

THE ARIZONA STATE BOARD OF PHARMACY

HELD A REGULAR MEETING AUGUST 11 & 12, 2004

PRESCOTT, ARIZONA

The following Board Members and staff were present: President Dennis McAllister, Vice President Linda McCoy, Paul Draugalis, Chuck Dutcher, and Bryan Tippett. Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Roberto Pulver.

President McAllister convened the meeting at 9:00 A.M. and welcomed the audience to the meeting. Ms. Frush explained that law continuing education would be offered for attendance at the meeting. President McAllister introduced Dr. Anne Lin, the new Dean of the Pharmacy School at Midwestern University.

AGENDA ITEM I - Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Dutcher and Ms. McCoy**, the minutes of the Regular Meeting held on June 24, 2004 were unanimously approved by the Board Members.

AGENDA ITEM II - Permits/Licenses

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

Greentree Pharmacy

Norbert Laskowski, the Pharmacist-In-Charge, was present to answer questions from Board Members.

President McAllister opened the discussion by asking Mr. Laskowski to describe the business. Mr. Laskowski stated that the pharmacy would be a closed-door pharmacy servicing patients enrolled in NARVA in Yavapai County. Mr. Laskowski explained that NARVA is the mental health portion of AHCCCS.

President McAllister asked if the patients would receive the medications by mail since they were a closed-door pharmacy. Mr. Laskowski stated that they would only service NARVA patients and would not be dispensing any other prescriptions than prescriptions written for mental health issues. Mr. Laskowski stated that there are forty-one (41) beds at the clinic for patients that have been remanded to the clinic or have been self-committed.

Mr. Dutcher asked Mr. Laskowski if the pharmacy would only be servicing the institutionalized patients. Mr. Laskowski stated that the pharmacy will service both the institutionalized and the walk-in patients covered by the NARVA plan. Mr. Laskowski stated that there would be no cash paying customers.

Mr. Wand stated that the members must be NARVA members to utilize the services of this pharmacy and it is not a closed-door pharmacy. It was determined that the pharmacy is a single payer pharmacy and not a closed-door pharmacy.

Mr. Wand informed the audience that when a new pharmacy practice opens that is different from a traditional pharmacy and has not been in existence in Arizona, the pharmacy is asked to appear at the Board Meeting so that the Board Members have an opportunity to ask questions about the practice.

McKesson Specialty Arizona, Inc.

Steve Hoffman from McKesson Specialty was present to answer questions from Board Members.

Roger Morris was present as legal counsel for McKesson Specialty.

President McAllister opened the discussion by asking Mr. Hoffman to describe the pharmacy business and the waivers that are being requested by the company.

Mr. Hoffman stated that the pharmacy would be a limited service pharmacy. The pharmacy would be a non-dispensing

pharmacy. Mr. Hoffman stated that the pharmacy would operate in conjunction with a patient assistant program for a large pharmaceutical manufacturer. Mr. Hoffman stated under this program that they would receive prescriptions, qualify the patients for the program, and help the patient seek additional reimbursement options if they did not qualify for the program. After the patient has been qualified, the prescription will be transferred legally to another pharmacy to dispense the medication.

Mr. McAllister asked Mr. Hoffman to describe the personnel mix that would be hired for the pharmacy. Mr. Hoffman stated that they would be hiring Arizona licensed pharmacists and licensed pharmacy technicians.

Mr. Wand stated that the reason that the pharmacy needs a permit is that according to our statutes that a prescription cannot be left at a place that is not licensed as a pharmacy. Mr. Wand stated that the waivers being requested are equipment related.

Mr. Dutcher asked Mr. Hoffman how the prescriptions would be transferred to other pharmacies.

Mr. Hoffman stated that the prescriptions would be scanned and assigned a prescription number and then would be legally transferred to another pharmacy. The receiving pharmacy would receive an electronic image of the prescription. Mr. Hoffman stated that there would be a file transfer of the images on a nightly basis.

Mr. Dutcher asked which pharmacies would be involved in the receiving the transferred prescriptions. Mr. Hoffman stated that it could be various pharmacies and that the first pharmacy involved would be the Walgreens Mail Order Pharmacy located in Tempe, AZ.

Mr. Dutcher asked Mr. Hoffman how the patients are referred to the program. Mr. Hoffman replied that it is a national program. Mr. Hoffman stated that the physicians have enrollment forms that would allow their patients to qualify for the program. Mr. Hoffman stated that the first program would be for GlaxoSmithKline. Mr. Hoffman stated that they would also search for alternate insurance plans to cover the patient. If they are not able to find alternative payers, then the patient assistance program is the payer of last resort.

Mr. Morris stated that the pharmacy would also be able to participate in other non-dispensing functions. Mr. Morris stated that they envision that in theory that they may be involved in some compliance issues such as making phone calls to patients to see if they have received their medications and if they have any questions concerning their medication. Mr. Morris stated in order to contact the patient, a pharmacist would need to call the patient to ask the questions and that is why they are requesting a pharmacy permit.

Mr. Wand stated that another issue discussed was the substantive policy concerning transferred prescriptions. Mr. Wand stated that the policy states that a number must be assigned to the prescription prior to transferring the prescription and the pharmacy wishes to comply with this policy.

Ms. McCoy asked how the patient would be contacted. Mr. Hoffman stated that they would be contacting the patient by telephone. Ms. McCoy asked if Mr. Hoffman anticipated any walk-in patients. Mr. Hoffman replied that they would not have any walk-in patients.

Ms. McCoy asked how many pharmacists they were planning on employing. Mr. Hoffman stated that they anticipate starting with a Pharmacist-In-Charge and two (2) additional pharmacists. They anticipate hiring this number of pharmacists to cover the hours that they will be open and to cover lunch hours.

Mr. Wand stated that a motion would be necessary to waive the pharmacy requirements in R4-23-611 and R4-23-612. Mr. Morris indicated that they will maintain copies of the Arizona pharmacy rules and regulations, the Controlled Substance Act, a professional reference library, a red C stamp, current antidote and drug interaction information, and the regional number for the poison control center. Mr. Wand stated that the proposal does meet the requirements for a waiver. Mr. Wand stated in order to grant a waiver, the process must be experimental or involve a technological change.

On motion by Ms. McCoy and Dr. Tippett, the Board unanimously approved the request to waive the requirements of R4-23-611 and R4-23-612 that are listed in the letter dated July 30, 2004 from Mr. Roger Morris, legal counsel, for McKesson Specialty Arizona, Inc.

At the conclusion of questions from the Board Members and **on motion by Mr. Dutcher and**

Dr. Tippett, the Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT PHARMACY PERMITS (in Arizona)

- Wal-Mart Pharmacy 10-5349
8335 Guadalupe Rd.
Mesa, AZ 85215
Wal-Mart Stores, Inc.
- Wal-Mart Pharmacy 10-5189
5250 W. Indian School Rd.
Phoenix, AZ 85031
Wal-Mart Stores, Inc.
- St. Luke's Behavioral Health Center
1800 E. Van Buren
Phoenix, AZ 85006
Iasis Healthcare
- Greentree Pharmacy
642 Dameron Dr.
Prescott, AZ 86301
West Yavapai Guidance Clinic, Inc.
- Target Pharmacy T-1905
2140 E. Baseline
Phoenix, AZ 85040
Target Corporation
- Northwest Medical Center Oro Valley
1551 E. Tangerine Drive
Oro Valley, AZ 85737
Oro Valley Hospital, LLC.
- Sam's Pharmacy 10-6205
1462 S. Pacific Avenue
Yuma, AZ 85365
Wal-Mart Stores, Inc.
- Wal-Mart Pharmacy 10-5342
2501 S. Avenue "B"
Yuma, AZ 85364
Wal-Mart Stores, Inc.
- Wal-Mart Pharmacy 10-5331
7575 W. Lower Buckeye Rd.
Phoenix, AZ 85043
Wal-Mart Stores, Inc.
- Arizona Senior Care Pharmacy (Tucson)
6150 E. Grant Road
Tucson, AZ 85712
Arizona Senior Care, Inc.
- McKesson Specialty Arizona, Inc.
4343 N. Scottsdale Rd, Ste. #150
Scottsdale, AZ 85251
McKesson Specialty Arizona, Inc.
- Walgreens Pharmacy #01076
333 Hunt Highway
Queen Creek, AZ 85242
Walgreen Arizona Drug Co.
- CVS Pharmacy #01716
1-10 Tuthill & Verrado Way,
Buckeye, AZ 85236
Buckeye AZ CVS, LLC.
- CVS Pharmacy #03967
3990 W. Ray Rd.
Chandler, AZ 85226
Ray McClintock CVS, LLC.
- CVS Pharmacy #05039
30 E. Williams Field Rd.
Gilbert, AZ 85296
Chandler Gilbert CVS, LLC.
- CVS Pharmacy #05791
Camelback & Litchfield Rd.
Litchfield Park, AZ 85340

- Litchfield Park CVS, LLC
- CVS Pharmacy #05891
3170 S. Higley Rd.
Gilbert, AZ 85297
Pecos Gilbert CVS, LLC.
- CVS Pharmacy #06719
44274 W. Smith Erke Rd.
Pinal County, AZ 85239
Pinal County AZ CVS, LLC.
- CVS Pharmacy #07836
McKellips & Stapley
Mesa, AZ 85240
(O) CVS McKellips Mesa AZ, LLC.
- CVS Pharmacy # 07837
McDowell & Power Rd.
Mesa, AZ 85240
(O) CVS EGL McDowell Mesa AZ, LLC
- CVS Pharmacy #07852
Tatum & Dynamite
Phoenix, AZ 85028
CVS EGL Tatum Phoenix AZ, LLC.
- CVS Pharmacy #07859
Skyline & Campbell Ave.
Tucson, AZ 85739
CVS EGL Skyline Tucson AZ, LLC.
- CVS Pharmacy #07860
16thSt. & Baseline Rd.
Phoenix, AZ 85042
CVS EGL 16th Baseline AZ, LLC.
- CVS Pharmacy #07867
Grant Rd, & Rosemont
Tucson, AZ 85711
CVS EGL Rosemont Goodyear AZ, LLC.

On motion by Mr. Draugalis and Ms. McCoy, the Board unanimously approved the Non-Resident permits listed below.

NON-RESIDENT PHARMACY PERMITS(out of state)

- Star Medical Rx
700 NW Argosy Parkway
Riverside, MO 64150
(O) Apria Health Care, Inc.
- Specialty Infusion Pharmacy Inc.
604 E. Huntington Drive
Monrovia, CA 91016
(O) Priority Healthcare Pharmacy, Inc.
- Save Now Discount Pharmacy
3333 184th St. SW
Lynnwood, WA 98037
Save Now Discount Pharmacy, Inc.
- Option Care of Nevada
3900 W. Charleston Blvd. Ste. G
Las Vegas, NV 89102
Convention Center Drug, Inc.
- Carepharm Pharmacy
12 Chapel Lane
New Boston, TX 75570
Carepharm LTC
- Power Medica Inc.
600 W. Hillsboro Blvd. Suite 104
Deerfield Beach, FL 33441
Power Medica

- KABS Pharmacy
2812 E. Bears Ave.
Tampa, FL 33613
KABS of Tampa, Inc.
- Home Care Supply Pharmacy
2155 IH-10 East, Suite B
Beaumont, TX 77701
NuPharm, Inc.
- Kay Pharmacy #001
3500 E. Fletcher Ave. Suite 120
Tampa, FL 33613
Hepzibah, Inc.
- Specialty Scripts Pharmacy
315 Pleasant St., Bldg-1, 6th Floor
Fall River, MA 02721
Specialty Scripts, Inc.
- Express Pharmacy Services
620 Epsilon Drive
Pittsburgh, PA 15238
(O) Express Pharmacy Services of PA, Inc.
- Express Pharmacy Services
8275 Bryan Dairy Rd.
Largo, FL 33777
(O) Express Pharmacy Services of FL, Inc.
- Pacific Coast Pharmacy
1400 Grand Ave Ste. F
Grover Beach, CA 93433
Integrated Health Concepts, Inc.
- Sun Dance Pharmacy
538 North 1300 East
St. George, UT 84770
Sun Dance Pharmacy, LLC
- Quality Infusion Care
9555 W. Sam Houston Pwky #225
Houston, TX 77099
Quality Infusion Car, Inc.
- Immediate Pharmaceutical Services, Inc.
33381 Walker Rd.
Avon Lake, OH 44012
Immediate Pharmaceutical Services, Inc.
- Scrip Pharmacy, Inc.
2787 Charter St.
Columbus, OH 43228
Scrip Pharmacy, Inc.
- Specialty Pharmacy Services by Eckerd 8000
8275 Bryan Dairy Rd., Largo, FL 33777
(O) Largo Procure Pharmacy, Inc.
- Mt. States Regional Hemophilia Treatment Ctr.
13001 E. 17th Pl. Bldg. #500, Room EG 303
Aurora, CO 80010
Univ. of Colorado - Regents

Wholesale Permits

President McAllister indicated that there were five applicants for resident wholesale permits.

Quik 'N Tasty Foods, Inc. Mr. Draugalis asked if the owner would be selling to the QT gas stations and wanted to know if the QT stations were franchised operations. The Board Office was contacted and the information provided indicated that the QT stations were not franchised.

Physician Laboratories, Inc. Monroe Fazali was present to answer questions from Board Members.

President McAllister asked Mr. Fazali if he had been a non-prescription wholesaler previously. Mr. Fazali stated that he had not

been a wholesaler previously. Mr. Fazali stated that he has worked with an internet company that did not concentrate on wholesale business. Mr. Fazali stated that in the future that they may want to sell to government agencies and schools.

Mr. McAllister asked Mr. Fazali if he had read the orientation and understands the rules. Mr. Fazali replied that he had read the orientation and understands the rules.

Mr. Wand asked Mr. Fazali if they were licensed as a non-prescription retailer. Mr. Fazali replied that they were licensed as a non-prescription retailer. Mr. Wand reminded Mr. Fazali that he must keep a copy of the permit or license on file for each person to whom he sells product.

Mr. Wand asked Mr. Fazali if he planned on selling pseudoephedrine products. Mr. Fazali replied that he did not and was aware of the rules for a single transaction purchase.

Pharmelle LLC Joe Ducharme was present to answer questions from Board Members.

President McAllister asked Mr. Ducharme if he had read the orientation. Mr. Ducharme stated that he had read the orientation information. Mr. McAllister reminded Mr. Ducharme that he must maintain the appropriate records for all transactions. Mr. McAllister asked Mr. Ducharme if he was aware of the precursor chemical regulations. Mr. Ducharme stated that he is aware of the precursor chemical regulations.

On motion by Dr. Tippett and Mr. Dutcher, the Board unanimously approved the resident wholesaler permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

- Physician Laboratories, Inc.
301 W. Deer Valley Rd.
Phoenix, AZ 85027
Monroe Fazali
- Pharmelle L.L.C.
170 S. William Dillard Dr., Building 3, Suite 109
Gilbert, AZ 85233
Joe Ducharme
- Three Sisters Wholesale II
Hwy 163
Kayenta, AZ 86033
Cynthia Benedict
- Sam's Club 10-6205
1462 S. Pacific Ave.
Yuma, AZ 85365
Wal-Mart, Inc.

On motion by Mr. Draugalis and Ms. McCoy, the Board unanimously approved the wholesaler listed below. The approval is subject to final inspection by a Board Compliance Officer where appropriate.

- Quik 'N Tasty Foods, Inc.
8501 W. Latham St.
Tolleson, AZ 85353
Quik 'N Tasty Foods, Inc.

Manufacturer Permits

President McAllister noted that there was one manufacturer permit to be approved. At the meeting in June, Mr. Eshima appeared on behalf of Biotech Cyclotron. At that time, Mr. Eshima had not received the FDA registration number for Biotech Cyclotron and the Board tabled his request. Mr. McAllister informed the Board that Biotech Cyclotron had now received their FDA registration and the Board may now approve the application.

On motion by Mr. Draugalis and Dr. Tippett, the Board unanimously approved the manufacturer permit listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

- Biotech Cyclotron of Arizona
4540 E. Cotton Gin Loop
Phoenix, AZ 85040

Pharmacist, Pharmacy Intern, and Pharmacy Technician Licenses

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

Pharmacist licenses 14156 through 14271 (with 14226 being voided), Pharmacy Intern licenses

6413 through 6461, and Pharmacy Technician licenses 1365 through 3409. For a complete list of names see attachments.

Mr. Dutcher asked if the Pharmacy Technician Trainee license number would change upon certification. Mr. Wand stated that the number would remain the same and the status would be changed in the system.

AGENDA ITEM III - Reports

Executive Director Report

Executive Director Wand began his report by discussing personnel issues. Mr. Wand stated that the person responsible for the database administration in the Board Office has been reclassified from an Administrative Assistant II to an Info Technology Specialist. This personnel change resulted in a pay increase for the individual. Mr. Wand stated in the future he hopes to be able to reclassify the officer manager from an Administrative Assistant III to a more appropriate classification.

Mr. Wand stated that we are currently recruiting for the Compliance Officer and Non-Prescription Drug Inspector position due to the resignation of personnel in these positions.

Mr. Wand stated that there are still issues with technician licensure relating to felony convictions and the inability to provide a copy of their high school diplomas. Mr. Wand stated that beginning on September 1, 2004, the Compliance Officers would begin enforcing the licensing rules. On inspection, if a technician is working who is not licensed and has not applied for licensure, a violation letter would be issued, and a response would be expected within 15 days. If an unsatisfactory or no response is received, the matter would be referred to the Complaint Review Committee. Mr. Wand stated that if the technician provides documentation to the Board Office that they are completing requirements necessary for their licensure, such as PTCB certification, the technician would be given a waiver until the requirements are completed.

Mr. Wand stated that he would like to thank Mr. Wright for the speed with which he completed the statutory changes that the Board hopes to present to the legislature next year. Mr. Wand stated that he and Dean had meet with John Mangum to review the proposed statutory changes. The statutory changes are necessary in order for us to comply with the federal lists of Controlled Substances. Mr. Wand stated that the statutes would be revised concerning the disciplinary actions that the Board may take against licensees and permit holders. Mr. Wand stated that Mr. Mangum hopes to drop our bill by the end of August.

Mr. Wand stated that he provided the Board with a copy of the annual report. Mr. Wand stated that he concentrated on positive outcomes. Mr. Wand stated that he felt the report should indicate what the Board accomplished in the past year. In the annual report, Mr. Wand discussed the licensure of the pharmacy technicians and the relationship to the protection of the public. Mr. Wand stated that he discussed the fact that the Board has obtained the services of a half-time (50%) Assistant Attorney General. The assignment of the Assistant Attorney General to the Board has enabled the Board to resolve issues in a timelier manner. The Board has also been able to assist in the revocation of a non-prescription drug retailer permit which shut off a significant source of precursor chemicals used in the illegal manufacture of methamphetamine.

Mr. Wand discussed the Boards approval of the first group of Pharmacy Drug Therapy Management Agreements, which allow certain specially trained pharmacists to enter into collaborative agreements with physicians to implement and modify drug treatment protocols.

Mr. Wand discussed the Fund Balance and stated that it is basically paper money that must be appropriated by the legislature. Mr. Wand stated that he is attempting to have money appropriated to buy tablet PCs for the Compliance staff. This will allow the handwritten documents to be changed to a Word document and printed. Mr.

Wand stated that he would also try to obtain funding to redo the web page to conform with the state government web pages. Mr. Dutcher asked if the page could be done in house. Mr. Wand stated that it would be difficult for the staff to redo the page. Mr. Wand asked if the Board Members would be interested in receiving a CD instead of a paper Board Book. Mr. Wand stated that if he could obtain funding that each Board Member would be provided a laptop with the necessary software. Board Members indicated that they would be interested in this option. Mr. Wand stated that he would also ask for an increase for the PAPA budget.

Ms. McCoy asked if we would be limited in holding Board Meetings outside the Phoenix area. Mr. Wand stated that money is budgeted for in-state and out-of-state travel. Ms. McCoy stated that she was concerned that the Board would not be able to hold a meeting out-of-town. Mr. Wand stated that the Board usually holds two meetings out-of-town. Traditionally, the Board has one meeting in Tucson and one out-of-town where a Board Member resides. Mr. Wand stated that one concern with having a meeting out-of-town is that the Solicitor General will not travel to out-of-town hearings. Mr. Wand stated that even though we may have the money in the budget that state policy would only allow two individuals to attend out-of-state meetings unless the governor's office approves additional individuals to attend the meeting. Mr. Wand stated that the schedule for next year's Board Meetings would be discussed at the November meeting.

Deputy Director Report

Ms. Frush directed the Board Members attention to the activity reports for the Compliance Officers and the Drug Inspector. Ms. Frush stated the Compliance Staff is still ahead of the number of inspections completed at this time last year. Ms. Frush stated that the hiring process is continuing in an effort to hire a Compliance Officer and Drug Inspector.

Ms. Frush presented the report showing issues that were discovered by the Compliance Staff during the month of June.

Ms. Frush stated during the month of June the compliance staff issued letters for the following violations:

- Non-Functional Class A Prescription Balances (2)
- Failure to inventory Soma products on Controlled Substances 2004 Inventory
- Annual Controlled Substance Inventory was unavailable
- Controlled Substance Audit - Overage
- Controlled Substance Audit - Shortage
- Failure to document and record patient's medical conditions (4)
- Failure to document and record patient's allergies
- Outdated prescription and over-the-counter products in the pharmacy area (2)
- Failure to properly prepackage medications for future dispensing
- Failure to maintain a hard-copy printout or log book of each day's original or refill data indicating that the pharmacist has reviewed the data.

Ms. Frush indicated that there was one area noted on inspection reports that needed improvement. It was noted that a Controlled Substance Inventory must be taken annually in Arizona.

Ms. Frush stated that the Compliance Officers have noted occasions where the pharmacists and technicians are meeting or exceeding standards:

- Pharmacy technicians are posting their new wall certificates and licenses are readily retrievable.
- The number of outdates in the OTC departments have decreased.
- Most pharmacies have complied with the regulation to maintain a hard-copy printout or log book of each day's original and refill data indicating that the pharmacist has reviewed the data for accuracy.

PAPA Report

PAPA was represented by Lisa Yates. Ms. Yates stated that there are a total of thirty-six (36) participants in the PAPA program. Ms. Yates stated since May 12, 2004, there have been four (4) new participants come into the program and one (1) termination of a PAPA contract.

APA Report

APA was represented by Kathy Boyle. Ms. Boyle stated that the 2004 Convention was a success.

and the 2005 Convention will be held from June 23-26, 2005 at the Westin La Paloma in Tucson, Arizona.

Ms. Boyle stated that she has been facilitating meetings with Sure-Script and the Medical Association concerning electronic prescribing practices.

Ms. Boyle stated that the association is waiting for GRCC to approve the immunization regulations and she would like to request time on the November agenda to present the APA certificate program for approval by the Board as the immunization training program for pharmacists.

Ms. Boyle stated that a meeting would be held to define the bylaws, the financial structure, and the mission statement of the new organization and the association would not be introducing any bills in the upcoming legislative session.

Ms. Boyle stated that the association would be offering a 3-hour CE law program on October 9, 2004 at Midwestern University. Ms. Boyle stated that Roger Morris would be the speaker.

Ms. Boyle stated that the association has been contacted by the Attorney General's Office for assistance in conducting the pricing survey.

President McAllister called a brief recess and the meeting reconvened.

AGENDA ITEMS IV - Special Requests

#1 Bradley Koonse

Bradley Koonse appeared with Lisa Yates from the PAPA program. President McAllister asked Mr. Koonse to describe the nature of his request. Mr. Koonse stated that he surrendered his license due to drug dependency issues and would like to have his license reinstated.

Mr. McAllister asked Mr. Koonse what has changed in his life since the surrender of his license.

Mr. Koonse stated that through the PAPA program and support groups that he has become better educated about drug dependency. Mr. Koonse stated at first he felt the situation was hopeless and he feels that he is now able to change his situation.

Mr. McAllister stated that the order was written on February 20, 2004. Mr. McAllister asked Mr. Koonse when he signed a contract with PAPA. Ms. Yates replied that Mr. Koonse's first contract was signed on January 2, 2004 and he began inpatient treatment on January 21, 2004. He signed a new contract on February 18, 2004 after completing the inpatient program. He ended his PAPA contract on March 22, 2004 and surrendered his license. Ms. Yates stated that Mr. Koonse signed a new contract on May 26, 2004. Ms. Yates reported that he did attend meetings even though he did not have a contract.

Mr. McAllister asked Ms. Yates about PAPA's recommendation. Ms. Yates replied that he voluntarily surrendered his license and PAPA supports his request to have his license reinstated.

Mr. McAllister asked Mr. Koonse if he was prepared for a more stringent contract that would require more drug screenings and meeting attendance once he returned to practice. Mr. Koonse replied yes.

Mr. Wand stated that the normal suspension period for anyone who signs a PAPA agreement is usually a minimum of six (6) months. Mr. Wand stated that if the contract was signed on May 26, 2004 then the suspension would end on November 26, 2004. Ms. Yates stated that Mr. Koonse has not been practicing for six months. Ms. Yates stated that she realizes that there was a lapse between the two contracts signed by Mr. Koonse and the Board could decide when the suspension period would end.

Mr. Wand asked Mr. Koonse if he was requesting that his license be returned to him in a suspended status, on probated status, or if he was willing to allow the Board to make that decision. Mr. Koonse replied that the Board could decide the status and he would accept the decision.

Mr. Wand stated that the statute the Board needs to consider is A.R.S. § 32-1928 (D), which states the following: With or without conditions the board may reinstate the license of any pharmacist or pharmacy intern that it has

placed on probation or whose license it has suspended or revoked.

Mr. Pulver stated that the license was revoked. Mr. Pulver stated that if the Board gives Mr. Koonse his license back that it sends out a signal from a legal perspective that revocation is not considered a serious issue. Mr. Pulver stated that he is also concerned about the manner in which Mr. Koonse returned his license. Mr. Koonse shredded and incinerated his license. Mr. Pulver stated that there might be other issues involved because most licensees would not return their license in that fashion.

Mr. McAllister asked Mr. Koonse to address Mr. Pulver's concern. Mr. Koonse stated that he realized what he had done went against his moral character and he was very depressed.

Mr. Wand stated that Mr. Koonse was offered a consent agreement with the normal suspension and probation. Mr. Wand stated that Mr. Koonse decided that he wanted his license revoked and did not want the consent order offering the suspension and probation.

Ms. Yates stated that they when Mr. Koonse entered the PAPA program that they noted anger and frustration issues. Ms. Yates stated that these are issues that they have addressed with Mr. Koonse and are ongoing issues that the program is addressing with Mr. Koonse. Ms. Yates stated that Mr. Koonse is aware of these issues.

Mr. McAllister stated that he realizes that when participants join the PAPA program that they are at a low point in their life. Mr. McAllister stated that it is positive that PAPA is supporting Mr. Koonse's request. Mr. McAllister asked Mr. Koonse if he felt that he was on a road to steady recovery. Mr. Koonse replied that he is making every effort on a daily basis to change. Mr. Koonse stated that he is trying to change character issues that he has had in the past.

Mr. Dutcher asked Mr. Wand about the terms of the consent order that was offered to Mr. Koonse. Mr. Wand stated that it would be the standard consent which is usually a six month suspension followed by five years probation.

Ms. McCoy asked when the current contract was signed. Ms. Yates replied that the contract was signed on May 26, 2004. Ms. McCoy asked when the previous contract was signed. Ms. Yates replied that the previous contract was signed on February 18, 2004 and was terminated in March.

Ms. Yates stated that he signed his first contract at the beginning of January and that contract was terminated due to a relapse. Ms. McCoy asked if he was in the program from March to May. Ms. Yates replied that he was not in the program.

Ms. McCoy asked Mr. Koonse if he was being drug screened during this period. Mr. Koonse stated he was not drug tested. Ms. McCoy asked Mr. Koonse if he had any relapses during that period. Mr. Koonse replied "NO".

Ms. McCoy stated that she has some concerns because an established track record is missing. Ms. McCoy stated that she has concerns about his commitment to the program. Mr. Wand stated that the Board could reinstate his license in a suspended status. Ms. McCoy asked Mr. Koonse if he had an employment opportunity. Mr. Koonse replied that he did not have an employment offer at this time.

Mr. Draugalis stated that he respects the PAPA steering committee's opinion and was wondering if Ms. Yates could state why the steering committee is supporting the reinstatement of Mr. Koonse's license. Ms. Yates stated that PAPA supports his request to return to work. Ms. Yates stated that the steering committee will be meeting in October with all the participants. Ms. Yates stated that everything Mr. Koonse has done since his contract was terminated in May has been positive.

Ms. McCoy asked if the Board could suspend his license until October when the steering committee meets and ask Mr. Koonse to appear at the November Board meeting. Mr. Wand stated that A.R.S. § 32-1928 (D) states that the Board could reinstate his license with or without restrictions. Mr. Pulver stated that the concern is that Mr. Koonse does not have a track record of screenings and receiving counseling. Mr. Pulver stated that if the Board reinstates the license in a suspended state then the steering committee could provide the Board with a track record indicating that Mr. Koonse has made a commitment to the program.

Mr. McAllister stated that the issue that the Board is facing is that during the period when Mr. Koonse surrendered his license and asked for revocation it appears that there was turmoil in his life. Mr. McAllister stated that other individuals in the same situation had signed contracts and had their licenses suspended. Mr. McAllister

stated that the Board could start by suspending Mr. Koonse's license and then the Board could determine when the suspension is removed.

Ms. McCoy asked if a license is suspended when could the licensee appear at a Board meeting to have his license reinstated. Mr. Wand stated that the consent order would state the terms of the suspension. Mr. Wand stated usually the suspension is for six (6) months. Mr. Wand stated that some contracts are for one year.

Mr. Dutcher asked if the licensee needed to be in the PAPA program during that six month period. Mr. Wand stated that during the six months the licensee must be in the PAPA program.

Mr. Dutcher stated that he felt that the Board should stay with the six month suspension. Mr. Dutcher states that he feels the shredding of the license indicated that there were conflicts in Mr. Koonse's life. Mr. Dutcher stated that he feels that the Board should stay with the standard suspension of six months.

Mr. McAllister stated that he agrees with Mr. Pulver that a pharmacist should not feel that reinstatement from a revoked license is something that the Board takes lightly. Mr. McAllister stated that the Board did not revoke the license through a hearing but upon request by the licensee. Mr. McAllister stated that the Board should treat Mr. Koonse like all other new members in the PAPA program.

Mr. Wand stated that the PAPA steering committee meets in October and the next Board meeting is in November. Mr. Wand stated that the license could be suspended until the next Board meeting and the Board could receive a report from the PAPA steering committee. Mr. Wand stated at the November Board meeting the Board could then decide if they wanted to impose probation.

Mr. Wand asked if a new consent order would be necessary or if the present contract could be amended. Mr. Pulver stated that the consent order could be amended and then a new order would be required after the suspension.

On motion by Mr. Dutcher and Dr. Tippett, the Board unanimously agreed to reinstate Mr. Koonse's license in the suspended state with the opportunity for Mr. Koonse to appear at the November meeting at which time the Board will decide what additional actions will be taken. During this period, Mr. Koonse must be enrolled in the PAPA program. A roll call vote was taken. The result of the roll call vote: Mr. Dutcher - Yes Mr. Draugalis - Yes Dr. Tippett - Yes Ms. McCoy - Yes Mr. McAllister - Yes

#2 John Cook

John Cook appeared with Lisa Yates from the PAPA program.

President McAllister asked Mr. Cook to describe the nature of his request. Mr. Cook replied that

he has completed his five- year contract with the PAPA program and is requesting that his probation be terminated. Mr. McAllister asked Mr. Cook how he is today compared to 5 years ago. Mr. Cook replied that he is much better. Mr. McAllister asked Mr. Cook if he was working. Mr. Cook replied that he was working.

Mr. McAllister asked Ms. Yates about Mr. Cook's progress. Ms. Yates replied that Mr. Cook is a different person today than when he entered the program. Ms. Yates replied that Mr. Cook is more outgoing. Mr. McAllister reminded Mr. Cook that recovery is a life long process. Mr. Cook said he is aware that recovery is life long.

Ms. McCoy asked Mr. Cook where he was working. Mr. Cook replied that he works for Osco in Tucson. Ms. McCoy commended Mr. Cook for completing his PAPA program. Ms. McCoy reminded Mr. Cook that PAPA offers a wonderful support system and to stay in contact with the PAPA program. Ms. McCoy reminded Mr. Cook that he could serve as a role model for people entering the program. Mr. Cook stated that PAPA is a great program. Mr. Cook stated that the program saves careers and lives. Mr. Cook stated that the program keeps a tight lid on the participants and that the PAPA program is a good program

On motion by Ms. McCoy and Mr. Dutcher, the Board unanimously approved the request by Mr. Cook to terminate his probation subject to Amended Board Order Number 99-0008-PHR.

#3 John Bacovcin - Request withdrawn

#4 James Bataoel

James Bataoel appeared on his own behalf to request that the probation of his pharmacist license be terminated.

President McAllister asked Mr. Bataoel to describe the nature of his request. Mr. Bataoel stated that he completed his six- month probationary period and would like to have the probation terminated. Mr. McAllister asked Mr. Bataoel why he was placed on probation. Mr. Bataoel stated that when he had just begun working for the Apothecary Shop he mislabeled a medication and dispensed a medication that was 25 times the dose and the patient used the medication. Mr. Bataoel stated that he did fulfill the requirements of the consent order. Mr. Bataoel stated that he attended a continuing education program on compounding and at this time he is a much better compounding pharmacist.

Mr. McAllister told Mr. Bataoel that he is glad that he received the compounding training because a patient is at the most risk from a compounded medication. Mr. McAllister asked Mr. Bataoel if procedures have changed at the pharmacy. Mr. Bataoel stated that they now have quality assurance programs in place and there have been decreased medication errors.

On motion by Dr. Tippett and Ms. McCoy, the Board unanimously approved the request by Mr. Bataoel to terminate his probation subject to Board Order Number 03-0018-PHR.

#5 Walgreens Arizona Drug Company

Dan Luce appeared on behalf of Walgreens Arizona Drug Company to present Walgreens VISION program. Mr. Luce explained that Walgreens VISION program is a central processing function. The central processing would allow for data entry or DUR (drug utilization review) to be performed at another pharmacy. The prescription would be filled at the home store and dispensed to the patient.

Mr. Luce explained the process would utilize imaging technology. The process would be used to balance the workload between stores. Mr. Luce explained the image of the prescription would be scanned and then the image would be used through out the dispensing process. Mr. Luce explained the image would be resident on the central system, which is a real time online system and is viewable by any pharmacy at any point. Mr. Luce explained that prescriptions that were imaged by a busy store in Phoenix could be data entered and/or a drug utilization review could be performed by a slower volume pharmacy in Tucson that had access to the image. Mr. Luce explained that this would help balance the workload.

President McAllister asked if there were any legal issues involving the licenses of the pharmacies. Mr. McAllister asked if there were any problems crossing between different licenses. Mr. Wand stated that the only problem would be the identification of the verifying pharmacist and the ability to track that pharmacist's identity throughout the process. Mr. Luce stated that they would be able to identify all technicians and pharmacists that were involved in the processing of the prescription throughout the entire process. Mr. Wand stated that if they can identify the different individuals involved in the process it is very similar to the processes at a mail order pharmacy. Mr. Luce stated that they are able to track the initials in the computer and have an audit trail.

Mr. Dutcher asked if the dispensing pharmacist would be able to view the image. Mr. Luce stated that the image is available for any pharmacist to view. Mr. Luce stated that it would be a training issue to trust that the other pharmacist verified the prescription correctly.

Mr. Draugalis asked if the image would always remain in the state of Arizona. Mr. Luce stated that there are no plans for the image to go out-of-state.

Mr. McAllister asked if the program is being conducted in any other states. Mr. Luce replied that that they have pilot programs in California and Florida. Mr. Luce explained that they are presenting the programs to the Boards of Pharmacy to ensure that they are operating within the regulations of that state.

Mr. McAllister stated that Walgreens is requesting permission from the Board to move forward with their program. Mr. McAllister stated that Arizona licensed pharmacists will take care of Arizona patients. Mr. Luce states that the patient brings the prescription to their local store and picks the prescription up at their local store.

Mr. Dutcher asked Mr. Luce how the remote pharmacy decides to enter the prescription into the system. Mr. Luce explained that the prescriptions will reside in a queue and another store can access the prescriptions. Mr. Luce explained that they will work on internal processes to determine what stores will access the prescriptions. Mr.

Wand asked if the queue would be available to all stores. Mr. Luce stated that all stores could access the queue. Mr. Luce stated that the high volume stores will probably never access the queue and the low volume stores will be accessing the queue more often. Mr. Luce stated that the pharmacists and technicians are looking forward to having additional help during peak times.

Mr. McAllister stated that it is very similar to the process that is occurring in the mail order pharmacy. Mr. Wand stated that there is nothing in the rules or statutes that would prevent the process.

Ms. McCoy stated that she feels that Walgreens is thinking out of the box and this process is similar to order processing in the hospitals where a pharmacist will process orders from a queue.

Ms. McCoy asked if Mr. Luce had any data from Florida or California concerning error rates. Mr. Luce stated that they do not have any data because they are in the infancy of this program. Mr. Luce stated that they have developed a new verification screen that ensures that every pharmacist in the country that works for Walgreens will verify the prescription in the same manner. Mr. Luce explained that the states that they picked in which to conduct the program have demonstrated that the Boards are progressive in their thinking process. Mr. Luce stated that he would be happy to come back and share the results and hopes to demonstrate that the program does provide a higher level of patient safety. Ms. McCoy stated that this would allow a pharmacist to look at the drug interactions and allow the pharmacist at the store to concentrate on the counseling issues. Mr. Luce stated that it would allow the pharmacist to talk to the patients.

Mr. Wand asked about CII prescriptions. Mr. Luce stated that all controlled substances would be outside of this mix at this time.

Dr. Tippett asked about the security of the computer system. Mr. Luce stated that they have the online satellite system. Mr. Luce stated that they have had zero breaches of their firewall system.

Mr. Dutcher asked what would occur if the technician did not gather all the necessary information from the patient at the in window to process the prescription. Mr. Luce stated that the image cannot be entered into the queue without the patient's name, address, birth date, and any other information being verified by the technician.

Ms. McCoy asked Mr. Luce if he could update the Board in six months. Mr. Luce stated that the pilot will end in approximately six to eight months and he would be glad to return to update the Board. Dr. Tippett suggested that if the Board Members could be provided with laptops these types of presentations could be given as demos.

Mr. McAllister thanked Mr. Luce for presenting the VISION program to the Board.

#6 Patricia Love

Patricia Love appeared on her own behalf to request permission to proceed with technician licensure. President McAllister asked Ms. Love to describe the nature of her request. Ms. Love stated that she would like to proceed with technician licensure but is unable to provide a copy of her high school diploma. Mr. Wand explained that Ms. Love went to school in England. Mr. Wand stated that Ms. Love did attempt to obtain the records but was told the school did not have the records. Ms. Love did contact individuals that attended school with her and they did e-mail statements attesting that they did go to school with Ms. Love. Ms. Love stated that the school system is different in England.

Mr. Dutcher asked Ms. Love if she was given a certificate when she graduated. Ms. Love stated no. Ms. Love stated that she took final exams. She stated that her mother received a letter and told her that she passed her exams and she does not know what happened to that letter.

Mr. McAllister stated that the Board needs to consider the extenuating circumstances. Mr. McAllister feels that this is a self-limiting issue and that the Board will need to consider each case.

On motion by Mr. Draugalis and Mr. Dutcher, the Board unanimously approved Ms. Love's request to proceed with pharmacy technician licensure.

#7 Yvonne Rodriguez

Yvonne Rodriguez appeared on her own behalf to request permission to proceed with technician licensure.

President McAllister stated that Ms. Rodriguez had appeared in front of the Board at the June meeting. Mr. McAllister asked Ms. Rodriguez to review the issue. Ms. Rodriguez stated that she applied online to take the certification test on September 11, 2001. Ms. Rodriguez stated prior to that date she was arrested for aggravated assault. Ms. Rodriguez stated that she

was convicted and was sentenced to probation. Ms. Rodriguez stated that this sentencing occurred one month prior to her application to take the test. Ms. Rodriguez stated that she could not get a copy of the application but she was told by PTCB that there is a spot on the application that asks if you were convicted of a felony. Ms. Rodriguez stated that if there was a spot on the application asking about a felony that it was a mistake that she did not mark the box. Ms. Rodriguez stated that it was not intentional. Ms. Rodriguez stated that she renewed her certification on November 8, 2003. Ms. Rodriguez stated that she signed the renewal. Ms. Rodriguez stated in May of this year when she applied for her technician license she replied that she had been convicted of a felony and provided the necessary paperwork. Ms. Rodriguez stated after appearing at the meeting in June, she looked at the copies of her recertification and realized that she had signed that she had not been convicted of a felony. Ms. Rodriguez stated that it was a mistake and it was not done to be deceiving. Ms. Rodriguez stated that she has been a technician for 10 years and have worked for Safeway for 20 years.

Mr. McAllister said that he missed the statement on the bottom of the recertification paperwork.

Ms. Rodriguez stated that she studied for the certification test and applied to take the certification test. Ms. Rodriguez stated that no one mentioned that she could not take the test if she was convicted of a felony. Ms. Rodriguez stated that it was a stupid mistake that she made on the application.

Mr. Dutcher asked Mr. Pulver what our rules state in regards to felonies. Mr. Pulver stated that

A.R.S. § 32-1923.01 (A) (5) states that an individual for licensure as a pharmacy technician must

pass a board approved pharmacy technician examination. Mr. Pulver stated that from his understanding that an applicant cannot take the exam if they have been convicted of a felony.

Mr. Wand stated that A.R.S. § 32-1927.01 (A) (2) states that the Board may deny a license to an applicant convicted of a felony. Mr. Wand stated that there are two statutes that impact the Board's decision. Mr. Wand stated that is the problem when we tie our own requirements into an outside agency's requirements. Mr. Pulver stated that the test that the Board approved was the PTCB test and the problem is that the PTCB will not allow anyone to take the test that has been convicted of a felony.

Ms. McCoy asked if PTCB has a review process that will allow someone to take the exam. Ms. Boyle stated that if an applicant states that they were convicted of a felony then they are not eligible to take the exam. Ms. Boyle stated that Ms. Muir at PTCB informed her that they are reviewing their procedures because they have found applicants for recertification have been convicted of felonies.

Mr. Wand stated that he spoke with Ms. Muir at PTCB and her response was that on the original application the applicant is precluded from taking the exam if they are convicted of a felony. Mr. Wand stated Ms. Muir told him on the renewal process a case-by-case decision is made depending on the type of felony.

Mr. McAllister stated that the Board is barred by our own statute to make any changes today. Mr

McAllister asked Ms. Rodriguez to contact PTCB and let them know that it was an inadvertent error when she first applied for her certification. Mr. McAllister stated that Ms. Rodriguez would need to obtain formal notification from PTCB that they would honor her certification. Mr. McAllister stated that if PTCB will honor her certification then the Board would consider her request to proceed with technician licensure. Mr. McAllister told Ms. Rodriguez that the Board would stay her request until the November meeting.

Mr. Pulver stated that this raises an interesting issue that the Board is bound by another entities rules. Mr. Pulver stated that the Board may want to consider at a future meeting if they want to be bound by another set of rules of an outside agency. Mr. Wand stated that the Board did discuss this issue when the Board approved the PTCB exam. Mr. Wand stated that the Board could approve an alternative exam and is not sure if the Board wants to approve an alternative exam. Mr. Wand stated that the Board did not approve the Virginia exam. Ms. McCoy asked if the other exams have the same requirements concerning felonies. Mr. Wand stated that the requirements could be researched prior to approving the exam. Mr. McAllister stated that he would like to see how PTCB responds to this request before the Board takes any other actions.

President McAllister recessed the meeting for Lunch.

The meeting reconvened at 1:00 p.m.

#8 Pravin Patel

Pravin Patel appeared on his own behalf to request permission to proceed with technician licensure. President McAllister opened the discussion by asking Mr. Patel to describe his request.

Mr. Patel stated that he is applying for a technician license and has surrendered his medical license in Pennsylvania, had his license revoked in New York, and had his license denied in Iowa. Mr. Patel stated that he finished his neurology residency in 2002 and applied for a fellowship in Iowa. Mr. Patel stated that when he applied for the Iowa license he did not mention two residencies that he did not complete. Mr. Patel stated that he did not get credit for either residency and he stated that he was on academic probation at that time. Mr. Patel stated that after being denied in Iowa, he applied to New York for a license. He was granted a license by New York and the Medical Board started an investigation. Mr. Patel stated that he did not mention the residencies on his application for licensure for New York and did not mention the incomplete residencies on an application to provide services for an insurance carrier. Mr. Patel stated that he did not complete the residencies because the residencies were very hard and he was requested to work 12-hour shifts and he was worn out. Mr. Patel stated that he accepted a residency close to his family and was diagnosed as being depressed. Mr. Patel was left go from the residency because he was told that he did not have interest in the residency and it was not in his field. Mr. Patel stated that he started on Prozac and the medication made him very drowsy. Mr. Patel stated that at the next residency he was caught sleeping in the on call room and the chief resident complained and he resigned from the hospital. Mr. Patel stated that he then went to Connecticut and one day he was supposed to start a rotation and he did not show up for the rotation. The chairman dismissed him from this pediatric rotation. Mr. Patel stated that he then went to New York and completed his residency. He stated that he applied for the fellowship and licensure in Iowa and then the problems began.

Mr. Patel stated that he apologizes for not being honest and promises that it will never happen again. Mr. Patel stated that basically he is an honest person and this mistake happened. Mr. Patel stated that his medical career is gone.

Mr. McAllister asked if the revocation in New York was due to not listing the two residencies. Mr. Patel stated that the revocation was due to not listing the residencies and the denial of the license in Iowa. Mr. McAllister asked if during the proceedings if there was any discussion of Mr. Patel's competency. Mr. Patel stated no that he did not make any clinical mistakes. Mr. Patel stated that no one complained. Mr. McAllister stated that in the New York proceedings there is a comment that states that Mr. Patel was on academic probation for unsatisfactory performance. Mr. Patel stated that it was probably due to past residencies.

Mr. Draugalis asked Mr. Patel if that was his signature on the documents. Mr. Patel replied yes. Mr. Draugalis stated that Mr. Patel kept stating that there were two issues that caused his problems yet in the order there are 20 specifications of professional misconduct. Mr. Patel stated that each allegation on his application in Connecticut, New York, Iowa, and Pennsylvania counted as an incident. Mr. Patel stated that he might have applied for a New York license before and forgot about applying and stated that he said no on the application

Mr. McAllister asked about the Nevada stamp on the orders. The papers were stamped received by the Nevada State Board of Medical Examiners on September 9, 2002. Mr. Patel stated that he had applied in Nevada but he did not have any correspondence with the Nevada Board. Mr. Patel stated that it might have been a mistake that he gave the Board papers with the Nevada stamp. Mr. Patel stated that he applied to the Nevada Board and he said there had been no actions against him in Nevada and he did not go to hearing in Nevada.

Mr. McAllister stated that he finds it interesting that from Mr. Patel's perspective that he neglected to mention these two residencies and his world collapsed around him. Mr. McAllister stated that in the order it states that the respondent repeatedly lied to state medical boards, hospitals, and insurance plans, in order to hide his past, and obtain residency training, licensure, employment, and insurance reimbursement. Mr. Patel stated that it is the same thing that he only omitted the fact that he did not complete the residencies. Mr. McAllister informed Mr. Patel that the Board was not evaluating his skills as a medical practitioner, but the fact that another regulatory Board had revoked his license based on a number of allegations. Mr. McAllister stated that since Mr. Patel is applying for a pharmacy technician license and will be reporting to another health care regulatory board these allegations raise many concerns in his mind.

Mr. Patel stated that is why he is mentioning these issues on the application. Mr. Patel stated that being born in

another country is totally different. Mr. Patel stated that he was not straight forward concerning the residencies.

Mr. Draugalis asked Mr. Pulver to define moral character. Mr. Pulver stated the Board should define moral character. Mr. Pulver pointed out several issues in the Board Order for the Board Members. Mr. Pulver stated that Mr. Patel was represented by Counsel during the proceedings.

Mr. Pulver stated that in the order it shows that Mr. Patel lied to an insurance plan. Mr. Pulver stated that the state of New York has determined that this individual does not have an ethical compass. Mr. Pulver stated that a sister agency took the time and gave him the due process rights, notified him of the complaints against him, and then gave him the opportunity to respond, and the opportunity to have counsel and the Board revoked his license. Mr. Pulver stated that the New York Board has decided that this individual is not ethical.

On motion by Mr. Draugalis and Mr. Dutcher, the Board unanimously denied the request by Mr. Patel to proceed with technician licensure.

Mr. Patel asked if he could withdraw the application at this time. Mr. McAllister informed Mr. Patel that it is now part of public record and if he wished to withdraw the application that should have been done prior to the meeting.

#9 James Van Zanen - Requested to appear at November meeting

#10 Rosemary Carrizoza

Rosemary Carrizoza appeared on her own behalf to request permission to proceed with technician licensure. Darren Kennedy, Pharmacy Supervisor for Walgreens, was also present.

President McAllister opened the discussion by asking Ms. Carrizoza to describe her request. Ms. Carrizoza stated that she wanted to proceed with technician licensure and she does not have any felony convictions. Mr. McAllister asked if Ms. Carrizoza has a felony conviction.

Mr. Wand stated that there is a felony charge in 1986. Mr. Wand asked if she was arrested for a felony. Ms. Carrizoza stated that she was arrested for a felony. Mr. Wand asked if she was convicted of a felony. Ms. Carrizoza stated that she was not convicted of a felony. Ms. Carrizoza stated that in 1986 she was arrested and was convicted of a Class 6 Undesignated Felony and she completed 3 years probation. Ms. Carrizoza stated that upon completion of her probation it was dropped to a misdemeanor and she does not have any felonies on her record. Mr. Wand told Ms. Carrizoza that she just admitted that she was convicted of a felony. Ms. Carrizoza stated that it should not be on her record. Mr. Wand stated that question 7 asks if the applicant has been convicted of a felony.

Mr. Draugalis asked Mr. Pulver about the felony conviction. Mr. Pulver stated that there is an issue if the felony conviction is dropped to a misdemeanor if the individual was convicted of a felony or a misdemeanor. Mr. Pulver stated that the findings of fact indicate that Ms. Carrizoza was arrested and convicted several times for shoplifting and larceny and these are crimes of moral turpitude. Mr. Pulver stated that the application asks if the applicant has been convicted of crimes of moral turpitude and in this case the answer would be yes. Mr. Pulver stated that because she has these crimes of moral turpitude that the Board would need to consider if she is a person of good moral character. Mr. Pulver stated that in order to be licensed as a pharmacy technician the statute states that the applicant must be of good moral character.

Ms. McCoy asked Mr. Pulver if Ms. Carrizoza 's request to work in another health care setting was denied. Mr. Pulver stated that under Arizona law that there is a very strict statute for individuals that want to be CNA and work at nursing homes or assisted living facilities. Mr. Pulver stated that if the individual has a felony conviction or crimes of moral turpitude it is an absolute ban for an individual to work in those types of settings. Mr. Pulver stated that Ms. Carrizoza was denied to work in those settings due to her crimes of moral turpitude.

Mr. McAllister asked Mr. Kennedy about Ms. Carrizoza. Mr. Kennedy indicated that Ms. Carrizoza has worked for Walgreens for five years and has been a good employee.

Mr. McAllister asked when the felony was reduced to a misdemeanor. Ms. Carrizoza stated that her felony was dropped to a misdemeanor in 1989 upon completion of her probation. Mr. McAllister asked Ms. Carrizoza if she ever went through a drug rehab program. Ms. Carrizoza stated she had and that was the last condition of her probation. Mr. McAllister asked if she has been sober since that time. Ms. Carrizoza stated that she has been off

drugs since that time.

On motion by Mr. Draugalis and Ms. McCoy, the Board unanimously approved the request by Ms. Carrizoza to proceed with technician licensure.

Ms. McCoy said she is concerned about the PTCB screening process.

Mr. Dutcher asked if we have any discretion in these matters. Mr. Pulver replied that it is up to the Board to define good moral character.

Mr. Draugalis stated that he agrees with Ms. McCoy that the PTCB is taking the word of the applicant and not doing any screening or background checks of the applicants. Mr. McAllister stated that the dating on these two issues is prior to NABP being a partner in PTCB. NABP is now a one-third partner in the exam. Mr. McAllister asked Mr. Wand to send a letter to Carmen Catizone describing these issues and ask NABP to provide some answers. Mr. McAllister stated that NABP has stated that this is a good exam for licensing. Mr. McAllister noted that it was originally a competency exam and is now being used as a licensing exam.

Mr. Wand stated that if PTCB removed the requirement that an applicant could take the exam if they had been convicted of a felony, the Board would still need to review the applications because the Board decides if an individual that has committed a felony should be licensed. The only difference would be that the Board would not need to decide if the applicant lied to receive their PTCB certificate.

#11 The Apothecary Shop

James Bataoel and Roger Morris (legal counsel) were present to request termination of the probation for Apothecary Shop of Phoenix.

President McAllister asked about the nature of their request. Mr. Morris stated that the Apothecary Shop is requesting to terminate probation. Mr. Morris stated that they have met all the requirements of their probation. Mr. Morris stated that they have submitted a copy of their quality assurance program and had four inspections of the pharmacy.

Compliance Officer Larry Dick was questioned by the Board Members concerning the violations.

Mr. Dick stated that they had minor violations and they were corrected and each inspection improved.

Ms. McCoy asked if the Quality Assurance Program would continue after the probation ends. Mr. Bataoel replied that the Quality Assurance Program would continue.

Mr. McAllister stated that all the requirements to terminate probation have been met.

On motion by Mr. Dutcher and Dr. Tippet, the Board unanimously approved the request by the Apothecary Shop of Phoenix to terminate their probation subject to Board Order Number

03-0015-PHR.

#12 Justin Lake

Justin Lake appeared on his own behalf to request permission to proceed with reciprocity.

President McAllister asked Mr. Lake to describe the nature of his request. Mr. Lake stated that he would like to reciprocate his license from Virginia to Arizona. Mr. Lake stated that he was disciplined by the Virginia Board of Pharmacy. Mr. Lake stated that in 1998-1999 he was the Pharmacist-In-Charge at a Rite Aid store. He was charged with mismanaging the pharmacy. He stated that he received a reprimand and was required to pay a five hundred dollar fine. He was not allowed to be a Pharmacist-In-Charge for 3 years and that ended in 2003. He stated that his license is now in good standing.

Mr. McAllister asked Mr. Lake to define mismanagement. Mr. Lake stated that he was an inexperienced pharmacist and by default he became the Pharmacist-In-Charge at a new 24-hour store. Mr. Lake stated that in two instances he failed to submit a theft/loss report to the Board of Pharmacy in 30 days. The first report he

stated he sent to his District Office and assumed that the office sent the report to the Board. The second report he stated he sent in late because he forgot to mail the report prior to going on vacation.

Mr. Lake stated that an audit conducted from May 1, 1998 to May 1, 1999 showed several discrepancies. Mr. Lake stated that he was leaving as the Pharmacist-In-Charge at the end of April and was going on vacation for one week and would not be working on May 1, 1999 to take the annual inventory. Mr. Lake stated that his supervisor told him that he could take the inventory on April 23, 1999. Mr. Lake took the inventory on April 23, 1999 and dated the inventory May 1, 1999. By labeling the inventory as of May 1, 1999, the audit conducted by the Board showed several discrepancies.

Mr. Lake stated that he allowed store employees to enter the pharmacy to use the microwave because there was not a microwave in the lunchroom.

Mr. Lake stated that the Board received a complaint stating that the patient received 22 tablets of Synthroid instead of 32 tablets. Mr. Lake stated that the patient filed a complaint because this was the second time that the patient was shorted medication. Mr. Lake stated that he talked to the technicians about being careful when counting prescriptions. Mr. Lake stated that the Inspector counted 10 filled prescriptions and found all prescriptions were counted correctly.

Mr. Lake stated that he was learned from his experiences and does not want to be a pharmacist-in-charge.

Mr. McAllister told Mr. Lake that the Board expects all pharmacists to be responsible for the medications and not just the pharmacist-in-charge. Mr. Lake stated that he was not experienced in dealing with the managerial tasks.

Mr. Draugalis asked Mr. Lake how many weeks vacation he received at Rite Aid. Mr. Lake replied two weeks each year. Mr. Draugalis asked Mr. Lake how long he was gone from the store when he failed to send in the second theft/loss report. Mr. Lake replied that he was gone for one week but did not return to that store after vacation.

On motion by Dr. Tippet and Mr. Dutcher, the Board approved the request by Mr. Lake to proceed with reciprocity. Mr. Draugalis opposed the decision.

AGENDA ITEM V - Arizona Community Pharmacy Committee

Janet Elliott with the Arizona Community Pharmacy Committee was present to update the Board on the organizations attendance at the Meth Watch State Leadership Training Program in Washington, DC. Ms. Elliott explained that the Meth Watch program is designed to help control the suspicious sales and theft of pseudoephedrine and other precursor products used in the illicit manufacturing of methamphetamine. She stated that the program was started in Kansas and now operates in the states of Washington, Oregon, and South Dakota.

Ms. Elliott states that it is a voluntary program, which involves mainly retail establishments. The retailers place the precursor products where they can easily be monitored and then Meth Watch signs are posted at the windows and doors, at the cash registers, and on the shelves where the precursor products are located. The employees at the retail store are trained to recognize suspicious customers and to contact law enforcement.

Mr. Dutcher asked Ms. Elliott if the program would involve all retailers in the state. Ms. Elliott replied that it is a national program. She stated that the program alerts retailers and consumers about illegal activities,

Mr. Wand asked how a store wants to participate is there a cost associated with participation. Ms. Elliott replied that CPHA does have funding available for retail establishments. The initial cost is usually for the printing of the signs. In Oregon, the fee was \$25 to \$35 for each store.

Mr. McAllister asked what other states are participating in the program and what is the success rate of the program. Ms. Hawks with CPHA replied that the program has been effective in Kansas. She stated that Kansas did not have any limit on the amount of pseudoephedrine that one could purchase and as a result of the program there has been a decrease in the number of labs being busted for methamphetamine production.

Ms. Hawks stated that CPHA hopes to help states limit the sales of precursors and increase the penalties for making methamphetamine around children.

Mr. Dutcher asked if the program just targets pharmacies. Ms Hawks said that the program targets all retailers.

President McAllister thanked Ms. Elliott and Ms. Hawks for their presentation of the Meth Watch program to the Board.

AGENDA ITEM VI - Complaint Review

The Consumer Complaint Review committee met prior to the Board Meeting to review 13 complaints in preparation for making recommendations to the Board for final resolution. Mr. Dutcher and Mr. Ketcherside served as the review committee. Mr. Dutcher provided a summary of each complaint and provided the committee's recommendations to the Board. Board members were encouraged to ask questions.

Complaint Discussion

The Board met in Executive Session to consult with the Board's legal counsel for assistance in resolving a complaint issue.

The following summary represents the final decision of the Board in each complaint:

- Complaint # 2796 - Letter of Warning
- Complaint # 2797 - Conference - Pharmacist and Technician
- Complaint # 2801 - Conference - Pharmacist and Technician
- Complaint # 2802 - Letter of Commendation to Pharmacist
- Complaint # 2803 - Consent
- Complaint # 2804 - Conference - Pharmacist (PIC & Technician)
- Complaint # 2805 - Add to Stipulated Stay
- Complaint # 2806 - Add to Stipulated Stay
- Complaint # 2807 - No Further Action
- Complaint # 2808 - No Further Action
- Complaint # 2809 - No Further Action
- Complaint # 2810 - No Further Action - Letter to Nurse Practitioner clarifying the duties of a pharmacist
- Complaint #2811 - No Further Action

AGENDA ITEM VII - Counseling Task Force Committee Report

President McAllister asked Ms. McCoy to update the Board Members concerning the activities of the Counseling Task Force.

Ms. McCoy opened the discussion by introducing the members of the Task Force and thanked them for their time in reviewing the counseling regulations. The following individuals served on the Counseling Task Force: Jeff Donnelly, Cheryl Frush, Edwina Lanham, Steve LeMahieu, Mike Noel, Molly Placko, Sharon Richardson, Kent Taylor, Dennis Waggoner, and Hal Wand.

Ms. McCoy stated that the task force met several times. The goal of the task force was to review the current Arizona State Board of Pharmacy Regulations relative to patient counseling and if necessary make recommendations for changes. Ms. McCoy stated that another goal was to evaluate the current regulations and compliance issues relative to patient safety and professional responsibility for the protection of the public.

Ms. McCoy stated that the task force stated out by comparing the counseling regulations in Arizona to the counseling regulations in other states. The task force then looked at proposed changes to the Arizona counseling regulations. Ms. McCoy stated that the Board staff conducted a survey of other State Boards to determine how counseling is regulated in other states. The other Boards were asked questions concerning counseling statistics, the promotion of counseling, the ability to conduct sting operations, and the disciplinary actions taken against pharmacists that neglect to counsel their patients.

Ms. McCoy stated that the task force then identified issues related to counseling. One of the major issues was when is counseling required. Ms. McCoy stated that many patients were angry when they had to be counseled about their maintenance medications every month. The task force also discussed if counseling should be required when a cab driver picks up the patient's medications. The next issue discussed by the task force was what information should be included in counseling. Using the Public Health Service model for counseling, the task force made several recommendations allowing the pharmacist to customize counseling for each patient's needs. The

task force identified issues relating to the documentation of counseling. The task force felt documentation was important and it would be valuable to document both the acceptance and denial of counseling. Ms. McCoy stated that if an error was made in dispensing a prescription then the documentation would be available to the Board indicating if there was an acceptance or refusal of counseling by the patient. Ms. McCoy stated that the task force reviewed the options of whether a technician or pharmacist should initiate counseling. The task force determined that the pharmacist should initiate counseling. Ms. McCoy stated that the task force looked at the responsibility of the permit holder. Ms. McCoy stated that if the permit holder contributes to counseling violations then sanctions would be taken against the permit holder.

Ms. McCoy stated that the proposed changes involve the removal of language that would require a pharmacist to counsel a patient on maintenance medications every month and would also eliminate the need to counsel a patient when a prescription is updated

Ms. McCoy stated that the proposed changes involve the removal of the prescriptive language that states each item the pharmacist must cover with the patient during counseling. The proposed language changes would allow the pharmacist to discuss with the patient the name and strength of the medication, the use of the medication, the dosage changes, and the effects and side effects of the medication.

Ms. McCoy stated that the proposed changes allow the pharmacist to provide written material to the patient if oral consultation is omitted and the reason is documented.

Ms. McCoy stated that the proposed changes require the pharmacist to document the acceptance or denial of counseling.

Ms. McCoy stated the Arizona retailers want to market counseling to the public. Ms. McCoy stated that the pharmacies might want to post signs stating that counseling is required. Ms. McCoy stated that counseling is necessary to protect the public.

Mr. Draugalis thanked the members of the task force for their input and stated that he is in favor of the new changes.

Mr. Dutcher stated that he is favor of the proposed changes. He stated that the biggest change is the removal of counseling on maintenance medications. Mr. Dutcher stated that by decreasing the time spent on counseling on maintenance medications that the pharmacist would be able to spend more time counseling patients on medications that they had never taken before.

Ms. McCoy stated that the task force tried to remove barriers to counseling.

Mr. McAllister stated that he also feels the task force has provided a tool for the Board to work with an error occurs. He stated that if an error occurs, documentation will exist to help the Board make their decision in the matter.

Mr. McAllister and the Board Members authorized Mr. Wright to proceed to rulemaking with the changes proposed by the task force. Mr. Wright stated that he will proceed with the changes and will be adding the definition for caregiver for clarification purposes.

AGENDA ITEM VIII - Conferences

Complaint #2764

Pharmacist Anna De La Huerta, Pharmacist Sandra Warren (intern at time of incident), and Pharmacy Supervisor Sarju Patel were present in response to a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint. Mr. Cieslinski stated that the patient received a labeled bottle of Carafate Suspension and the label was missing the quantity of medication the patient should take for each dose.

President McAllister opened the discussion by asking Ms. De La Huerta about the incident. Ms. De La Huerta stated that the intern entered the prescription and upon verifying the prescription she told the intern the directions were incorrect. The intern had typed the following directions: Use one hour before meds. Ms. De La Huerta told the intern the directions should read take before meals. Ms. De La Huerta stated that the intern retyped the label to use one hour before meals. Ms. De La Huerta replied that she was sure that the patient was counseled and would have been told to take one gram.

Mr. McAllister asked who crossed off the end of the directions. Ms. De La Huerta stated that the physician had crossed off the directions.

Ms. McCoy asked Ms. De La Huerta who verified the dose. Ms. De La Huerta replied that the pharmacist-in-charge verified the dosage after the patient called to verify the amount she should take before each meal.

Mr. McAllister told the two pharmacists that there were two sources of the error and they had two chances to correct the error. The error could have been caught at the final verification and

again during counseling. Ms. De La Huerta stated that she possibly told the patient the dosage during counseling.

Ms. De La Huerta stated that the complaint makes her look like a bad pharmacist and she would like the Board to know that she takes patient care seriously.

Mr. McAllister reminded the pharmacists to be careful.

Complaint #2770

Mr. Draugalis and Mr. McAllister both asked to be recused due to conflicts of interest. At this point, Mr. Pulver notified the Board that they had lost their quorum and they could not conduct business. The pharmacist was told that the conference would be rescheduled for November.

Complaint #2777

President McAllister called Pharmacist Patrick McNerney and Supervisor Terry Daane forward to address the Board concerning a Consumer Complaint. Mr. Draugalis recused himself from taking part in the conference due to a conflict of interest. Compliance Officer Rich Cieslinski gave a brief overview of the complaint. The complainant stated that his father received Glucovance labeled for another patient.

Mr. McAllister asked Mr. McNerney to explain the details of this complaint. Mr. McNerney stated that they were not able to determine what medication the patient received. The pharmacy stated that the description of the tablets that the patient requested did not match the description of the Glucovance tablets. The pharmacist was not sure how the patient received another patient's bottle.

Mr. McNerney stated that the pharmacy now uses clear plastic ziplock bags and every prescription bottle is checked when the prescription is rung up at the register.

Mr. Dutcher asked if it was possible that the patient received the correct medication. Mr. McNerney stated that it was possible that he received the correct medication and the bottle was labeled incorrectly. Mr. McNerney stated that the patient asks for his medications by color and never by name. When the patient came to the pharmacy, he requested tablets that did not match the color of the Glucovance. Mr. McNerney stated that the doctor discontinued the Norvasc and started the patient on a new strength of Vaseretic. Mr. McNerney stated that it was possible that the patient did not understand the changes and then the bottle was mislabeled with the Glucovance label.

Dr. Tippett asked Mr. McNerney about his interaction with the complainant. Mr. McNerney stated that the complainant is the patient's son. Mr. McNerney said he went to the store after hours and researched the issue and called the complainant back and told him that his father may have received the wrong medication. Mr. McNerney told the complainant that he found the bottle in the recycle bin. Mr. McNerney stated that no technician was fired as a result of the incident as the complainant stated in his complaint.

Mr. McAllister told Mr. McNerney to be careful in performing his final verification. Mr. McNerney stated that they are using the clear ziplock bags and are able to check the name on every prescription bottle before the prescription leaves the pharmacy.

Complaint # 2787

Pharmacist Ray Weinstein and Supervisor Terry Daane were present to a consumer complaint.

Michael Milinavich was present. Mr. Milinavich is the supervisor for Cameron & Company since Mr. Weinstein is an

employee of Cameron & Company, which is a company that provides temporary pharmacy staffing. Compliance Officer Dean Wright gave an overview of the complaint. The complainant states that her mother received two bottles of Lisinopril and did not receive her Clonidine. Mr. Wright stated that no ingestion occurred.

Mr. McAllister asked Mr. Weinstein to describe the events leading up to this complaint. Mr. Weinstein stated that he was working a 4- hour shift that day. He stated that there was a large backup of prescriptions to be filled when he arrived at work. He stated that the backup was due to the fact that the pharmacy forgot to place their order the day before, so they received a very large order that day.

Mr. Weinstein stated that the technician counted the medication. Mr. Weinstein stated that he uses the scanner for any medications that he counts. He stated that the technician counted the medication and handed him the bottle. He did not check the contents inside the vial. He stated that the lisinopril was filled from the Baker Cell.

Ms. McCoy asked about the scanning process. Mr. Weinstein stated that the bar code is scanned on the prescription label and the stock bottle and if they match then you have the correct drug. Mr. Weinstein stated that he could not scan the label because the medication was in the Baker cassette. Mr. Daane stated that since Mr. Weinstein is a floater that he might not be aware that the bar code is on the cassette and can be scanned instead of the stock bottle.

Mr. McAllister reminded Mr. Weinstein to use the equipment that is provided to him to help prevent errors.

Complaint # 2789

Pharmacist Ernst Kruger, Pharmacist Jim Olson, and Supervisor Bryan Bakke were present to answer questions concerning a consumer complaint. Compliance Officer Dean Wright gave a brief overview of the complaint. The pharmacy dispensed 30 tablets of Trazadone 50 mg instead of 60 tablets on two separate occasions. Two different pharmacists filled the prescriptions.

President McAllister asked the pharmacists how the patient received 30 tablets each time instead of 60 tablets. Mr. Kruger stated that it was purely an error. Mr. Olson stated that the bottle will hold 60 tablets and is not sure how the patient received 30 tablets each time.

Mr. Bakke stated that they have reviewed every possible scenario and cannot determine how the same patient was shorted 30 tablets on two different occasions. Mr. Bakke stated that the patient has had subsequent prescriptions filled at the pharmacy and there were no problems prior to these two shortages and there have not been any problems since that time.

Mr. Draugalis asked the pharmacists if the shortages could have been due to the fact that they were out of stock of the medication and could only fill a partial quantity. Mr. Bakke stated that this did not seem to be the case.

Mr. Dutcher asked about the procedure if the pharmacy was out of stock of a medication. Mr. Bakke replied that the pharmacy would fill the prescription as a partial and record on a second label the remaining quantity to be dispensed when the product was received at the pharmacy.

Mr. McAllister reminded the pharmacists to be careful and to check the prescriptions carefully.

Complaint # 2791

Pharmacist Shilpa Binstock and Supervisor Matt Cook were present pursuant to a consumer complaint. Compliance Officer Larry Dick provided a summary of the complaint. The original prescription was filled incorrectly with Crestor 10mg instead of Crestor 20 mg tablets, which resulted in the patient taking only half of the prescribed medication dosage for 29 days. The error was caught when the patient received her refill and noticed the difference in the size of the tablets.

President McAllister asked Ms. Binstock about the error. Ms. Binstock replied that the label was typed correctly and when she verified the contents of the vial she did not notice that the tablets were incorrect. She showed the Board Members a picture of the two tablets. The tablets are fairly close in size and are the same color.

Ms. Binstock stated since that time she has changed her practice. She stated that she now pours the tablets in the cap of the bottle and looks at the tablet first and then compares the tablet with the on screen description. She

stated that she looks at the tablet first so that she does not have any pre-conceived idea of what the tablet should look like or the color of the tablet. She stated that all the technicians are using the Baker scanning system.

Mr. Dutcher asked Ms. Binstock to describe the scanning technology. Ms. Binstock stated that the label and bottle are scanned to ensure the right product is counted and dispensed. Ms. Binstock believes that the technician did not use the scanner and she failed to verify the medication correctly.

Ms. McCoy commended Ms. Binstock on her response to the complaint. She stated that she was glad that Ms. Binstock filed the ISMP error report since both strengths of the tablets could be confused easily. Ms. McCoy also commended Ms. Binstock on taking the time to complete CE on medication errors. Ms. Binstock stated that she was very concerned about the error and the patient's safety.

Mr. McAllister agreed with Ms. McCoy's statements and reminded Ms. Binstock to be careful.

Complaint #2793

President McAllister called Pharmacist Jerry Mayo and Supervisor Craig Yee forward to address a consumer complaint. Compliance Officer Rich Cieslinski gave a brief overview of the complaint. The complainant alleges that she received 90 tablets of Actos instead of 30 tablets. The complainant also alleges that her Synthroid medication was filled with Actos and she took double doses of Actos for 10 days.

President McAllister asked Mr. Mayo to describe the incidents that occurred. Mr. Mayo stated that they carry Actos in two size bottles. They carry bottles of 30 tablets and bottles of 90 tablets.

Mr. Mayo stated that they open the bottles and show the patient the medications.

Mr. McAllister asked Mr. Mayo about his statement that the patient mixed the medications up at home. Mr. Mayo stated that he thinks the patient put the Actos in the Synthroid bottle.

Mr. Draugalis asked Mr. Mayo if he gave the patient 90 tablets. Mr. Cieslinski stated that the patient stated that Mr. Yee came to her house to retrieve the bottle of 90 tablets. Mr. Yee stated that the patient did receive 90 tablets.

Mr. Draugalis asked Mr. Mayo if the patient had been on these medications prior to this filling. Mr. Mayo replied yes. He stated that the tablets are not the same color and the patient have previously taken the Synthroid. He stated that is why he felt the patient mixed up the tablets to receive gift certificates from the pharmacy.

Mr. McAllister stated that a note would be placed in his file indicating that the Actos and Synthroid mix-up could possibly be a he-said she-said situation. It will be noted in the file that the patient did receive 90 tablets instead of 30 tablets.

AGENDA ITEM IX - Consent Agreements

President McAllister asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Wand indicated that the eight consents

have been reviewed and approved by the Attorney General's Office and have been signed. Mr. Wand provided an overview of the Consent Agreements for the benefit of the audience.

Mr. Wand stated the following:

Consent Agreement #1 - Involved a drug addiction and the pharmacist entered a PAPA contract

Consent Agreement #2 - Involved a failure to counsel which resulted in a censure and a \$1,000 fine

Consent Agreement #3 - Involved a prescription error which resulted in a censure, a \$1,000 fine and additional CE units

Consent Agreement #4 - Involved a failure to counsel which resulted in probation and CE units

Consent Agreement #5 - Involved outdated OTC medications which resulted in probation and a \$520 fine

Consent Agreement #6 - Involved a drug addiction which resulted in a 2 year suspension and a PAPA contract

Consent Agreement #7 - Involved a prescription error which resulted in probation and additional CE units

Consent Agreement #8 - Involved a drug addiction and the pharmacist entered a PAPA contract

President McAllister stated that due to a conflict of interest he requested to be recused from approving Consent Agreement #6.

On motion by Mr. Draugalis and Dr. Tippet, the Board unanimously agreed to accept the following Notices of Hearing/Consent Agreements as presented in the meeting book and signed by the respondents:

- Jonathan Corey Ray
04-0012-PHR
- Bereket Gebre-Egziabher
04-0014-PHR>
- Joel Gibson
04-0015-PHR
- Michael Biegun
04-0016-PHR
- K-Mart #7236
04-0017-PHR
- Kanu Patel
04-0019-PHR
- Kerry Karn
04-0020-PHR

On motion by Mr. Dutcher and Dr. Tippet, the Board agreed to accept the following Notice of Hearing/Consent Agreement as presented in the meeting book and signed by the respondent:

- Caryn Trotta
04-0018-PHR

Mr. McAllister was recused in this case due to a conflict of interest.

AGENDA ITEM X - NABP Joint District Meeting

President McAllister asked Mr. Wand to address the issue of attendance at the NABP Joint District 7 and 8 meeting to be held in Las Vegas, Nevada at the end of October. Mr. Wand stated that due to state guidelines the Board could approve two participants to attend the meeting. The state guidelines will only allow for the reimbursement of two individuals and if additional individuals would like to attend the meeting then the Governor's office would need to approve the spending of the additional monies. The Board decided that Ms. McCoy and Mr. Dutcher would attend the meeting.

AGENDA ITEM XVI - 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.

Comments were made concerning the following issues:

A member of the Arizona retailers association expressed her concerns about the proposed regulations concerning the sale of pseudoephedrine and precursor products.

A representative from NACDS shared her views on the sale of pseudoephedrine.

A representative from CPHA shared her views on the sale of pseudoephedrine and the Meth

Watch program.

There being no further business to come before the Board on motion by Ms. McCoy and Mr. Draugalis, the Board unanimously agreed to adjourn the meeting at 4:20 P.M.

August 12, 2004

President McAllister reconvened the meeting at 8:00 A.M. The following Board Members and staff were present: President Dennis McAllister, Vice President Linda McCoy, Paul Draugalis, Chuck Dutcher, and Bryan Tippet. Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Roberto Pulver.

AGENDA ITEM XI - Proposed Rules and Statutes

Pharmacist and Intern Licensure Rules

Compliance Officer/Rules Writer Dean Wright began by telling the Board Members that he has prepared the Notice of Final Rulemaking and the Economic Impact Statement for the Pharmacist and Intern Licensure Rules.

Mr. Wright stated that the term AZPLEX will be replaced with MPJE. Mr. Wright stated that the term delinquent license will be amended to include the terms pharmacy intern, graduate intern, and pharmacy technician.

Mr. Wright stated that a public hearing was held on June 28, 2004. No one attended the hearing and no written or oral comments were received. Mr. Wright stated if the Board approves the changes, the Notice of Final Rulemaking would go to GRRRC for final approval at their October 5, 2004 meeting. If approved by GRRRC, the rules would become effective approximately December 5, 2004.

On motion by Mr. Dutcher and Mr. Draugalis, the Board unanimously agreed to approve the Notice of Final Rulemaking and the Economic Impact Statement for the Pharmacist and Intern Licensure Rules and authorized Mr. Wright to proceed with the process.

Pharmacy Personnel /Correctional and Mail-Order Pharmacy Rules

Mr. Wright stated that the rules are being amended to make correct citations to other rules that have been recently amended. The rule change will replace the term "certified pharmacy technician" with the term "pharmacy technician trainee".

Mr. Wright stated that a public hearing was held on June 28, 2004. No one attended the hearing and no written or oral comments were received. Mr. Wright stated if the Board approves the changes, the Notice of Final Rulemaking would go to GRRRC for final approval at their October 5, 2004 meeting. If approved by GRRRC, the rules would become effective approximately December 5, 2004.

On motion by Mr. Draugalis and Ms. McCoy, the Board unanimously agreed to approve the Notice of Final Rulemaking and the Economic Impact Statement for the Pharmacy Personnel/Correctional and Mail-Order Pharmacy Rules and authorized Mr. Wright to proceed with the process.

Manufacturer, Wholesaler, Discontinued Pharmacy, and Technician CE Rules :

Mr. Wright stated that the manufacturer and wholesaler regulations would be amended to specify the requirements for change of ownership or relocation.

Mr. Wright stated that the regulations for discontinuing a pharmacy would be amended. The rules would be amended to change the number of days that a pharmacy has to notify the Board before discontinuing the pharmacy from 10 days to 14 days as required by the DEA. The rules would be amended to state that a discontinued pharmacy's records must be retained for seven years instead of three years.

Mr. Wright stated that the technician rules state that the technician must obtain 20 contact hours of CE prior to renewal of their license and 2 hours of CE must be law.

The Board Members gave Mr. Wright approval to proceed with the rulemaking process.

Non-Prescription Drug Retail Permit Rules :

Mr. Wright stated that due to the continued diversion of precursor chemicals this rule was an attempt to develop a precursor threshold and reporting mechanism. Mr. Wright stated that it would be difficult to track the sale of precursor products and he decided not to proceed with the rule if the Board approves.

The Board Members gave Mr. Wright approval to terminate the rulemaking process.

PROPOSED STATUTE CHANGES :

Mr. Wright opened the discussion by describing the major changes that would be made to the statutes.

The first major change will add new definitions including unethical conduct and unprofessional conduct.

Mr. Wright stated that the Board could add a technician to the Board if they desired. The Board Members discussed the issue and decided that the Board needed to stay at an odd number. The Board Members opted to add one pharmacy technician and a community pharmacist.

Mr. Wright explained that changes would be made to the disciplinary process and described the various disciplinary actions that could occur. The new statute changes would allow the Board Members to issue a consent at the conclusion of a conference.

Mr. Wright stated that the statutes would be changed so that licensees will be required to report to the Board instances where another licensee is incompetent or is involved in illegal activities. Mr. Wright stated that this must be done in good faith or the person reporting the violation could be disciplined if the report is found to be untrue.

Mr. Wright stated that requirements will be added for electronic prescription transmissions and

statutes will be changed to clarify prescription order requirements.

The Board Members discussed the maximum fine that could be assessed for each occurrence. The Board Members agreed that the maximum fine should be \$1,000 across the board.

Mr. Wright stated that the changes to Title 36 would add Meperidine to Schedule II, would add specific requirements for the filing of CII prescriptions, and would include language specifying what can be changed on a CII prescription with authorization from the prescriber, and would add language to indicate when a CII prescription can be faxed to the pharmacy.

Mr. Wright stated that the changes to Title 13 (Criminal Code) would involve adding drugs or precursors that are listed in the Schedules in Title 36 to the criminal code and changing the allowable quantity of ephedrine, pseudoephedrine, norephedrine, or phenylpropanolamine from 24 grams to 9 grams.

The Board gave Mr. Wright approval to proceed with the statutory changes.

AGENDA ITEM XII - Review of Pseudoephedrine Sales.

Mr. Richard Rosky with the Tri-State Precursor Committee associated with the DEA Group II gave the Board Members an overview of the sale of pseudoephedrine and the illegal use of pseudoephedrine to manufacture methamphetamine. Mr. Rosky explained the issues in Arizona. Mr. Rosky explained that it is necessary to regulate the sales of pseudoephedrine to help reduce the number of meth labs. Mr. Rosky stated that law enforcement agencies are working to increase penalties in cases where children are found in a household where methamphetamine is being manufactured. Board Members addressed questions to Mr. Rosky concerning the Meth Watch program. Mr. Rosky stated that data is not available to show if the Meth Watch program actually decreases the number of meth labs. Mr. Rosky stated that legislation and education for the public would help decrease the sale of pseudoephedrine for illegal purposes.

AGENDA ITEM XIII - Planning for the Future- Focus on Board Issues

President McAllister asked Executive Director Hal Wand to open the discussion concerning the

planning for the Board's future. Mr. Wand asked the Board Members if there were any issues that they would like to discuss at this time in relation to the Board's future direction.

Ms. McCoy stated that she would like to see more training offered to new Board Members. She stated that it is difficult to be a new Board Member and not know what to expect at your first Board Meeting. Ms. McCoy stated that if all new Board Members received the same training then everyone would be operating off the same page. She also stated that if new Board Members received training on their role as a Board Member then the transition would be smoother when a new Board Member starts their term.

Mr. Draugalis stated that he agreed with Ms. McCoy concerning the training. Mr. Draugalis stated that it takes about two to three years before a new Board Member feels comfortable in their position as a Board Member. Mr. Draugalis stated that since the Governor may not reappoint individuals there will be a constant influx of new Board Members and he recommended that maybe the term should be extended to seven years. He suggested that the appointee would serve one seven- year term and not be eligible for reappointment. The Board Members felt that it might be difficult for an individual to make a seven year commitment.

Mr. Wand stated that Mr. Pulver may be able to offer a training course on Board procedures. Mr. Pulver stated that he could provide training for the Board Members concerning the due processes and what to expect during hearings and other legal proceedings.

Mr. McAllister stated that he feels that new Board Member orientation would be valuable and he feels that the Board should develop some time of training program.

Ms. McCoy stated that maybe the Board could develop some guidelines concerning questions to be asked during the Board Meeting of applicants and individuals requested to appear before the Board.

Mr. Dutcher stated that he felt that the Board should schedule a retreat consistent with the public meeting notice requirements. Mr. Dutcher stated that perhaps the Board could meet with the pharmacists to see what issues are relevant to the pharmacists. Mr. Dutcher suggested that the Board might want to look at developing a Pharmacist-only classification of medications. He felt that by developing this classification of medications that it would enhance the pharmacist's visibility to the public.

Mr. McAllister stated that the Board might be able to have a meeting at the office for one-half a day and allow pharmacists to bring issues to the attention of the Board.

AGENDA ITEM XIV - PMC Quality Commitment - Medication Errors.

President McAllister asked Mr. Wand to address the issue of PMC Quality Commitment. Mr. Wand stated that this is a quality management tool to help pharmacies to reduce medication errors. A division of the Pharmacists Mutual Company sells the program.

Mr. Wand stated that program allows for an online reporting system that allows pharmacies to track errors and near misses according to the day of the week, type of error, name of drug, and where the errors are most often caught. Mr. Wand stated that various reports could be generated by the system. Mr. Wand stated that the company's goal is to help reduce pharmacy errors by learning from the past and constantly improving for the future. Mr. Wand stated that this could be required as part of a consent order for a permit holder.

Ms. McCoy stated that she liked the concept of tracking errors. Ms. McCoy stated that ISMP has a similar program in tracking reported errors. Ms. McCoy stated that she felt this program could be adapted to monitor a specific practice site and would provide the pharmacy with an analysis of errors that occur at their particular site.

Dr. Tippett stated that the program would allow the pharmacy to address errors and provide continuing education programs on errors that have occurred at the site.

AGENDA ITEM XV - Motion to Release Treatment Records for Substance Abuse Treatment Program

President McAllister asked Executive Director Wand to address this issue. Mr. Wand stated that A.R.S. § 32-1932.01 (B) (2) states that the following:

B. The board may contract with other organizations to operate the program established pursuant to subsection A of this section. A contract with a private organization shall include the following requirements:

- 1. Periodic reports to the board regarding treatment program activity.**
- 2. Release to the board on motion and written request of all treatment records.**

Mr. Wand stated that he is requesting that the Board make a motion to allow PAPA to release to the Board the treatment records for Kevin Strychalski and Thomas Togno. The records are being requested due to issues with the participants consent orders.

On motion by Mr. Duther and Mr. Draugalis, the Board unanimously approved the request for PAPA to release the treatment records for Kevin Strychalski and Thomas Togno.

The Board also discussed the changing of the statute to allow the Executive Director to request the treatment records instead of waiting for a Board Motion. Mr. Pulver stated that he would work with Mr. Wright in implementing that change.

AGENDA ITEM XVI - 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.

A pharmacist expressed his concerns involving a counseling violation that resulted in a consent order

There being no further business to come before the Board on motion by Ms. McCoy and Dr. Tippett, the Board unanimously agreed to adjourn the meeting at 11:30 A.M.