



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING JUNE 17, 2009  
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE  
PHOENIX, AZ**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – June 17, 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, Joanne Galindo, Steven Haiber, Dan Milovich, and Tom Van Hassel. The following Board Members were not present: Louanne Honeyestewa and Paul Sypherd. The following staff members were present: Compliance Officers Rich Cieslinski and Sandra Sutcliffe, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

Dr. Smidt arrived at 9:06 P.M.

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

There were no conflicts of interest declared by any Board Members.

**AGENDA ITEM 3 – HEARING**

**HEARINGS**

**HAROLD OLSHANSKY – CASE #09-0004-PHR**

President McAllister stated that this is the date, time, and place where the matter dealing with Case Number 09-0004-PHR for Respondent Harold Olshansky is scheduled to be heard by the Arizona State Board of Pharmacy.

President McAllister stated that the subject of the hearing is set forth in the Complaint and Notice of Hearing. This is a formal administrative hearing to determine if there have been violations of the Board's statutes and rules, and whether disciplinary action is warranted.

A roll call vote was taken. The following Board Members were present: Joanne Galindo, Zina Berry, Tom Van Hassel, Dan Milovich, Steve Haiber, Ridge Smidt, and Dennis McAllister.

President McAllister stated that let the records show that the Board Members have been furnished with copies of:

1. The Complaint and Notice of Hearing
2. The Respondent's Answer
3. All pleadings of record

President McAllister asked all parties to please identify themselves.

Elizabeth Campbell, Assistant Attorney General for the State was present.

Harold Olshansky, Respondent, was present.

Teressa Sanzio, Legal Counsel for Mr. Olshansky, was present.

President McAllister made the opening statements concerning the hearing.

The witnesses were sworn in by the court reporter.

President McAllister asked the participants if prior to hearing testimony from witnesses, if there were any preliminary matters the Board should consider.

Ms. Campbell stated that she has a copy of the Stipulated Findings of Fact and Conclusions of Law and would like to submit State Exhibits (A-E) into evidence.

Opening statements were made by the counsel for the state and the counsel for the licensee. The hearing then proceeded.

The attorney for the state presented her evidence.

The attorney for the licensee presented his witnesses and evidence. Witnesses were cross-examined by the attorney for the state.

After both counsels presented their witnesses and evidence, the attorney for the state and the licensee made their closing arguments.

**On motion by Mr. Haiber and seconded by Mr. Milovich**, the Board unanimously agreed to the Stipulated Findings of Fact and Conclusions of Law. (Ms. Galindo – aye, Dr. Berry – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Mr. Haiber- aye, Dr. Smidt – aye, Mr. McAllister – aye).

**A motion was placed on the floor by Mr. Haiber and seconded by Ms. Galindo** to place the licensee on suspension for 6 months followed by probation for 1½ years. During this time, the pharmacist could not be a pharmacist in charge. The licensee must take and pass the MPJE exam. The licensee must complete 15 hours of CE on patient therapy. The licensee would be fined \$1,000 for each time he gave the patient medication and received money from the patient. The licensee gave the patient medication and received money on five occasions and would be fined a total of \$5,000 dollars. The licensee would also be responsible for the hearing fees which would be the cost of the court reporter. A roll call vote was taken. (Ms. Galindo – nay, Dr. Berry – nay, Mr. Van Hassel – nay, Mr. Milovich – nay, Mr. Haiber- aye, Dr. Smidt – aye, Mr. McAllister – nay).

The motion failed.

**On motion by Ms. Galindo and seconded by Mr. Van Hassel**, the Board agreed to impose a 9 month suspension followed by a 1½ year probation period. During this time, the licensee could not be a Pharmacist in Charge. The licensee would be fined \$1,000 dollars for each violation. The number of violations would be 10 for each time that Butalbital/APAP was given to the patient. The total fine would be \$10,000 dollars. The licensee must take and pass the MPJE exam. The licensee must complete 15 hours of Board approved CE on patient therapy. The licensee must pay hearing expenses. A roll call vote was taken. (Ms. Galindo – aye, Dr. Berry – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Mr. Haiber- aye, Dr. Smidt – nay, Mr. McAllister – aye).

The motion passed.

**On motion by Dr. Smidt and seconded by Mr. Haiber**, the licensee must pay the fine within 3 months of the return of his license after his suspension ends. A roll call vote was taken. (Ms. Galindo – aye, Dr. Berry – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Mr. Haiber- aye, Dr. Smidt – aye, Mr. McAllister – aye).

The motion passed.

The Hearing then concluded.

The Board Office will have copies of the transcript of the hearing prepared within two weeks.

**AGENDA ITEM 4 – Review of 2008 Board Meeting Schedule – September Meeting Date**

The Board Members discussed an alternate date for the September Board Meeting due to scheduling issues.

**On motion by Mr. Van Hassel and seconded by Dr. Berry**, the Board unanimously agreed to change the date of the September Board meeting. The meeting will be held on September 9 and 10, 2009.

**AGENDA ITEM 5 – 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.

Ms. Campbell stated that at the last meeting the Board had voted to offer Mr. Carranza a consent agreement for revocation for violation of his PAPA contract. Ms. Campbell stated that Ms. Yates at the PAPA program stated that Mr. Carranza is currently in extensive treatment and would sign a new PAPA contract. Ms. Campbell stated that the consent agreement states that Mr. Carranza would start his probationary period over and will be placed on probation for 5 years.

Ms. Sanzio, the attorney for Mr. Carranza, was present and stated that Mr. Carranza has signed the consent agreement.

**On motion by Mr. Van Hassel and seconded by Dr. Berry**, 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.

Daniel O'Connor	-	09-0034-PHR
Frank Llamas	-	09-0047-PHR
Robert Carranza	-	09-0048-PHR
Michael Schember	-	09-0050-PHR
Robert Waugh	-	09-0051-PHR

A roll call vote was taken. (Ms. Galindo – aye, Dr. Berry – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Mr. Haiber- aye, Mr. McAllister – aye). Dr. Smidt was not present when the vote was taken.

**AGENDA ITEM 6 – 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.

No one come forth.

**AGENDA ITEM 7 – Adjournment**

There being no further business to come before the Board, **on motion by Mr. Van Hassel and seconded by Dr. Smidt**, the Board unanimously agreed to adjourn the meeting at 4:25 P.M.

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**Dennis McAllister, President    Date**

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**Ridge Smidt, Vice President    Date**

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**Hal Wand, Executive Director    Date**