative told her that she wanted 50 ml of DMSO. The pharmacist stated that she discussed it with the representative and dispensed 50 ml of DMSO 100%. Ms. Sutcliffe stated that she spoke with the representative at the physician's office and she stated that she asked for a DMSO cocktail and had referenced Rimso 50 when speaking with the pharmacist. The product dispensed to the patient was DMSO reagent 50 ml repackaged from the laboratory and labeled as Dimethylsulfoxide reagent liq. #50.

President McAllister asked Ms. Novack to address the complaint.

Ms. Novack stated that she took the call from the doctor's office. Ms. Novack stated that the agent asked for DMSO cocktail for bladder rescue. Ms. Novack stated that she was not familiar with the term and searched for a formula that they had on file for bladder rescue. Ms. Novack stated that she found a formula and asked the agent if this was what she wanted and read the prescription back to her. Ms. Novack stated that the prescription was sent to the lab for compounding and when the prescription came back to her she realized that the compound did not contain any DMSO. Ms. Novack stated that she found

another formula for bladder rescue and called the doctor's office. Ms. Novack stated that the agent agreed with her that it should be for that product.

Ms. Novack stated that the product was compounded for a quantity of 15 ml. Ms. Novack stated that the patient picked up the prescription and declined counseling. Ms. Novack stated that the agent called back the next day and said that the quantity should have been for 50 ml. Ms. Novack stated that she offered to make the additional quantity, but was told that she wanted a bottle of DMSO and would not state a quantity. Ms. Novack stated that the agent did not mention RIMS0 because she was not familiar with the product and would have needed to look up the product. Ms. Novack stated that she took the prescription as DMSO and read the prescription back to the agent. Ms. Novack stated that it was dispensed in a bottle with a label indicating it was DMSO 100% and was sent to the doctor's office. Ms. Novack stated that she thought the doctor's office was going to mix the two products.

Ms. Novack stated that several things should have been done to prevent the error. Ms. Novack stated that she should have asked to speak with the physician. Ms. Novack stated that she should have given the patient a full counsel. Ms. Novack stated that she should not have assumed that the doctor's office was going to mix the two.

Ms. Novack stated that she should have been more assertive with the doctor's agent. Ms. Novack stated that she should have waited for the doctor's office to explain what they wanted and not suggest a formula to the office.

Mr. McAllister asked Mr. Boesen if the pharmacy has instituted any changes.

Mr. Boesen stated that they were concerned about the error and have changed their processes. Mr. Boesen stated that they have developed a preprinted form which offers different recipes for bladder instillation. Mr. Boesen stated that the doctor must select a formula and fax the form back to the pharmacy. Mr. Boesen stated that all bladder instillation prescriptions must be written and they will not accept an oral prescription. Mr. Boesen stated that they are training all pharmacists on bladder instillation procedures and prescriptions. Mr. Boesen stated that a technician cannot accept a refill authorization for bladder instillation since all prescriptions must be written.

Dr. Sypherd asked Ms. Novack if she knew what DMSO was.

Ms. Novack stated that it stands for Dimethylsulfoxide.

Dr. Sypherd stated that DMSO is an organic solvent used in industrial applications. Dr. Sypherd noted that the directions for use were clearly inadequate.

Mr. Haiber stated that the pharmacist is the key in the quality control process. Mr. Haiber reminded Ms. Novack that an individual does not need to have a license to call in a prescription and the pharmacist should not make assumptions when taking a prescription from the doctor's agent.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber**, the Board unanimously agreed to issue an advisory letter to the pharmacist.

## **Complaint #3635**

President McAllister recused himself due to a conflict of interest. Mr. Van Hassel presided over this conference.

The following individuals were present to answer questions from Board Members concerning this complaint: Rebecca (Marki) Shaw (Pharmacy Technician) and Julian Pickens (Substance Abuse Counselor for Ms. Shaw)

Ms. Frush gave a brief overview of the complaint. Ms. Frush stated that the Board Office had received notice from a District Pharmacy Manager that a technician had been terminated for consuming controlled substances while on duty. The report indicated that the technician had denied the allegations and wrote a statement that she had consumed Mylanta and stated that she was resigning. The store determined that there was a shortage of 110 mls of Tussionex Suspension and a shortage of 100mls of Guafenesin with Codeine.

Ms. Frush stated that subsequent to this complaint the Board has received notification that Ms. Marki was terminated from a second position due to theft of tramadol.

Mr. Van Hassel opened the discussion by asking Ms. Shaw if the evidence is truthful. Ms. Shaw replied yes.

Ms. Shaw stated that she has a substance abuse problem and has agreed to enter an inpatient substance abuse program.

Dr. Pickens stated that he made the recommendation to Ms. Shaw that she enter Chandler Valley Hope inpatient program. Dr. Pickens stated that Ms. Shaw contacted the admissions staff at Valley Hope and will enter their inpatient treatment program next Tuesday. Dr. Pickens stated that he recommended that Ms. Shaw enter the PAPA program after completion of her treatment program.

Dr. Sypherd asked if Ms. Shaw would be able to afford the PAPA program since her license would be suspended.

Dr. Pickens stated that he does not know if the 6 month suspension is concrete. Dr. Pickens stated that if possible he would like to see if the Board would terminate her suspension once she enters the PAPA program. Dr. Pickens stated that Ms. Shaw is a single mother and finances are an issue. Dr. Pickens stated that Ms. Shaw would eventually like to attend nursing school.

Mr. Haiber asked Ms. Shaw to describe the prior situation.

Ms. Shaw stated that she has been a pharmacy technician for 18 years. Ms. Shaw stated that dramatic events have occurred in her life in the last year. Ms. Shaw stated that she was divorced and is \$225, 000 in debt. Ms. Shaw stated that in order to pay off the debt she worked as many hours as she could. Ms. Shaw stated that her life was falling apart. Ms. Shaw stated that she was in an accident and was prescribed Percocet, Ambien, and

Klonopin. Ms. Shaw stated that she found that Percocet numbed her pain. Ms. Shaw thought she was doing good and did not need counseling. Ms. Shaw stated that her problem was beyond her control. Ms. Shaw stated that it is true that she has had two incidents with two different employers. Ms. Shaw stated that she was terminated at both jobs. Ms. Shaw stated that she has no control over her situation and needs tools to help her deal with the problem. Ms. Shaw stated that she is taking the next step.

Mr. Wand asked how long the inpatient program lasts. Dr. Pickens stated that the program lasts for 28 to 30 days. Dr. Pickens stated that expenses would be a issue for Ms. Shaw because she is the sole support for her and her child.

Mr. Wand stated that both employers have conveyed that Ms. Shaw should be given a second chance.

**On motion by Dr. Berry and seconded by Dr. Sypherd**, the Board unanimously agreed to offer Ms. Shaw a consent agreement for suspension of her pharmacy technician license during her inpatient treatment. Ms. Shaw must successfully complete her inpatient treatment and appear at the May Board meeting with a recommendation from her counselor indicating if the suspension should be terminated and probation imposed. If the suspension is terminated, Ms. Shaw would sign a five year PAPA contract and be on probation for that time period.

**On motion by Dr. Berry and seconded by Dr. Sypherd**, the Board unanimously agreed to allow the Executive Director to execute the Consent Agreement without further review by the Board.

### **AGENDA ITEM 9 - 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 13 complaints. Dr. Berry, Ms. Honeystewa 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. Haiber and seconded by Dr. Sypherd**, 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 #3622 | - | Conference – Both Pharmacists, Pharmacy Technician Trainee, and Pharmacy Permit Holder (Pharmacy Supervisor) |
| Complaint #3623 | - | Conference – Both Pharmacists, Pharmacy Technician Trainee, and Pharmacy Permit Holder (Pharmacy Supervisor) |
| Complaint #3640 | - | Advisory Letter – Pharmacist   |

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

- Complaint #3624 - Dismiss
- Complaint #3626 - Dismiss
- Complaint #3638 - Consent Agreement offered to the Pharmacist with the following terms: \$1,000 fine and 8 hours of CE on error prevention. If not signed the case would proceed to hearing.
- Complaint #3639 - Dismiss
- Complaint #3644 - Dismiss
- Complaint #3645 - Dismiss
- Complaint #3646 - Dismiss
- Complaint #3647 - Advisory Letter – Pharmacist
- Complaint #3653 - Consent Agreement offered to the Pharmacist for revocation. If not signed the case would proceed to hearing.
- Complaint #3654 - Advisory Letter – Pharmacy Technician

#### **AGENDA ITEM 10 – 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. Sypherd**, 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.

- Howard Walder - 09-0020-PHR
- Chris Markunas - 09-0022-PHR
- Fahad Alnoah - 09-0023-PHR
- Oyuki Uriarte - 09-0024-PHR
- Candace McElroy - 09-0032-PHR
- Gerwyn Makai - 09-0044-PHR
- James Brown, Jr. - 09-0046-PHR

#### **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 Mr. Haiber and seconded by Ms. Honeystewa**, 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.

### **Pharmacy Technician Reapply Applications Approved**

- |                         |                          |                       |
|-------------------------|--------------------------|-----------------------|
| 1. Lelise Lozano        | 39. Shameal Stubblefield | 77. Adrienne Gonzalez |
| 2. Luz Lopez            | 40. Jennifer Jimenez     | 78. Dane Mitro        |
| 3. Teresa Kaset         | 41. Sandra Cameron       | 79. Issa Barraza      |
| 4. Lisa Leyvas          | 42. Crystal Marchini     | 80. Paul Phillips II  |
| 5. Cindy Juell          | 43. Thomas Weiland       |                       |
| 6. Amanda Davis         | 44. Tiffany Smith        |                       |
| 7. Jeffrey Sandt        | 45. Patricai Krieg       |                       |
| 8. Tiffani Mathews      | 46. Jane Krueck          |                       |
| 9. Jennifer Renville    | 47. Patricia Larson      |                       |
| 10. Cynthia Yates       | 48. Valerie Yoshino      |                       |
| 11. Kieth Boatright     | 49. Marlana Belin        |                       |
| 12. Brianna Hamilton    | 50. Malvina Faja         |                       |
| 13. Jennifer Renville   | 51. Michele Marks        |                       |
| 14. Jerome Keister      | 52. Veronica Melendez    |                       |
| 15. Betty Bell          | 53. Emilia Rutledge      |                       |
| 16. Richard Latham      | 54. Laurel Smith         |                       |
| 17. Emilie Carnevale    | 55. Mark Webster         |                       |
| 18. Mary Ellison        | 56. Natasha Bia          |                       |
| 19. Timothy Archibald   | 57. Laurie Wright        |                       |
| 20. Virginia Harper     | 58. Ana Lujan            |                       |
| 21. Otis Harris         | 59. Daniel Rosales       |                       |
| 22. Melanie Gault       | 60. Ricarda Parra        |                       |
| 23. Darren Wolfe        | 61. Ana Carmello         |                       |
| 24. Torrence Foster     | 62. Laila Allen          |                       |
| 25. Veronica Chavez     | 63. Loraine Clubbs       |                       |
| 26. Amanda Pratt        | 64. Luis Terrazas        |                       |
| 27. Vickie Boone        | 65. Thor Yanga           |                       |
| 28. Ivy Anguluan        | 66. Tiare Mendoza        |                       |
| 29. Vivian Hastings     | 67. Bryant Farr          |                       |
| 30. Aaron Aguilar       | 68. Devin Crawford       |                       |
| 31. Albert Borbon       | 69. ReAndra Manymules    |                       |
| 32. Ana Ortiz           | 70. Gina Morgan-Myers    |                       |
| 33. Amber Seaton        | 71. Jack Moore III       |                       |
| 34. Jessica Hippensteel | 72. Bernard Orozco       |                       |
| 35. Kimberly Hinkle     | 73. Sarah Gregoire       |                       |
| 36. Jaclyn Rapisarda    | 74. Amanda Harkins       |                       |
| 37. Karen Yarbrough     | 75. Marlene Tanghal      |                       |
| 38. Daniel Woodland     | 76. Erica Mayhew         |                       |

### **AGENDA ITEM 12– Five Year Review of Rules – Article 11 – Technician Rules**

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

Mr. Wand stated that the Board is required by GRRC to review the rules in certain articles every five years. Mr. Wand stated that if the Board fails to review the rules the rules would be voided. Mr. Wand stated that the five year review this year required the Board to review Article 11 which are the Technician Rules.

Mr. Wand stated that the several areas were listed in the report for further review.



Mr. Wand stated that the Board would like some type of rule to hold technicians responsible for their actions. Mr. Wand stated that currently the Board cannot discipline a technician when they make an error.

Mr. Wand stated that the Board had indicated that they would like to add rules that would address the technician check technician in the hospital environment when the technicians were filling dispensing machines, such as Pyxis.

Mr. Wright indicated that there were several changes recommended to the language in the current rules in this article.

Mr. Wright stated that he has prepared the Five-Year Rule Review Report and the Economic Impact Statement Comparison for Board review.

**On motion by Mr. Van Hassel and seconded by Dr. Sypherd**, the Board unanimously approved the Five-Year Rule Review Report and the Economic Impact Statement Comparison.

### **AGENDA ITEM 13 – Computerized Central Database Tracking System Task Force- Approval of Unsolicited Report Threshold Established by the Task Force**

President McAllister asked Mr. Wright to address this issue.

Mr. Wright stated that R4-23-504 (D) requires the Board to review and approve the procedures and conditions established by the Task Force as needed. Mr. Wright stated that the Board must review and approve these procedures and conditions as least once a year. Mr. Wright stated that the Task Force last met on November 13, 2008 and established a threshold for providing unsolicited reports to practitioners and pharmacists. Mr. Wright stated that the proposed threshold is 7 or more practitioners and 7 or more pharmacies in a one-month period.

**On motion by Mr. Haiber and seconded by Dr. Berry**, the Board unanimously approved the unsolicited report threshold established by the Task Force.

### **AGENDA ITEM 14- BRANDON KENDRICK**

**Brandon Kendrick** was present on his own behalf to discuss this matter with the Board Members.

President McAllister asked Mr. Wand to open the discussion on this agenda item.

Mr. Wand stated that Mr. Kendrick is a technician that is participating in the TASC substance abuse program in Lake Havasu City. Mr. Wand stated that at the July 2008 meeting the Board had discussed a letter they received from Mr. Kendrick's counselor indicating that he had not attended all his counseling sessions. The Board agreed not to take any action against Mr. Kendrick and wait to see if the second quarterly report from the substance abuse counselor showed any improvement by Mr. Kendrick.

Mr. Wand stated that he received a report from Mr. Kendrick's counselor indicating that he had terminated Mr. Kendrick's treatment because of his failure to attend the counseling sessions.

Mr. Wand stated that he was contacted by Mr. Kendrick and Mr. Kendrick stated that he had found a new counselor and would like the Board to review the length of treatment.

Mr. Wand stated that Mr. Kendrick was to attend monthly counseling sessions for eighteen months. Mr. Kendrick's initial counselor stated that he attended 6 sessions. Mr. Wand stated that Mr. Kendrick is asking to be credited with 12 months of counseling.

Mr. Wand stated that Mr. Kendrick's new counselor is recommending that his consent agreement be extended for one year and he continues counseling for 12 months.

President McAllister asked Mr. Kendrick to address the issue before the Board.

Mr. Kendrick stated that he is asking the Board to credit him with 12 months of counseling. Mr. Kendrick indicated that he had found additional receipts indicating that he had attended the counseling sessions. Mr. Kendrick stated that he had receipts that indicated that he attended more than 6 sessions. Mr. Kendrick stated that he often cancelled counseling sessions due to work and would reschedule the sessions.

Mr. Van Hassel asked Mr. Kendrick about his urine screens.

Mr. Kendrick stated that he had two positive screens when he was taking pain medications that were prescribed to him.

Mr. Haiber asked Mr. Kendrick why he did not make attending the counseling sessions a priority.

Mr. Kendrick stated that he did not realize rescheduling the sessions was a problem.

Dr. Berry asked Mr. Kendrick if he has been working in a pharmacy as a technician.

Mr. Kendrick replied no that there are no technician jobs in Lake Havasu.

Mr. Haiber asked Mr. Kendrick if he showed his consent agreement to future employers.

Mr. Kendrick replied he did and he feels that is why he was not hired.

President McAllister told the Board Members that they could amend Mr. Kendrick's current consent agreement or open a complaint against Mr. Kendrick for non-compliance with his consent agreement.

**On motion by Mr. Van Hassel and seconded by Mr. Haiber,** the Board unanimously agreed to amend Mr. Kendrick's consent. The new terms of the consent would require Mr. Kendrick to continue counseling with Dr. Fielder for one additional year with continued urine screens. Mr. Kendrick would remain on probation during this additional

year and must appear at a Board Meeting at the end of his probation period to have the probation terminated.

### **AGENDA ITEM 15 – MOTION TO DEEM – Candy Mollindo**

President McAllister stated that the Board would like to table this Agenda Item until the May meeting.

**On motion by Mr. Van Hassel and seconded by Dr. Berry**, the Board unanimously agreed to postpone this agenda item until the May Board Meeting.

### **AGENDA ITEM 16– 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.

Howard Walder came forth to discuss the consent agreement that he had signed and was approved by the Board.

Ms. Rasmussen, Executive Director of the Arizona Pharmacy Alliance came forth. Ms. Rasmussen gave a brief overview of the activities of the Pharmacy Alliance.

Ms. Rasmussen stated that the Immunization Bill has not been heard in the Senate. Ms. Rasmussen stated that there are questions if the bill would be heard this session.

Ms. Rasmussen stated that the Healthcare Associations are moving forth with a lawsuit to request that the money swept from the regulatory boards be returned to the boards.

Ms. Rasmussen stated that the Arizona Pharmacy Foundation is establishing the Llyn Lloyd Scholarship Fund. The Scholarship would be presented to a student at Midwestern University and a student at the University of Arizona that has provided service to the profession of pharmacy.

### **AGENDA ITEM 17 – Discussion of items to be placed on a future meeting agenda**

President McAllister stated that he would like to discuss the membership of the complaint review committee at a future meeting.

### **AGENDA ITEM 18 – Adjournment**

There being no further business to come before the Board, **on motion by Dr. Sypherd and seconded by Mr. Milovich**, the Board unanimously agreed to adjourn the meeting at 4:20 P.M.