



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING NOVEMBER 16, 2011
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – November 16, 2011

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

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

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 4, Schedule A, Non- Resident Permits for Medco Center for Pharmacotherapeutic Research and Meds at Home.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Schedule H, Conferences for Complaint #3986 and Complaint #3988.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule E, Complaint #4010.

AGENDA ITEM 3– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Milovich and seconded by Dr. Foy** the minutes of the Regular Meeting held on September 27 and 28, 2011 were unanimously approved by the Board Members.

AGENDA ITEM 3A – Consent Agenda

Items listed on the Consent Agenda were considered as a single action item by the Board Members. **On motion by Dr. Foy and seconded by Mr. Milovich**, the Board unanimously approved the following items listed on the Consent Agenda.

3A (1) – Resident Permits

RESIDENT PERMITS

Pharmacy	Location	Owner
Mercy Rexall Drugs	3330 N. 2 nd St., Phoenix, AZ 85012	Olufemi Omodara

3A (2) – Non- Resident Permits

NON-RESIDENT PERMITS

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Central Fill Rx	1838 Elm Hill Pike, Nashville, TN 37210	M2G Med-Management Group
American Homecare Federation, Inc.	31 Moody Rd., Enfield, CT 060082 (O)	American Homecare Federation, Inc.
Compounding Pharmacy of Louisiana	620 Guilbeau Rd., Ste. A, Lafayette, LA 70506 (O)	Compounding Pharmacies of LA
Stokes Pharmacy	18000 Horizon Way #700 , Mount Laurel, NJ 08054	Stokes Healthcare Inc.
OncoSource Rx	7172 Columbia Gateway Dr. , Columbia, MD 21046	OncoSource Rx, LLC
Pavilion Compounding Pharmacy, LLC	3193 Howell Mill Rd. #122, Atlanta, GA 30327 (O)	Pavilion Compounding Pharmacy, LLC
Firestone Pharmacy, LLC	450 S. 400 E., Bountiful, UT 84010	Firestone Pharmacy, LLC
Petmeds2go.com	137 W. State St., Dike, IA 50624	Animal Pharm LLC
Great Lakes Medical Pharmacy, LLC	23247 Pinewood St., Warren, MI 48091	Great Lakes Medical Pharmacy, LLC
TheraCom	9717 Key West Ave., Rockville, MD. 20850 (O)	Amerisource Bergen Holding Corp.

(O) = Ownership Change

NON-RESIDENT (Out of State) (Continued)

Pharmacy	Location	Owner
SinuTopic, Inc.	755 Lakefield Rd., Westlake Village, CA 91361 (O)	SinuTopic, Inc.
DCI Pharmacy – Kansas City	650 Carondelet Dr., Kansas City, MO 64114	Dialysis Clinic Inc.
Balanced Solutions Compounding Pharmacy , LLC	550 Technology Pk, Suite 1008, Lake Mary, FL 32746	Balanced Solutions Compounding Pharmacy , LLC
Steltec Pharmacy	601 Upland Ave., Suite 112, Brookhaven, PA 19015	Steltec Pharmacy, Inc.
Pharmacy Innovations	10130 Louetta Rd, Suite C, Houston, TX 77070	Southern Tier Home Infusion, Inc.

(O) = Ownership Change

3A (3) – Wholesalers

Resident Wholesalers

WHOLESALER	LOCATION	OWNER
Regenesi Biomedical, Inc. (Full Service –DME)	1435 N. Hayden Rd., Scottsdale, AZ 85257	Regenesi Biomedical, Inc.
Mollen Immunization Clinics, LLC (Full Service)	2915 E. Washington, Suite 104, Phoenix, AZ 85034	Mollen Immunization Clinics, LLC
Pharmalink Pharmaceutical, LLC (Full Service)	5030 S. Mill Ave. #8, Tempe, AZ 85282	Pharmalink Pharmaceutical, LLC

3(A) (4) – Pharmacists

The Board approved the 101 New Pharmacist Licenses listed on the attachments

3 (A) (5) – Interns

The Board approved the 35 New Intern Licenses listed on the attachments.

3 (A) (6) – Pharmacy Technicians

The Board approved the 302 New Certified Technician Licenses and the 511 New Pharmacy Technician Trainee Licenses listed on the attachments.

3 (A) (7) – Consent Agreements

The Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. Mr. Wand noted that the Consent Agreement for Sunwest Pharmacy was changed to allow the respondent to pay the fine in 180 days instead of 90 days.

The consent agreements are listed below:

David Martinez	-	12-0011-PHR
Elaine Lox	-	12-0012-PHR
Kelly Seabloom	-	12-0014-PHR
Sunwest Pharmacy	-	12-0015-PHR
Randy Lacis	-	12-0017-PHR
Donald Merkel	-	12-0010-PHR

3 (A) (8) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

The Board approved the following individuals for one additional two year period.

Cassandra Sanchez	Patricia Lopez	Jason Erdman	Robin Abootalebi	Tamera Moran
Steven Knoebel	Brian Broumley	Ivy Braun	Mary Louise Martin	Kieth Vo
Victoria Duarte	Amy Kramer	Robert Buckman	Denna Wallace	Christopher Truong
Karen Krumhoz	Gregory DeSanto	Theresa Rice	Robert Hoover III	Becky Hua
Spenser Lowe	Joseph Thorn	Michelle Palmer	Christina Simmons	Angelica Gonzales
Rosa Romero	Kenneth Adams	LaShon Ball	Rudolf Ornelas	Jason Secord
Rita Turrentine	Sarah Blair	Mary Biddle	Rendell Shelton	Veronica Lopez
James Godin	Monique Soto	Adam Jones	Tamara Reece	Bernice Wolff
William Schwartz	Anika Alexander	Joel Rhoads	John Loper	Shane Rubeck
Renee Harder	Karla Horton	Bonnie Davis	Anthony Molina	Jeanelle Perez
Robert McKenzie	Tina Carey	Brian Hogan	Adam Lindenmeier	Devin Gilbert
Zachary Jean	Rosetta Canada	Joanna Montague	Betty Jo Bettini	Janet Tidwell
Roua Nassir	Kimberly Hess	Lorie Bair	James Shope	Candice Norton
Bonnie Fry	Javier Gherna	Marlon Mattis	Marie Barbour	Javier Vega
Carrie Winkler	James Kaetzer	Cheryl Ludwig	Ryan Le	Betty Carey
Michael Seader	Cynthia Hobbs	Jessica Money	Callie Fayette	Patricia Consiglio
Mamy Najurama	Diana Miller	Curtis Males	Jessica Bingham	Kayla Reddy
Cody Nabors	Teresa Schmidt	Jarvis Barnett	Matt Barnhart	Jennifer Heredia
Nelia Burz	Dennis Burz	Bernadette Garcia	Joanne Moorhouse	Michael Delp
Owen Jennings	Michelle Villaflor	Wyndi Melugin	Janice Sarvas	Nicolas Ruiz
Alison Moody	Anthony Garza	Priscilla Lopez	Jordon Vaage	Alexandria Wotton
Shannon Mowery	Krystal Faultner	Josef Reuter	Michael Harris	Victoria Pacheco
Michael Blanchard	Kimberly Dylewski	Aaron Woods	Marian Glancy	Kimberly Kereluk
Alayna Mazza	Michael Honyaktewa	Diana Zamora	Kenneth Neylon	Khuong Vu
Dori Stewart	Irozuru Abarikwu	Estella Osborn	Richard Osiol Jr.	Kimberly Holbrook
Christina Gallegos	Michelle Cole	Rebecca Rogers	Tara Takacs	Audrey Sandoval
Gabriel Adisa	Shaunna Dobbs	Olivia Guerra	Robert Schmitz	James Petro
Robert Cubillos	Tav Nelson	Erica Crewse	Dana Perrine	Cyrus Coyle
Jacquel Brown	Cheri Zamecki	Pedro Lopez III	Natascha Williamson	Scott Elli
Dhikra Reyes	Christopher Reed	Luciana Vasquez	Gabriella Gonzales	Rolanda Sampson
Ophelia Lessard	Michael Walter	Sergio Luna	Justin Carter	Shelley Campbell
Derek Smith	Clarissa Vega	David Iles	Jenna Thomas	Sheila Riscoe
Cole Taylor	Stephanie Allen	Robert Oberdank	Shawna Ketchum	Norman Siegel
Diane Jarzab	Ren McGee	Sharal Davis	Cynthia Coward	

Total : 16

AGENDA ITEM 4– Permits and Licenses

Resident Pharmacy Permits – APAC Customer Services, Inc.

President Haiber stated that representatives were present from APAC Services to answer questions from Board members.

John Pilgrim, Pharmacist in Charge, and Michael Hoehne, Vice President and Chief Human Resource Officer were present to answer questions from Board Members

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

Mr. Hoehne stated that they would be operating a pharmacy department in Tucson. Mr. Hoehne stated that they would not be handling pharmaceuticals. Mr. Hoehne stated that they would be servicing the clients via telephone and mail.

Mr. Pilgrim stated that they would be doing the intake of the prescriptions and the prescriptions would be filled at a facility outside of the state. Mr. Pilgrim stated that they operate a similar site in Iowa. Mr. Pilgrim stated that they plan to hire 100 people. Mr. Pilgrim stated that they would open the center with 35 people.

Mr. McAllister asked Mr. Pilgrim how long he has practiced in Arizona. Mr. Pilgrim stated since 1973. Mr. Pilgrim stated that he is a University of Arizona graduate.

Mr. McAllister reminded the respondents that they must have shared service agreements with non-resident pharmacies. Mr. McAllister stated that all the pharmacies must be licensed in Arizona.

Dr. Foy asked the applicants what other businesses they would be servicing in the call center. Mr. Hoehne stated that at their other sites they have serviced accounts for Medco and Verizon.

Dr. Foy stated that the panels are only 7 feet high and do not reach the ceiling and he has concerns about HIPAA violations because information could be overheard.

Mr. Hoehne stated that the actual cubicles are set away from the wall. Mr. Hoehne stated that little or no sound can be heard and employees are wearing headsets.

Dr. Foy asked about software safety. Mr. Hoehne stated that no information is displayed publicly and they have a clean desk policy. Mr. Hoehne stated that they do floor checks on a routine basis and no cameras are allowed in the area.

Dr. Foy asked if only licensed personnel have access to the area. Mr. Pilgrim stated that the employees must be approved to enter the area. Mr. Hoehne stated that there is 24 hour security and after hours there is a monitored system.

Mr. Haiber asked if there is badge access to the area. Mr. Hoehne stated that there is badge access to enter the facility and then badge access to the permitted area.

Mr. Haiber asked if they would be taking new prescriptions. Mr. Pilgrim stated yes and they would maintain the prescriptions as required.

Mr. Haiber asked what areas they would be servicing. Mr. Pilgrim replied that he was not sure. Mr. Hoehne stated that they would be servicing nationwide accounts.

Dr. Foy asked Mr. Wand what safeguards are in place if they decide to bring medications into the facility.

Mr. Wand stated that they would be required to follow the Limited Service regulations.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously approved the permit application for APAC Customer Services, Inc.

Non-Resident Pharmacy Permit

Mr. McAllister recused himself due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously approved the following non-resident permits.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Medco Center for Pharmacotherapeutic Research	One Millenium Dr., Suite 101, Willingboro, NJ 08046	MAH Pharmacy, LLC
Meds at Home	255 Phillipi Rd. #300, Columbus, OH 4328	MAH Pharmacy, LLC

Steven's Pharmacy

President Haiber opened the discussion by stating that there was one non-resident pharmacy application to review.

Mr. Haiber stated that the California Board of Pharmacy has disciplined the pharmacy and pharmacy owner. Mr. Haiber stated that both the pharmacy and the owner are currently on probation.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to table the application and ask the pharmacy owner to appear at the next meeting in January.

Resident Wholesaler Permit

President Haiber stated that there was one resident wholesaler permit to review.

Distribution Unlimited LLC

Nate Coons, Wholesale Manager and Pharmacist, and Jeremy Castle, Manager, were present to answer questions.

President Haiber opened the discussion by asking the applicants to describe their business.

Mr. Coons stated that they are requesting a wholesaler permit and would be distributing products to medical practices.

Mr. Castle stated that their preliminary business would be to medical practices and they hope to increase the scope of their business.

Mr. Van Hassel asked if the floor plan presented is the layout of the facility. Mr. Castle replied yes.

Mr. Van Hassel asked about the sterile hoods. Mr. Castle stated that they would like to eventually sterilize instruments for sterile trays. Mr. Castle stated that is something they intend to do in the future.

Mr. Van Hassel asked if they intended to prepare sterile medications. Mr. Coons replied no.

Mr. Wand asked where the actual facility was located. Mr. Castle stated that it would be located at the Windsor address.

Mr. Haiber asked if they planned on carrying controlled substances. Mr. Coons replied yes.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously approved the permit application for Distribution Unlimited LLC.

AGENDA ITEM 5 – Special Requests

#1 Chang Pak

Chang Pak appeared on his own behalf to request that the suspension imposed on his pharmacist license per Board Order 11-0049-PHR be terminated and probation imposed. Lisa Yates with the PAPA program was also present.

President Haiber opened the discussion by asking Mr. Pak why he was appearing in front of the Board. Mr. Pak stated that he had a problem abusing substances and it compromised his ability to practice safely as a pharmacist.

Mr. Haiber asked Mr. Pak if he is asking for his suspension to be removed. Mr. Pak stated that he is asking for the suspension to be removed because his license has been suspended for seven months.

Mr. Haiber asked Ms. Yates if PAPA supports his request. Ms. Yates stated that Mr. Pak has completed everything that is required. Ms. Yates stated that he has been compliant. Ms. Yates stated that his PAPA counselor and sponsor have sent support letters to the Board.

Mr. Van Hassel asked Mr. Pak what is different in his life now. Mr. Pak stated that he is active in his recovery program and how he deals with situations. Mr. Pak stated that he deals with problems now and does not put off solving his problems. Mr. Pak stated that taking medications was a bad solution to his problems.

Mr. Van Hassel asked Mr. Pak if it would be stressful for him to return to work. Mr. Pak stated that it would be stressful but he has the tools to deal with the stress.

Mr. Milovich asked Mr. Pak if he has completed any community service hours. Mr. Pak stated that he has started working with Friends for Life which is a cat and dog rescue.

Mr. Haiber asked Mr. Pak if he has any employment prospects. Mr. Pak replied not yet.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to approve the request by Mr. Pak to terminate the suspension of his pharmacist license and impose probation per Board Order 11-0049-PHR.

AGENDA ITEM 6– License Applications Requiring Board Review

#1 Alfonso Porchas

Alfonso Porchas appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Haiber opened the discussion by asking Mr. Porchas about the nature of his request. Mr. Porchas stated that he is studying to be a pharmacy technician and was told that he would need to appear at the board meeting to obtain a license because of his charges.

Mr. Haiber asked Mr. Porchas to give an overview of his charges. Mr. Porchas stated that he has charges for possession of marijuana. Mr. Porchas stated that he was required to take rehab classes and he has completed the classes.

Dr. Foy asked Mr. Porchas why he wanted to work in a pharmacy. Mr. Porchas stated that he sees a future in pharmacy and he wants to have a career.

Dr. Foy asked Mr. Porchas what is different now and how can he guarantee the Board that this is not going to happen again. Mr. Porchas stated that at the time he did not realize that it would affect him in the future.

Dr. Foy asked Mr. Porchas if he is currently enrolled in a technician school program. Mr. Porchas stated that he has finished his classes and has to complete his hands on training.

Dr. Foy asked Mr. Porchas if he was truthful on his application when he applied to school.

Mr. Porchas stated that he listed his charges and was told to get a signature from the judge and he was admitted to the school. Mr. Porchas stated that he passed his classes and was told that he still needed a license to complete his training.

Mr. Milovich stated that he has a concern that Mr. Porchas feels that the use of illegal substances is not relevant. Mr. Porchas stated at the time he did not want to be a technician.

Mr. McAllister asked Mr. Porchas what pharmacy tech program he was attending.

Mr. Porchas stated that he was attending Pettec.

Mr. McAllister asked Mr. Porchas when he started the program.

Mr. Porchas stated that he started about three months ago.

Mr. McAllister asked Mr. Porchas if he started after his issues in June.

Mr. Porchas replied yes.

Ms. Rosas asked Mr. Porchas to describe his rehabilitation program.

Mr. Porchas stated that he went to class for 1 hour twice a week. Mr. Porchas stated that he also had random urine tests.

Ms. Rosas asked Mr. Porchas how many weeks he attended the classes.

Mr. Porchas stated that he attended the classes for a total of 26 hours.

Mr. Van Hassel asked Mr. Porchas what was his current status of marijuana use.

Mr. Porchas stated that he does not use marijuana any longer.

Mr. Porchas stated that he took the hit for his girlfriend because he has a baby with her and he did not want the child to be taken away.

Dr. Foy noted that it has only been a short time since his last conviction for marijuana possession.

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously denied the request by Mr. Porchas to proceed with pharmacy technician licensure based on his felony convictions.

#2 Gabriela Arellano

Gabriela Arellano appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Haiber opened the discussion by asking Ms. Arellano about the nature of her request. Ms. Arellano stated that she applied for a pharmacy technician trainee license and was asked to appear because of her charges.

Mr. Haiber asked Ms. Arellano about her charges.

Ms. Arellano stated that she had a few misdemeanors and had charges for drug possession and DUI.

Mr. Haiber stated that it appeared that Ms. Arellano's application was incomplete because several charges were not disclosed.

Mr. Haiber asked Ms. Arellano about her prior charges.

Ms. Arellano stated that she was charged with under age consumption, possession of drug paraphernalia, DUI conviction, and has a pending DUI from January of 2011.

Dr. Foy asked Ms. Arellano why she wants to work in a pharmacy.

Ms. Arellano stated that she attended the community college and was taking classes to become a medical assistant. Ms. Arellano stated that it did not work out. Ms. Arellano stated that she wants to make a change in her life and wants to become a pharmacy technician.

Dr. Foy asked Ms. Arellano if she is currently working.

Ms. Arellano stated that she has worked at the same restaurant for 4 years.

Mr. Haiber asked Ms. Arellano if her current place of employment has random drug screens.

Ms. Arellano stated that she has random drug screens through her probation.

Mr. Wand asked Ms. Arellano how many hours she was confined.

Ms. Arellano stated that she was confined for 6 days.

Ms. Rosas asked Ms. Arellano if she was applying for the trainee license because she wanted to go to school. Ms. Arellano stated that she is applying for the license so that she can further her medical knowledge.

Dr. Foy asked Ms. Arellano why she did not list all her charges on the application. Ms. Arellano stated that she did not list the others because she was told by her probation officer that the charges would be dismissed from her background.

Mr. Van Hassel stated that pharmacy is a law based profession and Ms. Arellano has a disregard for rules. Mr. Van Hassel asked Ms. Arellano if she could assure the Board that she can follow the rules.

Ms. Arellano stated that it is not the life that she would like to live. Ms. Arellano stated that she should not have done the things that she did. Ms. Arellano stated that she is trying to better herself.

Ms. Locnikar asked Ms. Arellano about the last DUI incident.

Ms. Arellano stated that the last DUI was in January of 2011.

Mr. McAllister asked Ms. Arellano when her probation ends.

Ms. Arellano stated that her probation could end in 6 months. Ms. Arellano stated that her probation was for three years, but her probation officer told her if she does everything that she is supposed to do that her probation could end in April at the 2 year mark.

Mr. Wand asked Ms. Arellano about her random drug screens.

Ms. Arellano stated that she has to call in daily to see if she has a screen that day.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously denied the request by Ms. Arellano to proceed with pharmacy technician licensure based on her two felony convictions.

Mr. McAllister told Ms. Arellano that if she continues on a straight path and does not have any positive screens she could return and ask the Board to reconsider her request.

#3 Wendy Farivar

Wendy Farivar appeared on her own behalf to request to reapply for her Pharmacy Technician Trainee license.

President Haiber opened the discussion by asking Ms. Farivar about the nature of her request.

Ms. Farivar stated that 8 years ago she altered a few checks at the bank where she worked. Ms. Farivar stated that it caught up with her and she was charged with bank fraud. Ms. Farivar stated that she spent 10 months in a federal penitentiary and she has spent time in a halfway house. Ms. Farivar stated that during that time her license expired and she is asking to be able to renew her pharmacy technician trainee license.

Mr. Van Hassel asked Ms. Farivar about her pharmacy technician experience.

Ms. Farivar stated that she worked at Walgreens in the resolution area. Ms. Farivar stated that she resolved insurance claims and did data entry. Ms. Farivar stated that she surrendered her job when she was charged.

Mr. McAllister asked Ms. Farivar what her status is with the court.

Ms. Farivar stated that she is on probation for 5 years.

Dr. Foy asked Ms. Farivar if she was licensed after the incident occurred.

Ms. Farivar stated that she was initially licensed in 2008. Ms. Farivar stated that she was working as a pharmacy technician prior to the charges being filed.

Dr. Foy asked Ms. Farivar how many checks she altered.

Ms. Farivar stated about 12 checks.

Mr. Haiber asked Ms. Farivar if she has to pay restitution.

Ms. Farivar stated that she would be making restitution payments monthly.

Mr. Haiber asked how the bank fraud was discovered.

Ms. Farivar stated that she was termed by the bank because they found an altered check with her name on it. Ms. Farivar stated that she went to an attorney and they tried to plea bargain the case, but the case had already been turned over to the Feds. Ms. Farivar stated that it was 8 years before the Feds opened the case.

Dr. Foy asked Ms. Farivar if she told Walgreens that she was termed from the bank.

Ms. Farivar stated that she told them that she had left on her own.

Ms. Farivar stated that she had a violent husband and had lost a child. Ms. Farivar stated that she is currently in a house that helps her deal with her depression. Ms. Farivar stated that she does not want to relive her past.

Ms. Campbell stated that Ms. Farivar did have the duty to report the felony conviction to the Board and did not.

Mr. McAllister stated that Ms. Farivar did report the conviction on her application and has met the stipulations of her Federal charges.

A motion was placed on the floor by Mr. McAllister and seconded by Mr. Haiber to approve the request by Ms. Farivar to reapply for her pharmacy technician trainee license. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – nay, Dr. Foy – nay, Ms. Rosas – nay, Ms. Galindo – nay, Mr. Milovich-nay, and Mr. Haiber – aye.) The motion fails.

Mr. McAllister stated that he feels that the Board does not need to try the case again. Mr. McAllister stated that she was forthright in disclosing the conviction on her application.

Mr. Van Hassel stated that he has concerns because of the nature of the offense. Mr. Van Hassel stated that she was working in a call center and had the ability to divert prescriptions by manipulating records.

Ms. Rosas asked Ms. Farivar what she wants to do and if she plans on taking the certification test. Ms. Farivar stated that she would like to return to Walgreens because they have a program that helps you study for test.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board denied the request by Ms. Farivar to reapply for pharmacy technician trainee license based on her felony convictions. There was one nay vote by Mr. McAllister.

AGENDA ITEM 7 – Reports

Executive Director Report

Budget Issues

Mr. Wand reviewed the financial reports with the Board Members. Mr. Wand stated that he submitted the paper work for approval to hire the additional compliance officer.

Renewals

Mr. Wand stated that the renewals went very smoothly this year. Mr. Wand stated that the Board used a postcard this year to notify the licensees and permit holders of their pending renewal. Mr. Wand stated that 80% of the fees collected were done by credit

card. Mr. Wand stated that this is the first year that additional temporary personnel were not hired to help with the renewals.

Legislative Update

Mr. Wand stated that Janet Underwood with the Retailers Association is working on a Bill to be presented at the legislature for the electronic controlled substance prescribing. Mr. Wand stated that he has approved the technical changes that needed to be made.

Mr. Wand stated that the Attorney General's office is considering giving the Board authority to schedule drugs such as bath salts. Mr. Wand stated that the Board does not have authority to schedule drugs because the Board part of the executive branch of state government, not part of the legislative branch. The proposal would give the Board temporary authority to schedule the drug until the next time the legislature goes into session and then the legislature would approve or deny the change. Mr. Wand stated that currently there is no way to handle the situation if the legislature is not in session.

Complaint Review Committee

Mr. Wand stated that the complaint review committee has previously met prior to the Board Meeting to make their recommendations to the Board. Mr. Wand stated that at the last Board Meeting the whole Board reviewed the complaints due to quorum issues and it seemed to work well. Mr. Wand stated that he recommends that the full Board review the complaints and if a new committee needs formed then the Board could name a committee to review the complaints.

Rules Moratorium

Mr. Wand stated that there would no longer be a rules moratorium in place for 90/10 boards. Mr. Wand stated that the Board would now be able to write new rules and work on the rules that were placed on hold due to the moratorium.

Mr. Wright stated that he would be working on the following rules packages:

1. Long Term Care Rules
2. Assisted Living Rules
3. Exempt Substances
4. Pharmacy Technician Rules
5. Community Pharmacy Rules
6. Compressed Medical Gas Rules
7. Drug Therapy Management Rules
8. Intern Training Rules
9. Continuous Quality Assurance Rules

Deputy Director Report

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

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

Controlled Substance Violations

1. Controlled Substance Overage - 1
2. Controlled Substance Shortage - 3
3. Unable to locate CS Inventory – 1

Documentation Violations

1. Failure to document medical conditions - 1
2. Failure to calibrate or document maintenance of mechanical storage devices - 2

Pharmacy Violations

1. Rx-Blank Advertising - 1

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

1. Mechanical storage devices

Areas outside the inspection reports that may be of interest:

1. Change of address and employment needs to be changed within 10 days.

PAPA Report

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of fifty-one (51) participants in the PAPA program. Ms. Yates stated that two participants have completed the program, and two new participants have entered the program.

AGENDA ITEM 8 – Consideration of Complaints on Schedule “E”

The full Board will review the complaints and determine the outcome.

Complaint #4003

On motion by Mr. Haiber and seconded by Ms. Rosas, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check of a prescription. { R4-23-402 (A) (11)}

Complaint #4006

Ms. Locnikar stated that she felt that if the pharmacist did not know the correct generic name for the product that he should have used a reference book to look up the correct information.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to offer the pharmacist a consent agreement with the following terms: \$500 fine to be paid in 90 days and 3 hours of CE on pain management to be completed in 6 months. If the consent is not signed, the case would proceed to hearing.

On motion by Dr. Foy and seconded by Mr. Milovich, the Board unanimously agreed to dismiss the complaint against the pharmacy technicians.

Complaint # 4009

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously agreed to request that the pharmacist in charge appear for a conference at the next meeting. The complaint against the other pharmacist will be pending based on the outcome of the conference.

Complaint #4010

President Haiber was recused due to a conflict of interest.

Dr. Foy noted that the pharmacy had stated previously that they have requested that UPS return any damaged packages back to the pharmacy instead of repackaging coolers. Dr. Foy stated that they might want to contact the carrier and note their preference that the package be returned to the pharmacy if damaged.

On motion by Ms. Locnikar and seconded by Dr. Foy, the Board unanimously agreed to dismiss the complaint.

Complaint #4011

On motion by Mr. Milovich and seconded by Mr. McAllister, the Board unanimously agreed to dismiss the complaint.

Complaint #4012

Ms. Locnikar stated that she has concerns if the Board would review the complaint differently if the patient had experienced side effects.

Mr. Wand was asked if the Board could still take action even though the patient requested that the complaint be withdrawn. Mr. Wand stated that the Board could still take action.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board agreed to issue the pharmacist an advisory letter concerning the selling of a prescription to the correct patient. {R4-23-402 (A) (15)}
There was one nay vote by Mr. Haiber.

Complaint #4013

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

Complaint #4014

On motion by Mr. Haiber and seconded by Dr. Foy, the Board unanimously agreed to request that the pharmacist, the pharmacy technician, and the pharmacist in charge appear for a conference at the next Board meeting.

Complaint #4015

Mr. McAllister stated that he had concerns because the age of the child was not taken into consideration when the prescription was filled.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to request that the pharmacist and the pharmacy technician appear for a conference at the next Board meeting.

Complaint #4017

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

Complaint #4024

The Board Members asked if the respondent's license is in good standing at this point. Ms. Frush stated that her license is open at this time.

Ms. Locnikar stated that if the Board does not take action against the respondent the respondent could move to another location with a license that is in good standing.

On motion by Mr. Van Hassel and seconded by Ms. Locnikar, the Board unanimously agreed to offer the pharmacist a consent agreement with the following terms: a 5 year standard PAPA contract with the suspension period of 30 days that was served during her inpatient treatment. If the consent agreement is not signed, the case would proceed to hearing.

AGENDA ITEM 9 – Consent Agreements Consent Agreements were approved on the Consent Agenda

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

Requests were approved on the Consent Agenda

AGENDA ITEM 11- Conferences

Conference 1 – Complaint #3984 - Postponed

Conference 2 – Complaint #3986

The following individuals were present to discuss the complaint:

- Adam Brenner – Pharmacist – Respondent
- Mark Bank – Pharmacy Technician - Respondent
- Kerri Lacata – Pharmacy Supervisor – Witness
- Bert Plemmons – Pharmacy Supervisor – Witness
- Roger Morris – Legal Counsel for Respondents and permit holder

President Haiber asked Ms. Sutcliffe to give a brief overview of the complaint.

Ms. Sutcliffe stated that the complainant indicated that the directions on the Prednisolone prescription for his 13 month old daughter was entered as one tablespoon daily for three days and should have read one teaspoon daily for three days. The patient received approximately 25 mls before the error was caught. The patient indicated that he was counseled by the pharmacist. The prescription was entered incorrectly by the pharmacy technician and the pharmacist did not catch the error when he verified the prescription.

President Haiber opened the discussion by asking Mr. Brenner to address the complaint.

Mr. Brenner stated that he would like to apologize for the error. Mr. Brenner stated that he was the pharmacist that verified the prescription. Mr. Brenner stated that he was not on duty the day the complainant called about the error. Mr. Brenner stated that the pharmacist on duty called the poison center and the doctor concerning the error. Mr. Brenner stated that the pharmacist also called him concerning the error.

Mr. Milovich stated that the father stated he was told to give the child a tablespoonful.

Mr. Brenner stated that he remembered giving the father a syringe and saying to give the child one teaspoonful because he only took out one 5 ml syringe. Mr. Brenner stated that he was sure that he told the father that he would give the same amount as the antibiotic which was also one teaspoonful.

Mr. Haiber asked if the medications are in a clear bag prior to counseling.

Mr. Brenner stated that the prescriptions were in a white bag. Mr. Brenner stated that he showed the dose on the syringe and showed the father one teaspoon on the syringe.

Mr. Haiber asked Mr. Brenner if he overrode the DUR alert.

Mr. Brenner stated that he did. Mr. Brenner stated that the prescription was written for 30ml. Mr. Brenner stated that often the doctor writes the prescription for an additional amount because the medication could be spilled or the child spits out the medication. Mr.

Brenner stated that the computer showed that the dose was too much based on the days supply. Mr. Brenner stated that in his mind 5 mls daily was not an excessive dose and he thought the computer was wrong so he overrode the DUR alert.

Mr. Haiber indicated that Mr. Brenner should have looked at the DUR message indicating that the medication would have been gone in 2 days. Mr. Haiber stated at that point Mr. Brenner should have looked at the directions.

Mr. McAllister asked the technician about entering the prescription.

Mr. Bank stated that he does not remember typing the prescription. Mr. Bank stated that maybe he was rushing. Mr. Bank stated that usually he likes to add the number of mls along with the teaspoon direction.

Mr. McAllister asked Mr. Brenner if he uses a scanned copy of the prescription to verify the prescription.

Mr. Brenner replied yes.

Mr. McAllister stated that it is important to verify the age of the patient when overriding a DUR alert.

Ms. Galindo stated that she sees issues with overriding a DUR alert. Ms. Galindo stated that the alert is set up to catch errors and the pharmacist should watch for the warning signs.

Mr. Milovich stated that there is a reason for the DUR and the pharmacist should have verified the prescription information when a high dose alert was given.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board agreed to issue an advisory letter to the pharmacist and pharmacy technician. There was one nay vote by Mr. Milovich.

Conference 3– Complaint #3988

The following individuals were present to discuss the complaint:

- Matthew Figures – Pharmacist – Respondent
- Malachi Welsh – Pharmacy Technician - Respondent
- Hahn Nguyen – Pharmacy Supervisor – Witness
- Roger Morris – Legal Counsel for Respondents and permit holder

President Haiber asked Mr. Hunter to give a brief overview of the complaint.

Mr. Hunter stated that the prescriber filed the complaint on behalf of his patient that was given the wrong strength of medication. The Nurse Practitioner prescribed Lamictal 25mg with directions to take one tablet daily for 14 days then take two tablets daily for

14 days. The Nurse Practitioner stated that the patient received Lamictal 200mg and the patient took the medication. The prescriber stated that the patient did not experience any negative outcomes as a result of the error. The pharmacy technician chose the wrong strength and the pharmacist failed to catch the error when he verified the prescription. There is no documentation of counseling which indicates that counseling was not done and a chance to catch the error was missed.

President Haiber asked Mr. Figures to address the error.

Mr. Figures stated that he would like to apologize for the error. Mr. Figures stated that he made a mistake and has learned from the mistake. Mr. Figures stated that he was notified by the pharmacist in charge that an error was made and Mr. Figures asked if the patient was okay. Mr. Figures stated that he was told that the patient was okay. Mr. Figures stated that he made a mistake when he failed to catch the error.

Mr. Haiber asked Mr. Welsh to describe the process in entering a prescription.

Mr. Welsh stated that when he enters the drug name he types in the first three letters of the drug name and then scrolls to find the drug. Mr. Welsh stated that the drugs are arranged so that the smallest strength is first. Mr. Welsh stated that he has slowed down and goes over his work. Mr. Welsh stated that he has a new process for checking prescriptions.

Mr. Haiber asked Mr. Figures why there is no documentation of counseling.

Mr. Figures stated that the log book does not show that counseling took place.
Mr. Figures stated that he was not on duty when the prescription was picked up.

Mr. Van Hassel asked if counseling is done on a routine basis.

Mr. Figures stated that counseling is performed when required.

Mr. Welsh stated that they are instructed to call the pharmacist for any prescription for counseling even if the patient had the prescription previously.

Mr. Figures stated that he has reinforced with all the technicians that he works with that they are to call the pharmacist for counseling.

Mr. Morris indicated that Mr. Figures has completed 7 extra hours of CE on error prevention.

Mr. Nguyen stated that counseling documentation has changed in their stores. Mr. Nguyen stated that they have multiple counseling logs in the pharmacy. Mr. Nguyen stated that the counseling log is to follow the patient to the consultation window. Mr. Nguyen stated that the technician places the signature log at the window for the pharmacist.

Mr. McAllister asked Mr. Figures if there was a DUR warning.

Mr. Figures replied no because the days supply and quantity was not entered correctly.

Mr. McAllister stated that this was a high dose and could have had the potential for serious harm.

Mr. Haiber asked Mr. Welsh about his new process for checking prescriptions.

Mr. Welsh stated that when he takes a prescription from the patient he verifies their birth date and allergies.

Mr. Welsh stated that he enters the patient by their birth date. Mr. Welsh stated that after he enters the prescription he checks the drug name, the strength, and the directions before he sends the prescription to the pharmacist.

Mr. Haiber asked Mr. Welsh if this is his normal process.

Mr. Welsh stated that it is more important to be accurate than rush through the work.

Mr. Haiber asked Mr. Welsh to whom he directs any questions he has about a prescription.

Mr. Welsh stated that he directs all questions to the pharmacist.

Mr. Haiber asks Mr. Welsh when a DUR reject shows up.

Mr. Welsh stated that the DUR reject shows up after the prescription is entered. Mr. Welsh stated that only a pharmacist can override a DUR alert.

Mr. Nguyen stated that pharmacists receive a new code to override DURs every 14 hours.

On motion by Mr. Van Hassel and seconded by Mr. Van Hassel, the Board agreed to issue an advisory letter to the pharmacist and pharmacy technician. There was one nay vote by Mr. Milovich.

Conference 4– Complaint #3998

The following individuals were present to discuss the complaint:

Clint McCormick – Pharmacist – Respondent

Eric Perry – Pharmacy Supervisor – Witness

President Haiber asked Ms. Sutcliffe to give a brief overview of the complaint.

Ms. Sutcliffe stated that the complainant stated that the pharmacy dispensed Levothyroxine to the wrong patient. Ms. Sutcliffe stated that the patient did not take any of the incorrect medication. Ms. Sutcliffe stated that the pharmacist stated that three prescriptions were received electronically from the same prescriber, the Levothyroxine was for a different patient with a very similar name. Ms. Sutcliffe stated that the caregiver questioned the prescription at counseling and was told to take the medication to the patient but wait and discuss it with the provider before administering the medication. The correct prescription for the patient was for Zofran.

President Haiber asked the pharmacist to address the complaint.

Mr. McCormick stated that he would like to express remorse for the error. Mr. McCormick stated that he needs to focus on the practice of pharmacy. Mr. McCormick stated that he did let the prescription leave the pharmacy under the wrong name. Mr. McCormick stated that he had a second chance to correct the error when the patient questioned the prescription and he did not take the opportunity to correct the error.

Mr. Haiber asked Mr. McCormick to describe what he means by electronically transmitted prescriptions.

Mr. McCormick stated that this is a new process in the rural areas. Mr. McCormick stated that the prescriptions come in bundles of three. The prescriptions were originally processed for two patients. Mr. McCormick stated that the third prescription was for a different patient but he had the name changed to the same name as the other patient.

Mr. Haiber asked how the electronic prescriptions are entered.

Mr. McCormick stated that they self-populate and the prescriptions are bundled by the technician. Mr. McCormick stated that he felt that all the prescriptions should have had the same patient name.

Mr. Perry stated that there is a split screen. Mr. Perry stated that the information populates on one side of the screen with the information the doctor provided. Mr. Perry stated that the individual entering the prescription must select each piece of information to enter. Mr. Perry stated in this case the wrong name was entered.

Mr. Van Hassel asked if the other patient received the correct medication.

Mr. McCormick stated that the other patient did receive the correct medication.

Mr. Haiber asked about the short staffing.

Mr. McCormick stated that the pharmacist that had worked the previous day was a new pharmacist and had left approximately 60 prescriptions that needed to be filled. Mr. McCormick stated that he must focus and control what is in front of him.

Mr. Haiber asked Mr. Perry if there is help available.

Mr. Perry stated that the staffing model is fine for the store and the problem was that the pharmacist the day before had left a large number of prescriptions to fill. Mr. Perry stated that the store filled about 250 prescriptions that day. Mr. Perry stated that the pharmacist can call his supervisor and request extra help.

Mr. McCormick stated that he now has a partner to help out on the busy days.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board agreed to issue an advisory letter to the pharmacist. A roll call vote was taken. (Ms. Locnikar – aye, Mr. McAllister – nay, Mr. Van Hassel – aye, Dr. Foy – aye, Ms. Rosas – aye, Ms. Galindo – nay, Mr. Milovich – aye, and Mr. Haiber – aye.) The motion carries.

Conference 5– Complaint #3999

The following individuals were present to discuss the complaint:

Walter Ozongwu – Pharmacist – Respondent

Ken Patel – Pharmacy Supervisor – Witness

President Haiber asked Ms. Sutcliffe to give a brief overview of the complaint.

Ms. Sutcliffe stated that the complainant stated that he received Morphine ER 15mg and Morphine ER 30mg mixed in the same bottle. The prescription was written for 600 tablets of Morphine ER 15mg. The pharmacist stated that he mixed the two tablets in the same vial. The pharmacist stated that he gave the patient 500 tablets of Morphine ER 15mg and 100 tablets of Morphine ER 30mg. The error was discovered by the Pharmacist in Charge three days after dispensing and he contacted the patient and the doctor.

President Haiber asked Mr. Ozongwu to address the complaint.

Mr. Ozongwu stated that he would like to apologize for the error. Mr. Ozongwu stated that he had good intentions to provide the patient with the correct medication. Mr. Ozongwu stated that the prescription was presented to the technician for data entry and the prescription was entered correctly. Mr. Ozongwu stated that the error occurred when he went to retrieve the medication from the CII cabinet. Mr. Ozongwu stated that he retrieved 5 bottles of Morphine ER 15mg and 1 bottle of Morphine ER 30mg. Mr. Ozongwu stated that he did not catch the error when he verified the prescription. Mr. Ozongwu stated that counseling was offered but was declined by the patient because he had taken the medication for 6 months. Mr. Ozongwu stated that he learned from the pharmacist in charge that he had made an error. Mr. Ozongwu stated that he called and apologized to the patient.

Mr. Haiber asked what caused the error.

Mr. Ozongwu stated that when he retrieved the 6 bottles from the cabinet he did not identify all 6 bottles as being correct. Mr. Ozongwu stated that he verifies the NDC

number of the bottle to ensure that he has the correct medication. Mr. Ozongwu stated that he probably only verified the NDC number on one or two bottles and not all six bottles. Mr. Ozongwu stated that he did not pour the tablets in a tray and poured them directly from the manufacturer's bottle into the vial. Mr. Ozongwu stated that if he had poured the medication onto a tray he would have noticed the two different colors of the tablets. Mr. Ozongwu stated that he now verifies the NDC number on each bottle and pours the medication onto a tray to ensure that all the tablets are of the same color.

Mr. Haiber asked if the patient had been on the medication before.

Mr. Ozongwu stated yes. Mr. Ozongwu stated that he does not know why the patient took the tablets that were a different color.

On motion by Dr. Foy and seconded by Mr. Milovich, the Board agreed dismiss the complaint. There was one nay vote by Ms. Rosas.

Complaint #4000

The following individuals were present to discuss the complaint:

Jeffrey Hannibal – Pharmacist – Respondent

Mohamed Elmissirey – Pharmacy Owner and Pharmacist in Charge - Witness

President Haiber asked Ms. Sutcliffe to give a brief overview of the complaint.

Ms. Sutcliffe stated that the complainant stated that he was given the wrong medication. Ms. Sutcliffe stated that the patient was given Prednisone 1 mg instead of Prednisone 5 mg since December 2010. The complainant stated that his health has suffered as a result of the incident. The pharmacist who made the error stated that it occurred during the computer transcription of a refill request.

President Haiber asked Mr. Hannibal to address the complaint.

Mr. Hannibal stated that he would like to apologize for the situation and harm he did to the patient. Mr. Hannibal stated that the error occurred when a refill request was made by the pharmacy for the patient. Mr. Hannibal stated that the prescription was approved by fax. Mr. Hannibal stated that he typed and verified the medication incorrectly. Mr. Hannibal stated that the patient took the prescription for 8 months. Mr. Hannibal stated that the prescription was brought back to the pharmacy when he was off and the situation was handled by another pharmacist. Mr. Hannibal stated that the doctor was contacted for a new prescription and that prescription was transferred to another pharmacy.

Mr. Hannibal stated at the time the error was made there was only 30 hours of technician help, so he often performed the prescription tasks. Mr. Hannibal stated that he had to transcribe all refill requests as new prescriptions. Mr. Hannibal stated that the font on the fax was rather small and he entered the prescription incorrectly. Mr. Hannibal stated that he was aware of the condition that the patient was using the medication to treat. Mr.

Hannibal stated that the patient refused consultation because he had taken the medication previously. Mr. Hannibal stated that as a result of this error he physically removes all prescriptions from the bag to verbalize the medication name and strength.

Mr. McAllister asked Mr. Hannibal if the patient took the medication for 8 months labeled as Prednisone 1 mg.

Mr. Hannibal replied yes.

Mr. McAllister stated that the patient does have some responsibility to ensure that he is taking the correct medication.

Mr. Haiber asked if the prescriptions were typed as new prescriptions due to the ownership change.

Mr. Hannibal replied no that the prescription was a refill authorization faxed back to the pharmacy. Mr. Hannibal stated under the new ownership they do have a function that converts an old prescription to a new prescription.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously agreed to issue an advisory letter to the pharmacist.

Complaint #4004

The following individuals were present to discuss the complaint:

Thomas Coppola – Pharmacist – Respondent

Lee Ellershaw – Pharmacy Supervisor- Witness

President Haiber asked Mr. Hunter to give a brief overview of the complaint.

Mr. Hunter stated that the complainant stated that he transferred his prescription for Hyoscyamine 0.125 mg Oral Dis Tablets (Nulev generic) to this pharmacy due to a change in his insurance coverage. The patient stated that the prescription was filled on June 4, 2011 and when he opened the package on August 24, 2011 he discovered that his prescription was filled with the sublingual and not the oral disintegrating tablets. The complainant stated that he contacted the pharmacy and was told that they could not correct the error and would fix the error on his next fill. Mr. Hunter stated that he obtained a copy of the prescription from the transferring pharmacy and it appears the pharmacy transferred the prescription correctly as Nulev indicating that they gave the generic medication.

President Haiber asked Mr. Coppola to address the complaint.

Mr. Coppola stated that he transferred the prescription. Mr. Coppola stated that he took the prescription and repeated the information back to the pharmacist. Mr. Coppola stated that the he thought the pharmacist stated that they dispensed the sublingual tablet. Mr.

Coppola stated that he questioned the confidence of the pharmacist and the way he nonchalantly stated that they gave the SL formulation. Mr. Coppola stated that he took the information and did the final check. Mr. Coppola stated that he determined that the drug was correct. Mr. Coppola stated that in the future when he transfers a prescription he will ask for the NDC number of the product that the patient received.

Dr. Foy asked why the patient was told that the error would not be fixed until the next fill.

Mr. Coppola stated that the patient refused counseling and he did not contact the pharmacy until the next day. Mr. Coppola stated that he was not working at the store that day.

Mr. Ellershaw stated that the pharmacist on duty looked at the scanned image and determined that the prescription was filled correctly. Mr. Ellershaw stated that the situation should have been handled differently. Mr. Ellershaw stated that he has spoken to the pharmacist and reminded the pharmacist that he should have reviewed the prescription prior to saying the prescription was filled correctly. Mr. Ellershaw stated that he did attempt to call the patient and the patient did not return his call.

Dr. Foy asked who wrote the SL on the prescription.

Mr. Coppola stated that he wrote the SL on the prescription. Mr. Coppola stated that he thought the pharmacist said SL.

Mr. Milovich asked about the SL being written in a different ink.

Mr. Hunter stated that he believes that a different size pen was used to write the SL because the letters were not as thick as the others on the prescription.

Mr. Coppola stated that he wrote the SL on the prescription and did not alter the prescription or go back to the store later and add the SL.

Mr. Wand asked if Mr. Hunter obtained a copy of the prescription from pharmacy A.

Mr. Hunter stated he did and it is included in the complaint write up.

Mr. Wand asked Mr. Coppola if he had any questions about the dosage form why did he not contact the doctor.

Mr. Coppola stated that he did not call the doctor because he was sure it was SL.

Ms. Locnikar stated that she was glad that they clarified why the complainant was told that they would not correct the error until the next fill.

Dr. Foy stated that he has a concern about Mr. Coppola stating that he questioned the confidence of the pharmacist and his nonchalant mood but did not question the pharmacist or call the doctor.

Mr. Coppola stated that he questioned him while on the phone and he told him that he guessed that they dispensed the SL.

A motion was placed on the floor by Mr. Milovich and seconded by Mr. McAllister to issue an advisory letter to the pharmacist. A roll call vote was taken. (Ms. Locnikar – nay, Mr. McAllister – nay, Mr. Van Hassel – nay, Dr. Foy – nay, Ms. Rosas – aye, Ms. Galindo – nay, Mr. Milovich – aye, and Mr. Haiber – nay.) The motion fails.

On motion by Mr. Haiber and seconded by Dr. Foy, the Board agreed to offer a consent agreement to Mr. Coppola with the following terms: a \$500 fine to be paid in 90 days and 8 hours of CE in error prevention to be completed in 6 months. If not signed, the case would proceed to hearing. There was one nay vote by Ms. Locnikar.

AGENDA ITEM 12 – Arizona Community Pharmacy Committee Request

Janet Underwood and Richard Mazzoni from the Arizona Community Pharmacy Committee were present to request that consideration be giving to providing retail community pharmacies a minimum of one weeks advance notice prior to a Board inspection. Ms. Underwood stated that giving pharmacies prior notice would benefit the inspection process by:

1. Ensuring that a pharmacy manager would be available the day of the inspection
2. Allowing for the planning of extra help for inspection day to avoid disruption in the pharmacy
3. Enabling inspectors to do their job more effectively and efficiently thus Improving their productivity
4. Resulting in increased compliance with Board regulations

Mr. Mazzoni stated that they have no issues with inspections for cause but would like to have advance notice of routine inspections.

Mr. Mazzoni indicated that an inspection could take 5 to 6 hours and may feel like a “Got you” to the pharmacist.

Mr. Milovich asked what other states provide advance notice of inspections. Mr. Mazzoni stated that he believes that Nevada does but he does not know of any other states that provide advance notice.

Ms. Galindo asked what time line they had in mind for notifying the pharmacy. Mr. Mazzoni replied one week but two or three days notice would be fine.

Ms. Locnikar asked why they wanted advance notice of an inspection.

Mr. Mazzoni stated that often a floater is in the store and does not know where all the paperwork is located.

Mr. Van Hassel stated that the purpose of an inspection is educational. Mr. Van Hassel stated that upper management is not required to be at the site for an inspection. Mr. Van Hassel stated that the trend is to not announce inspections. Mr. Van Hassel stated that credentialing agencies are not announcing their inspections. Mr. Van Hassel stated that overall a pharmacy should be ready for an inspection every day.

Mr. McAllister stated that if a pharmacy is notified of an inspection he is sure that everything will be bright and shiny and perfect that day.

Dr. Foy stated that he does see some merit in announcing the inspection date.

Mr. Haiber stated that if the inspection is announced that pharmacy could have all necessary records pulled for the inspector.

Mr. Wand suggested that the Board could try a trial program where one inspector would notify the pharmacy and the rest of the inspectors would perform unscheduled inspections.

The Board Members asked the Compliance Staff to provide their input.

Mr. Hunter and Ms. Sutcliffe provided input. They stated that they do not spend 5 or 6 hours at a pharmacy doing an inspection. They stated that inspections are for educational purposes. They stated that they have both left a pharmacy for various reasons and have returned at a later date to perform an inspection.

Ms. Locnikar stated that the Board's mission is to protect the public and by not announcing inspections the Board has been provided valuable information. Ms. Locnikar stated that if the inspections are unannounced that information may not be reported to the Board or corrected prior to the inspection.

On motion by Mr. McAllister and seconded by Ms. Galindo, the Board agreed to try a trial program where some pharmacies would be notified, some pharmacies would receive a pre-inspection form, and at other pharmacies the inspections would be unannounced. There were two nay votes by Ms. Locnikar and Mr. Van Hassel.

AGENDA ITEM 13 – Proposed Board Meeting Dates for 2012

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously approved the following dates for Board Meetings to be held in 2012:

1. January 25th and 26th
2. March 15th and 16th
3. June 27th and 28th
4. September 12th and 13th

5. November 14th and 15th

AGENDA ITEM 14 – Open Meeting Presentation by Assistant Attorney General Concerning Conflicts of Interest/Bias/Recusal

Assistant Attorney General Monty Lee reviewed the Arizona Conflict of Interest Laws. Mr. Lee also gave the Board Members several options if they recuse themselves, such as leaving the table to indicate that they are not participating in the discussion or legal action involved in the case.

AGENDA ITEM 15 - Call to the Public

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

Roger Morris came forth to indicate that there is some confusion among various Boards of how much can be sold to a practitioner for office use

Dan Luce, National Director of Pharmacy for Walgreens, updated the Board on the processing of prescriptions at Walgreens. Mr. Luce stated that the identification of the patient and prescriber is done upstream and is no longer at the point of sale.

AGENDA ITEM 16 – Discussion of Items to placed on a future meeting agenda

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

Mr. McAllister asked if the rules packages could be sent to them prior to the Board Meeting for review.

AGENDA ITEM 17 – Adjournment

There being no further business to come before the Board, President Haiber adjourned the meeting at 4:15 P.M..