

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MAY 1 & 2, 2002
OMNI CONFERENCE CENTER - TUCSON, ARIZONA**

The following Board Members and staff were present: President William E. Jones, Vice President Paul Draugalis, Dennis McAllister, Linda K. McCoy, Daniel Ketcherside, Eugene 'Gene' Drake and Gerald Ritt. Also present were: Compliance Officers Ed Hunter, Cheryl Frush, Dennis Waggoner and Dean Wright, Drug Inspector Tony Salcido, Deputy Director Hal Wand and Executive Director L.A. Lloyd; Assistant Attorney General Victoria Martin (May 2nd only).

President Jones convened the meeting at 10:00 a.m., welcomed the audience, and asked Deputy Director Wand to advise the audience on the procedure to obtain continuing education credit for attending.

Executive Director Lloyd introduced Nadia Mustafa, a Midwestern University College of Pharmacy student on rotation at the board office, and Drug Inspector Tony Salcido. President Jones acknowledged the presence of former Board of Pharmacy Member Mike Noel.

Dennis McAllister introduced Sean Gehrke a pharmacist enrolled in the Fry's Pharmacy Residency Program.

AGENDA ITEM I - APPROVAL OF MINUTES

On motion by Mr. Draugalis and Mr. Ketcherside, the Board unanimously approved the minutes of the March 6th and 7th, 2002 meeting as amended.

AGENDA ITEM II - REPORTS

A. Executive Director

Mr. Lloyd provided an overview of the items covered in his written report while elaborating on the state budget short-fall and its impact on the Board of Pharmacy. Mr. Lloyd stated that fortunately the agency was successful in receiving permission to recruit for the approved position of Compliance Officer. On conclusion of Executive Director's remarks; Board Member Paul Draugalis initiated a discussion relevant to an issue raised therein... "requests from foreign pharmacy graduates seeking reduction in the number of intern hours required for licensure". A brisk discussion of the topic followed and **on motion by Mr. McAllister and Mr. Draugalis**, the Board unanimously agreed that in the interest of the public health and safety; reduction of intern hours for foreign pharmacy graduates is discontinued and effective immediately, the staff is advised to **not** schedule such requests as agenda items.

B. Deputy Director

Mr. Hal Wand called the Board's attention to the Compliance Officers Activity Reports included in the meeting material. Mr. Wand advised the Board that Mr. Lloyd had submitted a special request to the "Governor" asking permission to hire the legislatively approved additional compliance officer. The request was approved, the newspaper announcement has been run and ten qualified applicants have applied. Interviews will be conducted within the next ten days and a decision will be announced shortly thereafter. Mr. Wand replied to a number of questions from Board Members before concluding his comments.

C. PAPA

PAPA Steering Committee Member Mark Murphy presented the quarterly report of PAPA activities, including that there are currently 39 active participants. Mr. Murphy also reported that PAPA had recently sponsored a pharmacy continuing education program on the initiation, progress and ultimate outcome of untreated drug or alcohol impairment. The target audience for this program was corporate pharmacy supervisors and directors. Mark indicated that PAPA will be hosting the Southwest Pharmacist Recovery Program annual meeting in Tucson this fall, he encouraged Board Members to attend. Mr. Murphy advised the Board that PAPA interviews all participants twice a year and indicated that this was happening at this time. Mark called the Board's attention to three PAPA participants and expanded somewhat on the material shown in the report provided to the Board. In concluding, Mr. Murphy stressed the importance of Board support for PAPA and invited the Board or Staff to present any questions they have. Two Board Members requested additional information of specific participants.

AGENDA ITEM III - PROPOSED RULES

President Jones directed the Board's attention to Tab III in the meeting material and invited Compliance Officer/Rules Writer Dean Wright to present this agenda item. The following Administrative Rules were discussed:

- R4-23-110, 501 & 502
- R4-23-110, 671,674,701.00, 02,& 03
- R4-23-110, 670, 671 & 675

Mr. Wright provided a summary of the current language and the proposed new language impacting each of these rules. Mr. Wright explained the rational for the suggested changes and the guidelines that are established by the Governor's Regulatory Review Council of format revision.

Following an extensive discussion and interactive exchanges the Board unanimously agreed to the following:

- R4-23-110, 501 & 502: Without opposition, the Board directed staff to proceed with submission of this proposed change.
- R4-23-110, 671,674,701.00, 02,& 03: Prior to the Board directing the staff on how to proceed, President Jones invited comment from the audience. Pharmacists, Tom O'Neil and Ron Keehn both provided background and suggestions concerning drug formularies pertaining to the Long-Term Care Pharmacy Rules. Following the discussion; the Board encouraged the staff to continue working with interested parties and seek to accommodate their concerns then bring a draft to a subsequent meeting for Board review.
- R4-23-110, 670, 671 & 675: Without opposition or alteration, the Board directed staff to proceed with submission of the proposed changes.

AGENDA ITEM IV - TABLET SPLITTING

This agenda item had been discussed at a previous Board meeting without resolution or action. The Board Office received additional information on the topic and the issue was scheduled for this meeting for further discussion. Pharmacist Rich Cieslinski was present and agreed to share his knowledge of the practice with the Board. Arizona Pharmacy Association (APA), Executive Director Kathy Boyle distributed copies of an APA position paper on medication tablet splitting. Following an opportunity to study the material, Board Members directed comments and questions to each of the individuals present. The discussion served as an opportunity to explore the pros and cons of such pharmacy practices. The potential for public health concerns was discussed however no consensus statement or position was reached.

President Jones recessed the meeting at 11:55 a.m. for lunch and reconvened the meeting at 1:00 p.m.

AGENDA ITEM V - COMPLAINT REVIEW/RECOMMENDATIONS

Consumer Complaint Review Committee met May 1st prior to the Board Meeting. Member Paul Draugalis called the Board's attention to the hand-out item "Complaint Summary" containing the committee recommendations. Mr. Draugalis then summarized the complaints and described the committee recommendation and solicited board member comment. Following a thorough discussion of the eleven complaints, with an in depth dialog relevant to complaint # 2534 initiated by Mr. McAllister's suggestion to change the resolution from that recommended by the committee, to a "consent/monetary fine". There was no opposition to this proposed change. **On motion by Mr. McAllister and Ms. McCoy**, the Board voted unanimously to adopt the Review Committee recommendations as amended and detailed below:

- Complaint # 2516 - Appear Before the Board
- Complaint # 2522 - Appear Before the Board
- Complaint # 2524 - Letter to R.Ph./Professional Courtesy
- Complaint # 2526 - No Further Action
- Complaint # 2527 - No Further Action
- Complaint # 2528 - \$1,000 fine and 1 year probation
- Complaint # 2529 - No Further Action
- Complaint # 2530 - Letter to R. Ph./Professional Courtesy & meet with staff
- Complaint # 2531 - Appear Before the Board
- Complaint # 2532 - Letter of Warning
- Complaint # 2533 - Letter of Warning
- Complaint # 2534 - Consent Agreement
- Complaint # 2535 - Appear Before the Board
- Complaint # 2536 - No Further Action
- Complaint # 2537 - Appear Before the Board
- Complaint # 2538 - Letter of Warning
- Complaint # 2539 - No Further Action
- Complaint # 2540 - No Further Action

AGENDA ITEM VI - NABP ANNUAL MEETING

Executive Director Lloyd presented an overview of the upcoming NABP Annual Meeting being held in Phoenix, May 18-23, including the host state board's responsibilities and opportunities. Mr. Lloyd provided brief comments on the proposed Constitution and By Law changes, the delegate voting process and the impact of the changes.

Mr. Lloyd called on Dennis McAllister, who serves on the NABP Executive Committee to elaborate on these and other meeting issues. Mr. McAllister provided additional details, including the pros and cons of the Constitution/By Law changes. There was no Board action taken on this topic.

AGENDA ITEM VII - ARIZONA PHARMACY ASSOCIATION REPORT

APA Executive Director, Kathy Boyle provided a summary and current status report on the health profession and patient care legislative bills being tracked by the association. Ms. Boyle provided information and fielded questions from Board Members on a number of legislative proposals and the potential impact on the public and the profession.

Ms. Boyle reminded the Board of the annual APA meeting being held in Litchfield Park June 20-23, 2002 and encouraged as many Board Members as possible to participate. There was no Board action taken on this topic.

AGENDA ITEM VIII - PERMITS & LICENSES

Pharmacy Permits:

Deputy Director Wand indicated that applications for pharmacy permits were in order and that the fees have been paid. Following a final review of the applications and **on motion by Mr. Draugalis and Ms. McCoy**; with the exception of the application for Low Cost Pharmacy, 5891 S McClintock Dr #107, Tempe, AZ 85283 which was withdrawn, "in-state" and "non-resident pharmacy" permits were unanimously approved pending final inspection by the staff where applicable.

Resident (In-State) Pharmacies:

- Best Care Pharmacy
5757 W Thunderbird Rd., Glendale, AZ 85306
Best Care Pharmacy Inc.
- CIGNA Pharmacy - Gilbert
4001 E Baseline Rd., #107 & 108, Gilbert, AZ 85234
CIGNA
- Community Clinical Pharmacy
2405 E Southern, Suite 10, Tempe, AZ 85282
(O) ADC Apothecary Inc.
- Food City United Drug #112
1300 San Antonio Ave., Douglas, AZ 85607
(O) Bashas' Inc.
- Osco Drug #997
4060 W Ray Rd., Chandler, AZ 85226
Albertson's Inc.
- Sam's Club Pharmacy #10-6692
4701 N Stone Ave., Tucson, AZ 85704
Wal-Mart Stores Inc.
- Sierra Tucson
39580 S Lago Del Oro Pkwy., Tucson, AZ 85739
(O) Sierra Tucson LLC
- Willo Pharmacy
49 W Thomas Rd., Phoenix, AZ 85013
Steve Weber

(O) = Ownership change

Non-Resident (Out-of-State) Pharmacies

- ADIMA
5 N Regent St., Suite 506, Livingston, NJ 07039
MIM Corporation
- AdvanceRx.com
2105 Eagle Pkwy., Fort Worth, TX 76177
AdvancePCS Health Systems. LLC
- AdvanceRx.com
2700 Milan Court, Birmingham, AL 35211
AdvancePCS Mail Service
- Bio Partners in Care, Inc.
11411 Strang Line Rd., Lenexa, KS 66215
Accredo Health Inc.
- Custom Care Pharmacy
6206 Benjamin Rd., #314., Tampa, FL 33634
Genesis Pharmacy Services Inc.
- Custom Compounding of the West
6360 Gateway Dr., Cypress, CA 90630
Life Care Solutions Inc.
- DEGC Entgerprises US Inc.
4770 140th Ave., N.; Suite 403, Clearwater, FL 33762
Chronic Care Solutions Inc.
- Essential Pharmacy Compounding

- 617 N 114th St., Omaha, NE 68154
Kohl's Pharmacy & Hmecare Inc.
- Express Scripts Specialty
3168 Riverport Tech Center Dr.
Express Scripts Specialty
- Distribution Services, Inc.
Maryland Heights, MO 63043
Distribution Services, Inc.
- Factor Foundation Pharmacy
951 Shotgun Rd., Suite B, Sunrise, FL 33326
FFP, LLC
- FamilyMeds Pharmacy #95
6 Thompson Rd., East Windsor, CT 06088
FamilyMeds Inc.
- FamilyMeds Pharmacy #726
1215 Dunn Ave., Jacksonville, FL 32218
FamilyMeds Inc.
- FamilyMeds Pharmacy #757
3300 Lake Mary Blvd., Lake Mary, FL 32746
FamilyMeds Inc.
- Heartland Home Infusions
500 E Ogden Ave., Suite D, Hinsdale, IL 60521
Heartland Home Infusions Inc.
- IgG of America
805 Barkwood Court, Suite D, Linthicum, MD 21090
IgG of America, Inc.
- Infinity Infusion Care
5005 Mitchelldale, Suite 222, Houston, TX 77092
Infinity Infusion Care, Inc.
- Liberty Direct Services Corp.
1111 SE Federal Hwy., Suite 134, Stuart, FL 34994
Liberty Direct Services Corp
- Liberty Home Pharmacy
1111 SE Federal Hwy; Suite 106, Stuart, FL 34994
Liberty Home Pharmacy Corp.
- Liberty Medical Supply Inc.
2910 SW 42nd Ave., Palm City, FL 34990
Liberty Medical Supply Inc.
- Max Well Medical Pharmacy
240 Cumberland Bend, Nashville, TN 37228
Max Well Medical LLC
- Millenium Health
1160 Industrial Rd., Unit 19, San Carlos, CA 94070
Curative Health Services Inc.
- Secure Pharmacy Plus Inc.
416 Mary Lindsay Polk Dr., Suite 515, Franklin TN 37067
Secure Pharmacy Plus Inc.
- Service Script Inc.
3524 Park Plaza Rd., Paducah, KY 42001
Michael Orme
- Simplex Medical Inc.
12701 Commonwealth Dr., Suite 5, Fort Meyers, FL 33913
Simplex Medical Inc.
- Terrace Pharmacy
429 East 5350 South, Ogden, UT 84405
Alan V. Winter
- Theracom Inc.
6931 Arlington Rd., Suite 501, Bethesda, MD 20814
Dresing-Lierman Inc.
- Via Lido Drugs
3445 Via Lido, Newport Beach, CA 92663
Quality Drug Corp.

Wholesale Drug Permits:

Mr. Wand indicated that 3 of the 4 applications were in order and all fees paid, he further indicated that full service applicants had read and signed the wholesale drug dealer orientation provided by the office.

Mr. Wand indicated Dr. Chad Livdahl, NMD representing Powderz Inc., a Tucson firm was present and available to answer questions from the Board. Compliance Officer Ed Hunter summarized the findings of his visits to the facility. Board Members directed several inquiries to Dr. Livdahl relevant to the type of products being distributed, the source of the products and the labeling and packaging of the items. Board Members expressed some reservations regarding the firm's name on the application and consequently suggested that their final decision be tabled until the next day and that Dr. Livdahl resubmit a new application at that time for final consideration. Dr. Livdahl agreed to the Board's request.

Also present representing a wholesale drug permit request were Mr. T.R. and Ms. Samantha Garcia from PR&D, Inc. a start-up company intending to function as a reverse drug distributor. There was extensive dialog between the applicants and the Board relative to their experience and qualifications, the intended customer base and the scope of products to be handled. Having satisfied the Board's inquiries and there being no further questions from the Board, **on motion by Mr. Draugalis and Ms. McCoy, the wholesale drug permits**, were approved subject to final inspection by the compliance staff; the application for Powderz Inc. was tabled pending the submission of a revised application.

Wholesale Permits

- Midwest Medical
237 S. 23rd St., Phoenix, AZ 85034
(O) Midwest Medical Supply Co. Inc.
- P.R. & D. Inc.
1554 W. Main St., Mesa, AZ 85201
P.R. & D. Inc.

(O) = Ownership change

Non-Prescription

- B & B Enterprises
1509 N Piedmont Dr., Gilbert, AZ 85234
Heinrich-Marion von Rensburg

Pharmacist licenses and Pharmacy Intern Licenses:

On motion by Mr. Draugalis and Mr. Ritt, following a review of the applications and the assurance that all applications were in order; the Board unanimously approved pharmacist licenses # S13116 through S13147 and pharmacist intern licenses # I05589 through I05606, see attachment A and B for complete listing of full names.

AGENDA ITEM IX - SPECIAL REQUESTS

Janie Cecile Shane appeared on her own behalf seeking a reduction in the required 1500 intern hours for licensure as a pharmacist. Ms. Shane advised the Board that she had completed 1240 hours of intern training in Arizona and that she had 10 years of practice experience in South Africa prior to relocating to Arizona.

President Jones indicated that earlier in the day the Board discussed and adopted a policy to **not** reduce the number of intern hours required for foreign pharmacy graduates to become licensed in Arizona. This decision, President Jones said, is a matter of protecting the public health and safety by providing for a thorough and comprehensive understanding among foreign pharmacy graduates of Arizona pharmacy practice and pharmaceutical care standards. Mr. Jones assured Ms. Shane that in no way was this a reflection on her personal preparation and training, rather it is a decision that establishes and maintains a level-playing field for "all" pharmacy graduates seeking licensure in Arizona. Mr. Draugalis encouraged Ms. Shane to not be discouraged, to consider her accomplishments and to use the remaining six weeks of training to fine-tune her practice skills in preparation for licensure and entry into pharmacy practice.

The Board unanimously agreed to deny Ms. Shane's request.

William Magaria appeared on his own behalf seeking a reduction in the number of intern hours required for licensure. Mr. Margaria indicated that he had completed 1035 hours of intern training since locating in Arizona. Board Member Draugalis spoke to Mr. Magaria's request and referred to the previous request and subsequent discussion relative to the Board's recent policy decision. Again, the Board assured Mr. Magaria that their decision was not a matter of an individual evaluation but rather a decision to strictly observe the requirements of the laws and regulations applicable to intern training hours. **On motion by Mr. Draugalis and Mr. Ritt** the Board unanimously denied Mr. Margaria's request.

Jerome C. Broering appeared on his own behalf seeking permission to proceed with the process of reciprocating his Ohio Pharmacist license to Arizona. President Jones invited Mr. Broering to briefly outline his practice history and to discuss the disciplinary action on his Ohio license. Mr. Draugalis declared a conflict of interest and did not participate in the discussion, deliberation or vote on this matter.

Following his presentation, Board Members directed questions to Mr. Broering. At the conclusion of the discussion and **on**

motion by Mr. McAllister and Mr. Drake, the Board unanimously agreed to allow Mr. Broering to proceed in seeking licensure by reciprocity.

Eugene L. Cooper appeared on his own behalf seeking permission to proceed with process of obtaining an Arizona pharmacist license through reciprocity. President Jones invited Mr. Cooper to provide a summary of his practice experience, both his recent and past practices and his disciplinary involvement with the Missouri Board of Pharmacy. Upon concluding his presentation, Board Members directed questions to Mr. Cooper relevant to his plans for practicing in Arizona upon becoming licensed. At the conclusion of the discussion and **on motion by Mr. Ketcherside and Mr. Ritt**, the Board voted 5 in favor and 2 opposed to allow Mr. Cooper to proceed with the process of licensure by reciprocity.

Maricopa Integrated Services represented by Ron Keehn, R.Ph., P.I.C. Mr. Keehn is seeking approval by the Board to eliminate the requirement of a pharmacist's initials on the label of a dispensed prescription.

Mr. Keehn provided an overview of the dispensing process, including the accuracy safeguards and verification procedures being performed in the pharmacy. Various Board Members directed inquiries to Mr. Keehn who responded promptly and completely to their questions. This being an innovative practice procedure, the Board directed Mr. Keehn to collect data for a period of six weeks.

During that time a thorough process of observation and data collection will be conducted to determine the impact on the dispensing process. The results are to be presented to the Board at their June 20, 2002 meeting and a final decision will be made at that time.

Edwin Rivera, appeared on his own behalf requesting permission to sit for the Multistate Pharmacy Law Examination(MPJE) for a fourth time as required by statute. Following an exchange of questions and answers between the Board and Mr. Rivera and **on motion by Ms. McCoy and Mr. Draugalis** the Board unanimously agreed that Mr. Rivera shall present proof of participating in a Pharmacy Law Continuing Education Program to the staff, prior to being allowed to sit for the MPJE again.

David Shoup, appeared on his own behalf requesting permission to proceed in becoming licensed by score transfer of his NAPLEX score from New Mexico(NM). Mr. Shoup indicated to the Board that he had been arrested in NM on drug paraphernalia and concealed weapon charges however the charges had been dropped at least in part because he was a contract agent for the U.S. Treasury Department and was permitted to carry a weapon. Several Board Members directed questions relating to previous and current employment in the profession and his plans for practicing in Arizona.

Many of Mr. Shoup's replies were vague, incomplete or implausible. Mr. Shoup was asked if he, as a condition for licensure, he would agree to participate in the Pharmacists Assisting Pharmacists of Arizona program. He indicated that he would agree to that. Staff was asked to verify Mr. Shoup's previous employment and current license status in NM. The Board's final decision would be forthcoming pending receipt of the staff findings.

Kevin McConnell, appeared on his own behalf seeking reinstatement of his revoked Arizona license. President Jones asked Mr. McConnell if he was prepared to present new evidence, i.e. evidence that was not part of the revocation hearing. Mr. McConnell indicated that he had no new evidence to present but that he was anxious to reside nearer his children.

President Jones stated that the Board was only willing to entertain presentation of previously unheard evidence of why McConnell's revocation would be reconsidered. President Jones asked the Executive Director to poll the Board Members to determine if the president's position was supported by the Board. On a roll call vote, the Executive Director determined that six Board Members and the Board President agreed to consider Mr. McConnell's request only if new evidence was available for consideration. Being advised that the Board would not hear his request, Mr. McConnell exited the meeting room posthaste.

Carmen Torres, appeared on her own behalf requesting permission to sit for the Multistate Pharmacy Law Examination(MPJE) for a fourth time as required by statute. Following an exchange of questions and answers between the Board and Ms. Torres and **on motion by Mr McAllister and Mr. Drake** the Board unanimously agreed that Ms. Torres shall present proof of participating in a Pharmacy Law Continuing Education or Certified Law Review Program to the staff, prior to being allowed to sit for the MPJE again.

CALL TO THE PUBLIC

President Jones invited members of the audience to direct comments and observations to the Board for future consideration. Because the specific items would not be considered "agenda items" no discussion or reply would be forthcoming at this meeting.

Steve Mulryan provided comments on the Board's decision to not reduce intern hour requirements for foreign graduates. Darren Gettings suggested eliminating or reducing the pharmacy technician ratio if pharmacy technician registration occurs.

President Jones recessed the meeting at 4:40 p.m.

President Jones reconvened the meeting at 8 a.m. May 2, 2002 with all Board Members present. Also present were all the compliance officers, the deputy director and the executive director and Assistant Attorney General Victoria Martin.

AGENDA ITEM X - CONSENT AGREEMENTS

President Jones announced that this was the time and the place in the matter of the following Notices of Hearing and Consent Agreements:

- Mark Forester **02-0003-PHR**
- Albertson's #0941 **02-0004-PHR**
- Fry's Food and Drug #112 **02-0005 PHR**
- Patrick A. Sharp **02-0006 PHR**

President Jones asked if any of the Respondents were present or represented by counsel or if there were any comments relevant to any of the Consent to Entry of Order issues before the Board? There were no replies to either question. President Jones indicated that unless there was opposition expressed, it was his intention to consider the following Consent to Entry of Orders as a single item: 02-0003, 02-0004 and 02-0006. There being no opposition, **on motion by Mr. Draugalis and Mr. Ketcherside**, the Board on a roll call vote agreed unanimously to adopt the Findings of Fact and Conclusions of Law as presented in Notice of Hearing numbers: 02-0003, 02-0004 and 02-0006 issued to Mark Forester, Albertson's # 00941 and Patrick A. Sharp, respectively.

On motion by Mr. Draugalis and Mr. Ketcherside, the Board on a roll call vote agreed unanimously to adopt the Orders in the matter of Notice of Hearing 02-0003, 02-0004 and 02-0006 issued to Mark Forester, Albertson's # 00941 and Patrick A. Sharp, respectively.

In the Matter of Notice of Hearing 02-0005 PHR issued to Fry's Food and Drug # 112, Board Member Paul Draugalis declared a conflict of interest and did not participate in any aspect of this issue.

On motion by Mr. McAllister and Mr. Drake, the Board on a roll call vote, with Mr. Draugalis abstaining, agreed unanimously to adopt the Findings of Fact and Conclusions of Law as presented in Notice of Hearing number: 02-0005-PHR, issued to Fry's Food and Drug #112.

On motion by Mr. McAllister and Mr. Ketcherside, the Board on a roll call vote, with Mr. Draugalis abstaining, agreed unanimously to adopt the Order as presented in Notice of Hearing number 02-0005-PHR issued to Fry's Food and Drug #112. There being no further Consent Orders to consider this agenda item was closed by President Jones.

AGENDA ITEM XI - CONFERENCES

COMPLAINT # 2511

Pharmacist Paul Pickering and Supervisor Kay Ackerman were present pursuant to a consumer complaint alleging a prescription dispensing error. Compliance Officer Dean Wright provided a review of his complaint investigation. President Jones asked Mr. Pickering to provide his recollection of the incident leading to the complaint. Board members then directed questions to pharmacist Pickering relevant to the investigation. Mr. Pickering indicated that Mr. Wright's report is accurate and believes that efforts to accommodate the patient simply lacked the necessary follow through and pharmacist oversight to successfully provide a special-order prescription drug to a patient. Mr. Pickering indicated that such incidents do not occur frequently, however this mishandled event has caused him to reconsider and restructure the policy for special order prescription drugs. President Jones and Board Members directed comments and suggestions to Mr. Pickering for possible improvement and prevention of a recurrence. Supervisor Kay Ackerman indicated that a policy revision has already begun and she appreciated the Board's comments. There being no further discussion, President Jones dismissed the conferees and encouraged them to promptly complete the policy revision.

COMPLAINT # 2520

Pharmacist Aaron Matlow and Supervisor Victor Chirkin, were present pursuant to a consumer complaint alleging a misfilled prescription dispensed for a pediatric patient. Compliance Officer Dennis Waggoner was present and provided an overview of the board's investigation in this matter. President Jones asked Mr. Matlow to relate to the Board his recollection of this incident including measures that have been implemented at the pharmacy to preclude a recurrence of this event. Mr. Matlow stated that several aspects of the prescription were confusing, including the format and poor penmanship. Board members offered numerous suggestions to Mr. Matlow as to handling such prescriptions. President Jones reiterated the Board's suggestions and indicated that there is no excuse for not taking the necessary action to clarify any prescription confusion prior to dispensing the item. President Jones dismissed Mr. Matlock with the admonition to carefully analyze all prescriptions, particularly those containing confusing items or illegible handwriting.

AGENDA ITEM XII - HEARINGS

This item appeared on the agenda in the event that a "consent order" failed to be accepted and a hearing was required...all consent orders' were signed, as a result no hearings were held.

AGENDA ITEM XIII - FIVE YEAR RULES REVIEW

Compliance Officer/Administrative Rules Expert, Dean Wright outlined the administrative rules articles requiring review. Mr. Wright invited comments from Board Members concerning any of the rules subject to review at this time. No comments were offered. Mr. Wright proceeded to thoroughly discuss the rules to be reviewed.

Following his presentation, he indicated that he would prepare a draft document to be reviewed by the Board prior to submitting it to the Governor's Regulatory Review Council.

Executive Director Lloyd commended Mr. Wright on his efforts in the area of the Five Year Rules Review.

"Tabled Item from May 1, 2002"

President Jones reminded the Board that one wholesale drug permit approval from May 1st was tabled and in need of

resolution. Mr. Jones inquired to determine if the applicant was present. Chad Livdahl, NMD answered affirmatively to being present and prepared to discuss his revised application. Prior to inviting Dr. Livdahl to address the Board...**on motion by Mr. Ritt and Mr. Draugalis**, the Board voted unanimously to recess the open meeting and reconvene in Executive Session to seek legal advice from Ms. Victoria Martin in the tabled matter. Following a brief Executive Session, and **on motion by Mr. Ritt and Mr. McAllister**, the Board closed the executive session and reconvened in open public session to consider the application for a wholesale drug permit submitted by Dr. Livdahl. President Jones provided a brief review of the events on May 1st and to refresh everyone's memory Mr. Jones provided some highlights of the concerns raised the previous day. Dr. Livdahl clarified for the Board the intended customers of his firm, he submitted a revised application and stated that he was aware that wholesale drug permittees are not allowed to repackage or relabel drug items. There being no further questions from Board Members or staff, and **on motion by Mr. Ritt and Mr. McAllister** the Board unanimously approved the application for Powderz, Inc. with the reminder that wholesale drug owners/managers are responsible for following the statutes and rules established by the Board.

AGENDA ITEM XIV - CALL TO THE PUBLIC

As he had done on Wednesday, President Jones announced a call to the public as this session draws to a close. In doing so, he commented that the Board may only hear the comments, they may not discuss or act on them at this meeting. There were no comments from the audience.

AGENDA ITEM XVIII - ADJOURNMENT

There being no further business to come before the Board, President Jones entertained a motion to adjourn. **On motion by Mr. Draugalis and Mr. Ketcherside**, and unanimously approved, the meeting was adjourned by President Jones at 10:10 A.M.