



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING MAY 4, 2011  
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE  
PHOENIX, AZ**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – May 4, 2011**

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

The following Board Members were present: President Steve Haiber, Jim Foy, Dennis McAllister, John Musil, Nona Rosas, and Tom Van Hassel. The following Board Members were not present: Vice President Dan Milovich, Joanne Galindo, and Kyra Locnikar. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Drug Inspector Melanie Thayer, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

**AGENDA ITEM 2 – Declaration of Conflicts of Interest**

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule E, Complaint #3931.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule E, Complaint #3929 and Complaint #3932.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 4, Schedule A, Resident Pharmacy Permit for CVS/Pharmacy #24412.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Mohamad Abou-Zahra.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Elizabeth Rommes, Complaint #3899.

**AGENDA ITEM 3– Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Musil and seconded by Dr. Foy**, the minutes of the Regular Meeting held on March 17 and 18, 2011 were unanimously approved by the Board Members.

**AGENDA ITEM 4 – Permits and Licenses**

President Haiber stated that all permits were in order for resident pharmacies.

**RESIDENT (In Arizona)**

**On motion by Mr. McAllister and seconded by Ms. Rosas**, the Board unanimously approved the resident application listed below pending final inspection by a Board Compliance Officer.

Dr. Foy was recused due to a conflict of interest.

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
CVS/Pharmacy #24412	60 E. Deuce of Clubs, Show Low, AZ 85901	German Dobson CVS, LLC

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously approved the resident applications listed below pending final inspection by a Board Compliance Officer.

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Institutional Pharmacy Solutions, LLC	6350 S. Maple, Tempe, AZ 85283	Institutional Pharmacy Solutions, LLC
Fry’s Pharmacy #699	11203 E. South Frontage Rd., Yuma, AZ 85367	Smith’s Food & Drug Centers, Inc.
Grace Rexall Drugs	402 W. Indian School Rd, Ste. A, Phoenix, AZ 85012	Abundant Enterprises, LLC
Saliba’s Extended Care Pharmacy	1835 S. Alvernon Way, Tucson, AZ 85711	Guardian Pharmacy of Arizona, LLC
QoL Meds	4755 Campus Dr., Sierra Vista, AZ 85635	Specialized Pharmaceuticals
Institutional Pharmacy Solutions	6015 W. Peoria Ave., Glendale, AZ 85302	Institutional Pharmacy Solutions, LLC

## NON-RESIDENT PERMITS

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

### NON-RESIDENT (Out of State)

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Hometech Therapies, Inc	50 Elmwood Ave., Sharon Hill, PA 19079	Hometech Therapies, Inc.
Cystic Fibrosis Services, Inc.	119 Huizar, Rear-A, San Antonio, TX 78214	Cystic Fibrosis Foundation
Critical Admixture Pharmacy Services, Inc.	10370 Slusher Dr., Unit 6, Santa Fe Springs, CA 90670	Critical Admixture Pharmacy Services, Inc. (CAPS)
DCI Pharmacy Services	2911 Foster Creighton Dr., Nashville, TN 37204	Dialysis Clinic, Inc.
Rite Aid #6800	704 Quince Orchard Rd., Ste. 150 Gaithersburg, MD 20878	Rite Aid Specialty Pharmacy, LLC

### Wholesaler Permits

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

### Resident Wholesalers

**On motion by Mr. Van Hassel and seconded by Dr. Musil,** the Board unanimously approved the wholesaler permit listed below.

<b>WHOLESALER</b>	<b>LOCATION</b>	<b>OWNER</b>
Southwest Medical Systems, Inc. (Full Service)	8280 E. Gelding, #103, Scottsdale, AZ 85260	Southwest Medical Systems, Inc.

Arizona Medication Elimination withdrew their request to appear at this meeting.

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

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

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

**On motion by Dr. Foy and seconded by Mr. Van Hassel,** the Board unanimously approved the Intern licenses listed on the attachments.

**On motion by Mr. Van Hassel and seconded by Ms. Rosas,** the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

## **AGENDA ITEM 5 – Special Requests**

### **#1 Thomas Castaneda**

**Thomas Castaneda** withdrew his request to appear in front of the Board.

### **#2 Patrick Sharp**

**Patrick Sharp** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 02-0006-PHR be terminated.

President Haiber opened the discussion by asking Mr. Sharp why he was appearing in front of the Board. Mr. Sharp stated that he was cited 10 years ago. Mr. Sharp stated that he signed the consent and paid his fine. Mr. Sharp stated that he just realized that he was still on probation and is requesting that the probation be removed.

Dr. Foy asked Mr. Sharp if he is currently working. Mr. Sharp stated that he is working for Wal-Mart.

Mr. McAllister asked Mr. Sharp why he did not appear sooner to have the probation removed. Mr. Sharp stated that he has been practicing and had not realized that he would need to appear to have the probation removed.

Mr. Haiber asked Mr. Sharp if he has worked for the same employer during his probation period. Mr. Sharp replied that he has been with the same employer and has worked at two different locations for the company.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to approve the request by Mr. Sharp to terminate the probation of his pharmacist license imposed by Board Order 02-0006-PHR.

### **#3 David Hall**

**David Hall** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 11-0018-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Hall why he was appearing in front of the Board. Mr. Hall stated that he is requesting that the Board terminate his probation and allow the Board Staff to place in his records the filings from the court.

President Haiber asked Ms. Yates if PAPA supports Mr. Hall's request. Ms. Yates stated that Mr. Hall has been compliant throughout his contract and PAPA supports his request.

Mr. McAllister asked if Mr. Hall has paid his fees to PAPA. Ms. Yates stated that she has just received a check from Mr. Hall and his PAPA fees are paid.

**On motion by Mr. Van Hassell and seconded by Dr. Musil**, the Board unanimously agreed to approve the request by Mr. Hall to terminate the probation of his pharmacist license imposed by Board Order 11-0018-PHR and to place a copy of the court records in his file.

#### **#4 Thomas Togno**

**Thomas Togno** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 04-0013-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Togno why he was appearing in front of the Board. Mr. Togno stated that he is requesting that the Board terminate his probation.

President Haiber asked Ms. Yates if PAPA supports his request. Ms. Yates stated that Mr. Togno has been compliant and PAPA supports his request.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to approve the request by Mr. Togno to terminate the probation of his pharmacist license imposed by Board Order 04-0013-PHR.

#### **#5 Steven Breese**

**Steven Breese** appeared on his own behalf to request that the suspension imposed on his Pharmacist license per Board Order 11-0007-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Breese why he was appearing in front of the Board. Mr. Breese stated that he is requesting that the Board terminate his suspension and impose probation.

President Haiber asked Ms. Yates if PAPA supports his request. Ms. Yates stated that Mr. Breese has been compliant and PAPA supports his request.

Mr. Van Hassel asked Mr. Breese if he has a job. Mr. Breese replied not yet.

Mr. Van Hassel reminded Mr. Breese that he must show all his employers the consent agreement.

Mr. Van Hassel asked Mr. Breese what has changed in his life. Mr. Breese stated that he participated in a 20 day in-treatment program. Mr. Breese stated that his views on life have changed. Mr. Breese stated that the program has changed his life. Mr. Breese stated that he has support from his family, friends, and sponsor. Mr. Breese stated that he tried to find a job doing something else but was not successful. Mr. Breese stated that he became a father in March and he has been taking care of his new daughter.

Mr. Haiber asked Mr. Breese if he has completed any community serve hours. Mr. Breese stated that he has not completed any hours.

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously agreed to terminate the suspension of Mr. Breese's license and impose probation effective May 4, 2011. Mr. Breese must remain compliant with the terms of his PAPA contract and Consent Agreement.

Dr. Foy asked that it be noted in the minutes that the Board approved the request by Mr. Breese early due to the change of the May Board Meeting date.

## **#6 SitaRani Prattipati**

**SitaRani Prattipati** appeared on her own behalf to request that the Board allow her to take the NAPLEX exam for the fifth time.

President Haiber opened the discussion by asking Ms. Prattipati why she was appearing in front of the Board. Ms. Prattipati stated that she is asking permission to take the NAPLEX exam again.

Mr. Haiber asked Ms. Prattipati what she has done to prepare to pass the exam. Ms. Prattipati stated that she has taken a review course for 5 days. Ms. Prattipati stated that she is studying fulltime to take the exam. Ms. Prattipati stated that the course lecturers are available to answer questions that she may have concerning the material that was covered.

Mr. Haiber asked Ms. Prattipati if there is a certain part of the exam that causes her problems. Ms. Prattipati stated that she finds the math part difficult.

Mr. Haiber asked Ms. Prattipati if she has taken the law exam. Ms. Prattipati stated no.

Dr. Foy asked about the changes in scores each time she has taken the exam. Ms. Prattipati stated that there is a variance in the questions from one exam to another.

Dr. Foy asked Ms. Prattipati what type of resources she has used to study for the exam. Ms. Prattipati stated that she has had friends help her study for the exam. Ms. Prattipati stated that she had only prepared for a couple of months before taking each exam.

Mr. Van Hassel asked Ms. Prattipati if she resides in California. Ms. Prattipati stated that she currently lives in California and her husband wants to transfer to Arizona with his job. Ms. Prattipati stated that she is asking to take the test in Arizona so that she can work in Arizona if they move to Arizona.

Mr. Van Hassel asked Ms. Prattipati why she is asking to take the test in Arizona versus asking the California Board to allow her to take the test in California. Ms. Prattipati stated that she believes the change would be good and she wants to move to Arizona.

Mr. Van Hassel asked Ms. Prattipati if she had asked the California Board to take the exam for a fifth time. Ms. Prattipati replied no.

Mr. McAllister asked Ms. Prattipati if she is aware that in California that anyone that requests to take the exam for the fifth time must return to school to take additional courses. Ms. Prattipati replied no.

Dr. Foy asked Ms. Prattipati if she only took one review course. Ms. Prattipati replied yes. Ms. Prattipati stated that she took the 5 day review course.

Dr. Musil asked Ms. Prattipati about her employment from 2008 to the present. Ms. Prattipati stated that she did not work in a pharmacy.

Dr. Musil asked Ms. Prattipati how she keeps current on her pharmacy knowledge if she does not work in a pharmacy. Ms. Prattipati stated that she studies.

Dr. Musil asked Ms. Prattipati if she reads any pharmacy periodicals. Ms. Prattipati stated that she reads CE articles about the latest drugs.

Mr. Haiber asked Ms. Prattipati where she graduated from pharmacy school. Ms. Prattipati stated that she graduated in 1994 in India. Ms. Prattipati stated that she is licensed in India as a pharmacist.

Mr. Haiber asked Ms. Prattipati when she came to the United States. Ms. Prattipati stated that she came to the United States in 1999 and spent time raising her children.

Mr. Haiber asked Ms. Prattipati if she ever worked in a pharmacy. Ms. Prattipati stated that she worked as an intern at CVS for 2 years.

Mr. Wand asked Ms. Prattipati if she has an FPGEC certificate. Ms. Prattipati stated yes. Mr. Wand stated that she could get an Intern license which would allow her to work in a pharmacy. Ms. Prattipati stated that she is still living in California.

Mr. Wand asked Ms. Prattipati if she could apply for an intern license in California. Ms. Prattipati stated that she had an Intern license in California. Ms. Prattipati stated that the license expired after 2 years and she is not able to renew that license.

Mr. McAllister stated that he feels that California is the place for Ms. Prattipati to finish her licensure. Mr. McAllister stated that she may have to complete the additional year of training.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously agreed to deny Ms. Prattipati's request to take the NAPLEX exam for the fifth time.

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

### **#1 Mary Dvorak**

**Mary Dvorak** appeared on her own behalf to request to proceed with reciprocity.

President Haiber opened the discussion by asking Ms. Dvorak why she was appearing in front of the Board. Ms. Dvorak stated that she would like to reciprocate to Arizona.

Mr. Haiber asked Ms. Dvorak where she has licenses and if she had any probationary licenses.

Ms. Dvorak stated that she has active licenses in Nebraska and Georgia.

Mr. Haiber asked Ms. Dvorak if she had a Kansas license. Ms. Dvorak stated that she gave that license back.

Mr. Haiber asked Ms. Dvorak when she was first licensed. Ms. Dvorak stated that she graduated from Creighton in 1989. Ms. Dvorak stated that during her senior year she was

involved in a car accident where there was a fatality. Ms. Dvorak stated that she was charged with a felony and spent one year in prison. Ms. Dvorak stated that she passed her exams in 1990 in Nebraska.

Mr. Haiber asked if her license was placed on probation. Ms. Dvorak stated that her Nebraska license was placed on probation for one year due to the felony conviction. Ms. Dvorak stated that she left Nebraska and moved to Kansas. Ms. Dvorak stated that her Kansas license was placed on probation. Ms. Dvorak stated that she then decided to leave Kansas and did not fulfill the terms of her probation and she returned to Nebraska. Ms. Dvorak stated that her probation order required her to attend AA meetings.

Mr. Haiber asked Ms. Dvorak if there were any other disciplinary actions taken against her licenses. Ms. Dvorak stated that when she moved back to Nebraska from Kansas her Nebraska license was placed on probation.

Mr. Haiber asked if both licenses are active. Ms. Dvorak stated that her Nebraska license is active and she surrendered her Kansas license.

Mr. Van Hassel asked why her license was placed on probation in Kansas. Ms. Dvorak stated that it was on probation because of her felony conviction.

Mr. Van Hassel asked if her Kansas license was surrendered due to prescription misfills. Ms. Dvorak stated that there were some prescription errors. Ms. Dvorak stated that she was the pharmacist in charge. Ms. Dvorak stated that she was cleaning up the pharmacy and the Board inspector asked her about missing drugs and she told them where the missing drugs were located. Ms. Dvorak stated that she was never shown the evidence that she mislabeled a prescription and took their word that it was mislabeled.

Dr. Foy asked Ms. Dvorak if her Georgia license is active. Ms. Dvorak stated that her Georgia and Nebraska license are active and she surrendered her Kansas license.

Dr. Foy asked Ms. Dvorak why she did not disclose any sanctions on her application. Ms. Dvorak stated that she asked someone at the Board about her felony conviction and they told her to send in the paperwork.

Dr. Foy read the statement on the application that states the following: My Pharmacist Registration (License) is in good standing in the state from which I am applying. There are no civil, criminal, or administrative charges against me or my license to practice pharmacy in any state or jurisdiction (past, present, or pending).

Dr. Foy asked Ms. Dvorak why she did not disclose on the application that she had any disciplinary actions in other states. Ms. Dvorak stated that she did not finish the application.

Ms. Rosas asked Ms. Dvorak if her license was in good standing in Georgia. Ms. Dvorak replied yes.

Ms. Rosas asked Ms. Dvorak why she was applying for an Arizona license. Ms. Dvorak stated that she wants to move to Arizona when she retires.

Dr. Musil asked Ms. Dvorak if she were to reapply today what disciplinary actions would she list. Ms. Dvorak stated that she would finish the application. Ms. Dvorak stated that she did not read past the first couple of lines. Ms. Dvorak stated that she would include her Nebraska disciplines. Ms. Dvorak stated that she was not even in Kansas for a year. Ms. Dvorak stated that she would complete the application.

Dr. Musil asked Ms. Dvorak if she believes that since she relinquished her license in Kansas that the disciplinary actions do not exist because she does not have a current license in Kansas. Ms. Dvorak stated that it does exist.

Dr. Musil stated that Ms. Dvorak admitted to not reading the application and it is not fair to the public to not report these disciplinary actions to the Board.

Dr. Foy asked Ms. Dvorak if she knows Eugene Crisafulli. Ms. Dvorak replied yes. Ms. Dvorak stated that she worked with him.

Dr. Foy asked Ms. Dvorak if Mr. Crisafulli was her supervisor. Ms. Dvorak stated that he was not her supervisor. Ms. Dvorak stated that he was a fellow pharmacist.

Dr. Foy told Ms. Dvorak that Mr. Crisafulli has asked the Board to withdraw the character reference that he wrote for her. Ms. Dvorak stated that Mr. Crisafulli probably asked to withdraw the reference because she reported him to hospital management. Ms. Dvorak stated that she worked with Mr. Crisafulli at a hospital in Nebraska. Ms. Dvorak stated that they both were contract pharmacists. Ms. Dvorak stated that he made a lot of errors and she approached management about the errors. Ms. Dvorak stated that he was a liability to the institution.

Dr. Foy asked Ms. Dvorak when she asked Mr. Crisafulli to write the letter of recommendation. Ms. Dvorak stated that she worked with Mr. Crisafulli for a month. Ms. Dvorak was not sure if she asked Mr. Crisafulli to write the letter last fall or at the beginning of this year. Ms. Dvorak stated that when she talked to the manager she did not want to get him in trouble. Ms. Dvorak stated that Mr. Crisafulli is a solid upstanding individual.

Dr. Foy asked if the Board should believe what Mr. Crisafulli wrote. Ms. Dvorak replied yes that the Board should believe what he wrote.

Dr. Foy asked if the Board should hold his reconsideration with the same regard. Ms. Dvorak replied yes.

Mr. Van Hassel asked Ms. Dvorak where she worked with Mr. Crisafulli. Ms. Dvorak stated that she worked with him in Nebraska and South Dakota. Ms. Dvorak stated that they worked at hospitals on the Indian reservations.

Mr. Haiber asked how long she worked with Mr. Crisafulli. Ms. Dvorak stated that she worked with him for about three months. Ms. Dvorak stated that they were friends when they worked together.

Mr. Van Hassel asked Ms. Dvorak where she currently works. Ms. Dvorak stated that she works at Fremont Medical Center.

Mr. Van Hassel asked Ms. Dvorak if she worked at any other pharmacies. Ms. Dvorak stated that she worked in Kansas and she worked in New Mexico on the Indian reservation. Ms. Dvorak stated that she was divorced two years ago and has moved around to various places since that time.

Mr. Van Hassel asked Ms. Dvorak if she has any alcohol problems. Ms. Dvorak stated that she took her last drink in April of 1989.

Dr. Musil asked Ms. Dvorak if she attends AA meetings. Ms. Dvorak stated that she does not attend meetings regularly. Ms. Dvorak stated that she last attended a meeting about 3 to 4 years ago.

Mr. McAllister asked Ms. Dvorak when she was issued her Georgia license. Ms. Dvorak replied in 2000. Mr. McAllister asked if she had any issues with the reciprocity process in Georgia. Ms. Dvorak stated no.

Mr. Haiber asked Ms. Dvorak if the Georgia Board asked her to appear for an interview. Ms. Dvorak replied no. Ms. Dvorak stated that the process was fast. Ms. Dvorak stated that she took the written test in Georgia.

Mr. Haiber asked Ms. Dvorak if she disclosed her disciplinary actions. Ms. Dvorak replied that she probably reported her Nebraska actions. Ms. Dvorak stated that she probably did not report her Kansas actions because she surrendered her license.

**On motion by Dr. Foy and seconded by Mr. McAllister**, the Board unanimously agreed to deny Ms. Dvorak's application for reciprocity. The Board cited A.R.S. 32-1901.01 (B) (16) (17) and (18) as reasons for the denial.

Dr. Musil asked if Ms. Dvorak could reapply. Ms. Campbell stated that Ms. Dvorak could reapply.

Ms. Dvorak asked if she could have a copy of the rules cited. Ms. Campbell told Ms. Dvorak that she would receive a denial letter with the rules cited in the letter.

## **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 he has requested permission to hire a new non-prescription drug inspector for the Tucson area. Mr. Wand stated that he is waiting for approval and will update the Board if the position is approved.

#### **Rules Moratorium**

Mr. Wand indicated that the rules moratorium is continuing. Mr. Wand stated that

two new bills passed that involved the Drug Therapy Management Statutes and Immunizations Statutes. Mr. Wand stated that the statutes for both of these packages are self-explanatory and new rules would be written when allowed.

Mr. McAllister stated that Washington and California also have placed restrictions on writing new rules that may inhibit business growth.

### **NABP Task Force Volunteers**

Mr. Wand stated that NABP is asking for volunteers for NABP task forces. Mr. Wand stated that they are seeking volunteers for the Law Enforcement task force and the Constitution and Bylaws task force. Mr. Wand stated that new task forces may be formed at the discretion of the new president.

### **Deputy Director Report**

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

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

#### **Controlled Substance Violations**

1. Controlled Substance Overage 2
2. Controlled Substance Shortage -1
3. Controlled Substance Records not readily retrievable – 1
4. Unable to Determine which Controlled Substance Report was from 2009 or 2010 – 1

#### **Documentation Violations**

1. Failure to document allergies – 1
2. Failure to document medical conditions – 1
3. Failure to send immunization notification to physician - 1

#### **Pharmacy Violations**

1. Allowing a technician to work with an expired license - 2

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

1. Separation of invoices

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

1. Products sold to doctor's offices are wholesale transactions and not prescription transactions
2. Closure of pharmacy – Board and DEA must be notified at least 14 days prior to closing
3. Annual Controlled Substance Inventory completion – Date and Time taken

### **PAPA Report**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-eight (48) participants in the PAPA program. Ms. Yates stated that there has been no change in participants since the last report on March 17, 2011.

Ms. Yates stated that she has included with the report a copy of the PAPA contract and answered questions from Board Members.

Ms. Yates stated that PAPA is trying to arrange a dinner for Board Members to discuss the program.

**AGENDA ITEM 8 – 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 12 complaints. Ms. Rosas, Dr. Foy, and Mr. Van Hassel served as the review committee. Ms. Galindo was not present. Board Members were encouraged to discuss issues and were encouraged to ask questions.

**On motion by Mr. McAllister and seconded by Mr. Haiber**, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints: (Dr Musil was recused due to a conflict of interest)

- Complaint #3929 - Advisory Letter to the Permit Holder concerning the compounding of commercially available products
- Complaint #3932 - Dismiss

**On motion by Mr. Haiber and seconded by Ms. Rosas**, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaint: (Mr. McAllister was recused due to a conflict of interest)

- Complaint #3931 - Conference for the Pharmacist

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board accepted the recommendations of the Consumer Complaint Review Committee for the following complaints: (There was one nay vote by Mr. Haiber)

- Complaint #3915 - Consent Agreement Offered to the Pharmacist for a fine of \$1,000 and 6 hours of CE on error prevention to be completed in 90 days. If not signed, case proceeds to hearing  
  
Dismiss the complaint against the Pharmacy Technician Trainee
- Complaint #3923 - Consent Agreement Offered to the Pharmacist In Charge at the Florida Mail Order Facility for a fine of \$1,000 to be paid in 90 days. If not signed, case proceeds to hearing  
  
Advisory Letter to the Pharmacy Technician concerning the following of policies and procedures  
  
Consent Agreement Offered to the Counseling Pharmacist for a fine of \$1,000 and 6 hours of CE

on error prevention to be completed in 90 days. If not signed, case proceeds to hearing.

- Complaint #3925 - Advisory Letter to the Pharmacy Technician concerning confidentiality of patient records
- Complaint #3926 - Consent Agreement Offered to the Pharmacist for a fine of \$1,000 and 6 hours of CE on error prevention to be completed in 90 days. If not signed, case proceeds to hearing
- Complaint #3927 - Dismiss
- Complaint #3928 - Consent Agreement Offered to the Pharmacist for a fine of \$500. If not signed, case proceeds to hearing.
- Complaint #3930 - Dismiss
- Complaint #3933 - Recommend the Board order an evaluation with Dr Sucher or another addictionologist approved by the Board staff to be completed and returned to the Board within 30 days to be reviewed at the July meeting
- Complaint #3934 - Consent Agreement Offered to the Pharmacist for Surrender of his license. If not signed, case proceeds to hearing.

### **AGENDA ITEM 9 – Consent Agreements**

President Haiber 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 Mr. McAllister and seconded by Mr. Van Hassel**, 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:

- Avondale Neighborhood Pharmacy - 11-0034-PHR
- Brandee Lynn Provo - 11-0042-PHR
- Walgreens #4046 - 11-0043- PHR

A roll call vote was taken. ( Mr. McAllister – aye, Dr. Musil –aye, Mr. Van Hassel – aye, Dr. Foy – aye, Ms. Rosas- aye, and Mr. Haiber – aye)

Dr. Musil asked if the Consent Agreement for Walgreens #4046 had been amended. Ms. Campbell stated that she had added language in Paragraph 13 and 14.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously agreed to withdraw their approval and review the amended document.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously agreed to accept the following consent agreement as presented in the meeting book and signed by the respondent. The consent agreement is listed below:

Walgreens #4046

- 11-0043- PHR

**AGENDA ITEM 10 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure**

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

**On motion by Dr. Foy and seconded by Ms. Rosas**, 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 Trainee Requests to reapply for licensure**

Cherry Abella	Austin Alanis
Atanga Alombah	Mirna Armenta
Isidoro Armijo	Yessenia Arreola-Ortiz
Whitney Bakker	Erika Barre
David Brady	Herman Cardenas
Kevin Clark	Anna Contreras
Dinah Contreras	Maribel Fernandez-Estrada
Irma Figueroa	Nicole Foote
Latosha Gamez	Donald Gibson
Adrienne Granillo	Amber Gutierrez
Christina Hsu	Anthony Jones
Cordia King	Irene Kuritzky
Stacy Lawton	Cindy Lemus
Mitchell McCarley	Deborah McCuin
Rosette Mertl	Scott Mitchell
Jennifer Nguyen	Rachna Patel
Guadalupe Pesqueria-Alarcon	Cristina Popa
Rahila Rafie	Adam Rankin
Jay Ringgold	Sean Rocca
Alondra Roman	Joseph Russell
Susan Russell	Carol Ryan
Guadalupe Sanchez	Chris Scherzinger
Anne Simacek	Kristie Skaggs
Debra Smith	Sean Smith
Dolores Snyder	Richard Staker
Marshall Stone	Denise Thayer
Benson Truong	Stacie VanSlyke
Marlyn Williams	Kevin Winters
Nicole Wright Muhammad	Catherine Wroten

## **AGENDA ITEM 11 – Pharmacy Personnel Working with Expired Licenses**

President Haiber asked Mr. Wand to address this issue.

Mr. Wand stated that the Board Staff gathered information concerning how many licensees were working with expired licenses. Mr. Wand stated that it appears that the Compliance Staff has issued at least one violation for each Board Meeting for the last year.

Mr. Wand indicated that he could write an article for the next newsletter in July indicating that expired licenses would be an inspection focus. Mr. Wand stated that he could also put in the article that Board staff would be instructed to open a complaint if personnel are working with an expired license.

Dr. Foy stated that he is not certain that everyone reads the newsletter.

Dr. Musil stated that is the responsibility of the permit holder, the pharmacist in charge, and the technician to ensure that the license is current. Dr. Musil stated that the technician must also be held accountable for working on an expired license.

Mr. Van Hassel stated that the Pharmacist in Charge is responsible to see that the staff is licensed. Mr. Van Hassel stated that he feels that both the Pharmacist in Charge and the unlicensed individual should have a complaint opened against them.

Mr. McAllister stated that this has been going on for six years and there is a relatively small number of violations. Mr. McAllister stated that the Pharmacist in Charge and the Permit Holder both have the responsibility to assure that their staff has the appropriate licenses. Mr. McAllister stated that they are not paying attention to their responsibilities.

**On motion by Mr. McAllister and seconded by Mr. Haiber**, the Board unanimously agreed to instruct Board Staff to open a complaint against the permit holder, the pharmacist in charge, and the licensee when a compliance inspection shows that a licensee is working on an expired license.

## **AGENDA ITEM 12- Mohamad Abou-Zahra**

Dr. Foy recused himself due to a conflict of interest.

Mohammad Abou-Zahra appeared to request that the Board reinstate his revoked pharmacist license per Board Order 07-0034-PHR. Larry Cohen, Legal Counsel for Mr. Abou-Zahra was also present.

President Haiber opened the discussion by stating that Mr. Abou-Zahra appeared at the March meeting and the Board tabled his request at that time. At the March meeting, Mr. Abou-Zahra was asked to complete an evaluation with an addictionologist and complete CE units to bring his license current.

Mr. Cohen stated that Mr. Abou-Zahra saw Dr. Sucher and Dr. Sucher recommended that Mr. Abou-Zahra participate in the PAPA program.

Mr. Cohen stated that Mr. Abou-Zahra has completed the required CE units.

Mr. McAllister stated that Dr. Sucher's evaluation has answered many of the questions that he had and he is comfortable moving forward.

Mr. Van Hassel stated that Mr. Abou-Zahra followed through on the requests that the Board made in order to consider reinstating his license.

Mr. Van Hassel asked Mr. Abou-Zahra about taking his girlfriend's cough syrup and not letting the physician know in the beginning. Mr. Abou-Zahra stated that it had slipped his mind that he had taken the cough syrup and did not realize at first that it was the cough syrup that caused his positive hydrocodone test. Mr. Abou-Zahra stated that when he realized it was the cough syrup that caused his positive test he told the physician he had taken his girlfriend's cough syrup.

Mr. Van Hassel asked if he has taken any more doses of the cough syrup. Mr. Abou-Zahra replied no.

Mr. Abou-Zahra stated that he is willing to do anything that the Board asks in order for him to have his license reinstated. Mr. Abou-Zahra stated that he is asking that the Board credit him for the time that he has not been practicing.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister,** the Board unanimously agreed to offer Mr. Abou-Zahra a consent agreement with the following terms: 5-year PAPA agreement with his license on probation during this time.

Ms. Campbell stated that if Mr. Abou-Zahra signs the offered consent agreement the Board would approve the Consent Agreement at the July meeting.

### **AGENDA ITEM 13 – Elizabeth Rommes (Complaint #3899)**

Dr. Foy recused himself due to a conflict of interest.

President Haiber asked Ms. Campbell to address this issue.

Ms. Campbell stated that in January the Board decided to issue a consent agreement to Ms. Rommes. Ms. Campbell stated that at the time of the incident Ms. Rommes was licensed as a pharmacy technician trainee. Ms. Campbell stated that Ms. Rommes did not renew her technician license in August. Ms. Campbell stated that the complaint was filed in October and at that time Ms. Rommes was not licensed so the Board could not take action against her license. Ms. Campbell stated that Ms. Rommes has now applied for an Intern license and the Board could take action against her Intern license.

Mr. Wand noted that Ms. Rommes did not work at any time under an expired license.

**On motion by Dr. Musil and seconded by Mr. McAllister,** the Board unanimously agreed to issue an advisory letter to Ms. Rommes concerning duties of a pharmacist, intern, and pharmacy technician.

#### **AGENDA ITEM 14 – Call to the Public**

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

Mark Boesen came forth to inform the Board that the Retailers Association and the Pharmacy Alliance met with the City of Peoria concerning the fingerprinting of individuals picking up Controlled Substance prescriptions. Mr. Boesen stated that the City is not going to pursue that plan. Mr. Boesen stated that they plan to hold a stakeholders meeting in the future to develop a statewide plan. Mr. Boesen stated that they would notify the Executive Director of any future meetings.

#### **AGENDA ITEM 15 – Discussion of Items to placed on a future meeting agenda**

President Haiber asked if there were any items that Board Members would like to discuss at a future meeting.

Mr. McAllister stated that he would like to look at California's rule for retaking the NAPLEX exam.

Mr. McAllister asked if mundane issues could be bundled for a single vote by Board Members.

Mr. McAllister asked if the Board could explore the use of List Serve to send messages to licensees concerning Board activities.

#### **AGENDA ITEM 16 – Adjournment**

There being no further business to come before the Board, President Haiber adjourned the meeting at 1:35 P.M.