



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JANUARY 25 & 26, 2012
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – January 25, 2012

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, John Musil, Nona Rosas and Tom Van Hassel. The following Board Member was not present: Dennis McAllister. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Schedule O, Conference for Complaint #4015.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 12, Schedule P, Complaint #4027.

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 7, Schedule M, License Application Review for Hitesh Desai.

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 12, Schedule P, Complaint #4020 and #4031.

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 Mr. Van Hassel** the minutes of the Regular Meeting held on September 27 and 28, 2011 and the Special Telephonic Meeting held on December 28, 2011 were unanimously approved by the Board Members.

AGENDA ITEM 4 – 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.

4. (1) Resident Permits – Schedule A

RESIDENT PERMITS

Pharmacy	Location	Owner
Wal-Mart Pharmacy 10-5429	14111 N. Prasad Gate, Surprise, AZ 85388	Wal-Mart Stores, Inc.
Genoa Healthcare of Arizona	1210 E. Pennsylvania St., Tucson, AZ 85714 (O)	Genoa Healthcare Holdings, LLC
Vistoso Drug	1171 E. Rancho Vistoso Blvd. #161 Tucson, AZ 85755	Joel Rhoads
St. Joseph's Hospital McAuley Pharmacy	500 W. Thomas Rd., Suite 190, Phoenix, AZ 85013	Catholic Healthcare West
Wilmot ALC II	1171 E. Rancho Vistoso Blvd., #131 Tucson, AZ 85755	Joel Rhoads

(O) = Ownership Change

4. (2) Non-Resident Permits – Schedule B

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Legacy Rx, LLC	6435 Hazeltine National Dr. Orlando, FL 32822	Legacy Rx, LLC
Belmar Pharmacy	12860 W. Cedar Dr., Suite 210, Lakewood, CO 80228	KEBD Enterprises LLC
California Pet Pharmacy	3250 Arden Rd., Hayward, CA 94545	Jaspreet Lalli
Heartland Veterinary Pharmacy	401 W. 33 rd St., Hastings, NE 68901	Heartland Veterinary Supply Inc.
Franklin Pharmacy LLC	361 Mustang Dr., Russellville, AL 35654	Franklin Pharmacy LLC
Pine Pharmacy & Home Care Products Center, Inc.	5110 Main St. #101, Williamsville, NY 14221	Pine Pharmacy & Home Care Products Center, Inc.

NON-RESIDENT (Out of State) (Continued)

Pharmacy	Location	Owner
Riverpoint Pharmacy	528 E. Spokane Falls Blvd. #110, Spokane, WA 99202	First Pharma Assoc. LLC
Komoto Custom Care Pharmacy	2110 Truxtan Ave, Suite 300, Bakersfield, CA 93301	Optimal Pharmacies Inc.
(NV) Ascend Specialty Rx	6330 S. Sandhill Rd. #12, Las Vegas, NV 89120	Nevada IRX LLC
Bioscrip Pharmacy	901 S. Rancho Dr. #20 Las Vegas, NV 89106	Chronimed LLC
Medex Biocare	8024 Stage Hills Blvd., Memphis, TN 38133 (O)	Medex Biocare LLC
Westcliff Compounding Pharmacy	1901 Westcliff Dr. #3A, Newport Beach, CA 92660	Michael Pavlovich
TAG Pharmacy	780 Primos Ave, Unit E, Folcraft, PA 19032	Topical Apothecary Group, LLC

(O) = Ownership Change

4. (3) – Resident Wholesaler Permits – Schedule C

Resident Wholesalers

WHOLESALER	LOCATION	OWNER
Recover Care LLC (Non-Prescription)	1870 W. Price Rd., Suite 18-19 Tucson, AZ 85705	WoundCo Holdings Inc.

4. (4) – New Pharmacists – Schedule D

The Board approved the 80 New Pharmacist Licenses listed on the attachments.

4. (5) – New Interns – Schedule E

The Board approved the 23 New Intern Licenses listed on the attachments.

4. (6) – New Pharmacy Technicians – Schedule F

The Board approved the 672 Technicians listed on the attachments.

4. (7) – Consent Agreements – Schedule G

The Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below:

Thomas Coppola	-	12-0018-PHR
John Nicolais	-	12-0019-PHR
Abigail White	-	12-0020-PHR

4. (8) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule H

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

Maric Fowler	Elva Lozano	Lori Alvarez
Anita Loper	Renjith Mathew	Ramona Singleton
Keith Bluhm	Antwane Riggins	Fernando Lebario
Renee Sullivan	Todd Justice	Savannah Romero
Maria Gonzales	Cole Taylor	Jonathan Hicks
Gerald Mendiola	Judith Costa	Milagro Velazco
Ashley Gray	Francisco Ruiz	Halima Lindo
Antoineta Carrasco	Joseph Mann	Jacqueline Matthews
Frank Villa	Cynthia Sampley	Sara Ferguson
John Frauen	Irene Megia	Candace Hotchkiss
Angela Leland	Julie Mohler	Marjorie Hambicki
Tanja Nowinsky	Mitchell Whittle	Stacy Fountain
Bruce McMurray	Lawrence Arellano	John Howell
Cameron McConnell	Deonzia Willis	Lucinda Ashlin
Angel Subia	Jayson Sturges	Lorrie Clinton
LaDonna Mock	Mary Boelter	Bruce Thomas
Chelsea Janesky	Melissa Brady	Andrew Cunningham
Kurtis Callahan	Marilyn Lancaster	Jasmine Self
Patricia Stergion	Chanborie Le	V'Anne Betts
Raquel Reeves-Raby	Ian Conway	Michelle Durazo
Moe Aye	Veronica Timm	DhavalKumar Patel
Jessica Wilembrecht	Nichole Porch	Denis Tropea
Michael Phasley	Olivia Apodaca	Angelica Rivera
Crystal Reyna	Kale Hanneken	Eileen Veltri
Karyme Cortez Zavala	Wayne Heap	Stephanie Simon
Marco Tafoya Jr.	Erin Namingha	Terrel Albright
Angela Tyson	Heidi Nelson	Scott Murray
Stephanie Wilson	Rachel Howard	Tyree Lindsey
Wendy Tucciarone	Rose St. Sauveur	Anthony Carrasco
Darren Bryant	Shannan Guliano	Michael Martinex
Tierra Reese	Amanda Hennenberger	Charles Binkerd
Alyssa Rodriguez	Lori Blevins	Jeri Garcia
Robin Goodman	Maricela Valdez	Rachel Christmas

Total - 99

4. (9) – Approval of Accredited Programs of Colleges and Schools of Pharmacy – Schedule I

The Board approved the 125 Accredited Programs of Colleges and Schools of Pharmacy listed on the attachment.

4. (10) – Approval of Exams for Licensure – Schedule J

The Board approved the NAPLEX, MPJE, FPGEEC, and PTCB exams as the Board Approved exams for licensure.

Mr. Van Hassel stated that he feels that the Board should continue to use the Consent Agenda on a permanent basis. The Board Members agreed that the Consent Agenda should be used on a permanent basis.

AGENDA ITEM 5– Permits and Licenses

Resident Pharmacy Permits

Brighton Pharmacy

President Haiber stated that representatives were present from Brighton Pharmacy to answer questions from Board Members.

Ryan Zien, Pharmacist in Charge, was present to answer questions from Board Members.

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

Mr. Zien stated that the pharmacy would be an independent pharmacy specializing in diabetes care.

Mr. Milovich asked Mr. Zien if he could describe their business in more detail. Mr. Zien stated that they would be serving the diabetic population and providing care for the diabetic patient.

Mr. Milovich asked Mr. Zien if they would be using the internet for prescriptions. Mr. Zien stated that they would not be an internet pharmacy.

Mr. Milovich asked if there would be walk-in customers. Mr. Zien replied yes.

Mr. Van Hassel asked if they would be filling any regular prescriptions versus just diabetic prescriptions. Mr. Zien replied that they would not be filling any controlled substance prescriptions.

Mr. Van Hassel asked if a patient came to the pharmacy with a prescription for Metformin and a prescription for an antibiotic would the pharmacy fill both prescriptions or just the Metformin prescription. Mr. Zien stated that they would fill just the Metformin prescription.

Mr. Van Hassel asked if they plan to fill any prescriptions that were not for diabetic medications. Mr. Zien stated that they would only be filling diabetic medications at this time and they may consider filling other prescriptions in the future.

Mr. Van Hassel asked if the pharmacy would carry insulin pumps. Mr. Zien replied no.

Dr. Foy asked if there would be a sign outside on the building that states there is a pharmacy at this location. Mr. Zien replied yes.

Dr. Foy stated that he is concerned because if there is a sign stating that there is a pharmacy inside that patients would expect to have their prescriptions filled there. Mr. Zien stated that in the future they may carry additional items.

Dr. Foy asked Mr. Zien about the location of the pharmacist's office and patient consultation area on the floor plan. Mr. Zien stated that the patient consultation area would be used for the few walk-in patients. Dr. Foy stated that if the pharmacist is in the patient consultation area the pharmacy technicians would be unsupervised in the pharmacy. Mr. Zien stated that he would like into the problem and at this time is not sure how they would work out the problem.

Mr. Haiber asked if the space listed on the floor plan is all permanent pharmacy space. Mr. Zien replied yes.

Mr. Van Hassel asked how many employees would be employed at the pharmacy. Mr. Zien replied that there would be three employees. Mr. Zien stated that he would be the pharmacist on duty and there would be two pharmacy technicians.

Freedom Pain Hospital

President Haiber stated that representatives were present from Freedom Pain Hospital to answer questions from Board Members.

The following individuals were present: Grace Jones (Pharmacist in Charge), Jeremy Castle (Pharmacy Manager), Bridget Mislner (Hospital President), and Duane Bernard (Hospital Administrator).

President Haiber asked the applicants to describe the nature of their pharmacy. Ms. Jones stated that they would provide outpatient and inpatient pain management services.

Ms. Jones stated that the facility would be licensed as a hospital and not an ambulatory surgery center.

Mr. Bernard stated that the facility would be a 34,000 square foot inpatient hospital.

Mr. Haiber asked about the square footage of the pharmacy. Ms. Jones stated that the pharmacy is currently 446 square feet. Ms. Jones stated that they would add additional square footage from an adjacent room to enlarge the pharmacy to 500 square feet.

Mr. Bernard stated that they would enlarge the space to accommodate the additional square footage that is needed to make the pharmacy compliant.

Ms. Frush asked if they would be preparing IV medications. Ms. Jones replied yes. Ms. Frush reminded them that an IV room must be 100 square feet. The applicants stated that they would revise the layout of the IV room to meet the 100 square foot requirement.

Mr. Van Hassel asked Ms. Jones if she experience preparing IV admixtures. Ms. Jones replied that she had previously worked at a hospital.

Mr. Van Hassel asked Ms. Jones if they would be preparing any high risk IV preparations. Ms. Jones stated that they would be preparing basic IV admixtures.

Mr. Van Hassel asked if they would be dispensing outpatient prescriptions. Ms. Jones stated that the patient would be given the prescription to be filled at a pharmacy and they would not be dispensing any outpatient prescriptions.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously approved the following two permits with the understanding that Freedom Pain Hospital completes the necessary construction to meet the size requirements.

RESIDENT PERMITS – Schedule K

Pharmacy	Location	Owner
Brighton Pharmacy, LLC	1403 W. 10 th Place, Tempe, AZ 85281	Flint Diabetic, LLC
Freedom Pain Hospital	17500 N. Perimeter Dr., Scottsdale, AZ 85255	SMS Properties, LLC

AGENDA ITEM 6 -Special Requests

#1 James Peterson

James Peterson appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0042-PHR be terminated early.

President Haiber opened the discussion by asking Mr. Peterson why he was appearing in front of the Board. Mr. Peterson stated that he is requesting that his probation be terminated early. Mr. Peterson stated that his life has changed since getting married. Mr. Peterson stated that being married does make a difference.

Mr. Milovich asked Mr. Peterson if he has requested his probation to be terminated early twice previously and both times his request was denied. Mr. Peterson replied yes but his life has changed since he was married.

Dr. Foy asked Mr. Peterson if he read the consent agreement prior to signing the agreement and asked Mr. Peterson if he spoke with an attorney prior to signing the agreement.

Mr. Peterson stated that he did speak with a lawyer and she recommended signing the agreement. Mr. Peterson stated that his lawyer stated that it was the best deal and she advised him to sign the Consent.

Mr. Haiber stated that Mr. Peterson signed the agreement for five years and he should meet the expectations that he signed off on.

Mr. Peterson stated that he is asking for the Board's mercy due to the changes in his life.

Dr. Musil noted that the Consent Agreement states that the respondent should not appear sooner than four years from the effective date of the agreement to ask for the probation to be terminated.

Mr. Lee stated that the Board could consider his request to terminate the probation early but it is up to the discretion of the Board if they would like to terminate the probation early.

Dr. Foy asked if Mr. Peterson has submitted the quarterly reports from his physician. Mr. Wand stated that he has submitted all the required paperwork.

Mr. Van Hassel stated that he would like to acknowledge Mr. Peterson's progress.

On motion by Mr. Milovich and seconded by Dr. Foy, the Board unanimously denied the request by Mr. Peterson to terminate his probation early.

#2 Jose Gonzalez

Jose Gonzalez appeared on his own behalf to request the opportunity to take the NAPLEX exam for the fifth time.

President Haiber opened the discussion by asking Mr. Gonzalez why he was appearing in front of the Board. Mr. Gonzalez stated that he requesting to take the NAPLEX exam one more time.

Mr. Gonzalez stated that he has passed the law exam. Mr. Gonzalez stated that when he took the exam the last time he scored a 71. Mr. Gonzalez stated that he is at the brink of passing the exam. Mr. Gonzalez stated that he feels that he could be an asset to the profession.

Mr. Haiber asked Mr. Gonzalez how many times he had taken the exam. Mr. Gonzalez stated that he has taken the exam four times.

Dr. Foy asked Mr. Gonzalez what he has done to improve his score. Mr. Gonzalez stated that he purchased a book called Rx Prep. Mr. Gonzales stated that the book is a very organized book that reviews disease states and the drugs used to treat the disease states. Mr. Gonzalez stated that they also have a video program that he plans to purchase to help him study if his request is approved.

Dr. Foy stated that there is documentation indicating the areas where his scores are low and Mr. Gonzalez could concentrate on those areas to help him improve his scores.

Mr. Haiber asked Mr. Gonzalez when he would be eligible to take the exam again. Mr. Gonzalez stated that he would be eligible to take the exam in February but he would not take the exam until he is prepared.

Mr. Haiber asked Mr. Gonzalez if he is still working at CVS in Virginia. Mr. Gonzalez stated that he is still working at CVS.

Upon learning that Mr. Gonzalez was working for CVS, Dr. Foy recused himself.

Mr. Van Hassel stated that Mr. Gonzalez told the Board in November that he would not take the exam until he was ready. Mr. Van Hassel asked Mr. Gonzalez how long he studied to prepare for the exam. Mr. Gonzalez stated that he spends four to six hours a day studying.

Ms. Galindo asked what options would be open to Mr. Gonzalez if he does not pass the exam. Mr. Gonzalez stated that he is positive that he can pass the exam. Mr. Gonzalez stated that he needs to start his career. Mr. Gonzalez stated that he worked as a technician prior to going to pharmacy school and took night classes to obtain his pre-requisites.

Mr. Wand stated that no one has asked to take the exam more than 5 times.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to approve the request by Mr. Gonzalez to take the NAPLEX exam for the fifth time.

#3 Reem Diri

Reem Diri appeared on her own behalf to request the opportunity to take the NAPLEX exam for the fourth time.

President Haiber opened the discussion by asking Ms. Diri why she was appearing in front of the Board. Ms. Diri stated that she is an international student at the University of Arizona and is requesting to take the NAPLEX exam for the fourth time.

Ms. Diri stated that she has problems taking tests. Ms. Diri stated that her preceptors could send letters to the Board indicating that her performance on the test does not correlate with her performance in the hospital. Mr. Diri stated that she plans to take some online courses to help her overcome her test taking issues. Ms. Diri stated that she is taking a live review course for five days prior to taking the exam again.

Mr. Haiber asked Ms. Diri what her plan is to overcome her test taking issues. Ms. Diri stated that she was nervous when she took the exam the first time. Ms. Diri stated that she plans on using online courses and tests to overcome her test taking issues with time. Ms. Diri stated that she spends too much time on a question because she knows that you cannot go back to a question.

Mr. Van Hassel asked Ms. Diri if her entire course of study was at the University of Arizona. Ms. Diri stated that she took one class at the University of Arizona and has completed rotations at Northwest Medical Center. Ms. Diri stated that she attended pharmacy school in Saudi Arabia.

Mr. Van Hassel asked Ms. Diri what she has been doing to prepare for the exam. Ms. Diri stated that she would be taking the live review course in May and would be taking online courses to help her with her test taking skills.

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously approved the request by Ms. Diri to take the NAPLEX exam for the fourth time.

AGENDA ITEM 7– License Applications Requiring Board Review

#1 Lawrence Woodhouse

Lawrence Woodhouse appeared on his own behalf to request to proceed with reciprocity.

President Haiber opened the discussion by asking Mr. Woodhouse about the nature of his request. Mr. Woodhouse stated that he would like to proceed with reciprocity. Mr. Woodhouse stated that he has been licensed as a pharmacist in California for 34 years. Mr. Woodhouse stated that in 2010 he received a citation for a fine for internet dispensing without a prescription because the doctor in Florida issued prescriptions for patients in California without an in-person exam. Mr. Woodhouse stated that he filled four prescriptions. Mr. Woodhouse stated that the Pharmacist in Charge had a letter from the doctor indicating that he sees all patients. Mr. Woodhouse stated that he had used due diligence to dispense the prescriptions based on the information he received from the pharmacist in charge.

Mr. Haiber asked Mr. Woodhouse if this constituted disciplinary action. Mr. Woodhouse stated that it does not it is a civil fine. Mr. Woodhouse stated that the case is not completely settled and the fine has not been paid.

Mr. Milovich asked if California was his primary license. Mr. Woodhouse stated yes. Mr. Woodhouse stated that he is reciprocating from his Hawaii license because he took the NAPLEX exam in Hawaii. Mr. Woodhouse stated that he wants to be licensed in Arizona because the pharmacy he currently works for wants to apply for a non-resident permit and they need a pharmacist licensed in Arizona to serve as the Arizona Pharmacist in Charge.

Mr. Milovich asked Mr. Woodhouse if he has been turned down by any other boards. Mr. Woodhouse stated that Oregon has tabled his request until they see what the final action is in California.

On motion by Mr. Milovich and seconded by Mr. Haiber, the Board agreed to approve Mr. Woodhouse's application to proceed with reciprocity.

#2 Brenda Kirby

Brenda Kirby appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Haiber opened the discussion by asking Ms. Kirby about the nature of her request. Ms. Kirby stated that she would like to proceed with licensure to become a pharmacy technician trainee. Ms. Kirby stated that she was charged with a DUI in December of 2008. Ms. Kirby stated that one year later she showed up to work impaired. Ms. Kirby stated that her probation ends in 2013 and at that time her felony DUI would be reduced to a misdemeanor.

Mr. Milovich asked if she showed up to work impaired on Christmas eve. Ms. Kirby stated that she did. Ms. Kirby stated that she had been drinking earlier that day because she had family at her house and was called into work early that day.

Mr. Haiber asked Ms. Kirby about her treatment programs. Ms. Kirby stated that she completed two outpatient programs. Ms. Kirby stated that she has studied to be a pharmacy technician. Ms. Kirby stated that she now has a good support group.

Mr. Haiber asked Ms. Kirby why she does not return to her former profession. Ms. Kirby stated that she was not ready to return to that profession.

Dr. Foy asked Ms. Kirby why she was charged with child endangerment. Ms. Kirby stated that when she was charged with the DUI her 14 year old son was in the car with her.

Dr. Musil asked Ms. Kirby if the Respiratory Board has a program for substance abuse. Ms. Kirby stated that she does not know because she did not show up for any hearings.

Dr. Musil asked Ms. Kirby if she reported the felony. Ms. Kirby stated that she reported the felony and never heard anything from the Board so she did not show up for any hearings.

Mr. Van Hassel asked Ms. Kirby if she has taken the PTCB exam. Ms. Kirby replied no that she does not have any hands on experience yet.

Mr. Haiber asked Ms. Kirby why she does not go back to her original position as a respiratory care provider. Ms. Kirby stated that she wants to move to Northern Arizona and it would be easier for her to get a job as a pharmacy technician. Ms. Kirby stated that there are only a limited number of respiratory jobs in the area.

Dr. Foy asked Ms. Kirby if she completed 80 hours of rehabilitation. Ms. Kirby replied yes and she has also completed an additional 72 hour program.

Dr. Foy asked Ms. Kirby to describe her DUI class. Ms. Kirby stated that the class taught you how to return to a normal life. Ms. Kirby stated that the class tells you how to restore your driver's license and the laws related to interlock systems in Arizona.

Dr. Foy asked if she had received any counseling on substance abuse. Ms. Kirby stated that her two outpatient programs were based on how to deal with her problems.

Ms. Locnikar asked about the counseling associated with the PAPA program. Ms. Yates stated that the PAPA program has weekly counseling and requires attendance at self-help meetings.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board denied the request by Ms. Kirby to proceed with Pharmacy Technician Trainee licensure. There was one nay vote by Mr. Haiber.

#3 Hitesh Desai

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

Hitesh Desai appeared on his own behalf to request to renew his expired Intern license.

President Haiber opened the discussion by asking Mr. Desai about the nature of his request.

Mr. Desai stated that he is asking to renew his Intern license so that he can keep working as an Intern at CVS. Mr. Desai stated that he has passed the FPGEE exam and is trying to pass the TOEFL exam.

Mr. Haiber asked about his current extension. Mr. Wand stated that he extended the Intern license until the Board meeting.

Mr. Desai stated that he is taking online classes to help him with speaking part of his exam. Mr. Desai stated that an English professor is helping him practice for the exam. Mr. Desai stated that he is asking for the Intern license extension so that he can keep his job and support his family.

Mr. Desai stated that he has a letter from his pharmacy manager that he does not have any issues in communicating with others in the pharmacy. Mr. Desai stated that he is practicing everyday by answering questions.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to renew Mr. Desai's Intern license for six months.

#4 Anthony Miller

Anthony Miller appeared on his own behalf to apply for an intern license and request to take the licensing exams after completion of his intern hours.

President Haiber opened the discussion by asking Mr. Miller why he was appearing in front of the Board.

Mr. Miller stated that he graduated from Pharmacy School in 1996 and worked for Walgreens as a District Manager. Mr. Miller stated that in 2003 he began working at the Medicine Shop and dispensed prescriptions without a prescription. Mr. Miller stated that he transcribed two prescriptions from the bottles and the prescriptions were given out before he obtained a prescription.

Mr. Miller stated that this was a difficult time in his life. Mr. Miller stated that his father was murdered and he was going through a divorce at the time. Mr. Miller stated that he should not have been working at the time.

Mr. Miller stated that a pharmacy inspector came and talked to him about the prescriptions. Mr. Miller stated that he did not attend any Board Meetings and accepted the charges. Mr. Miller stated that he entered the Drug Court program and had random urine screens and attended counseling once a week. Mr. Miller stated that after his license was taken he went to a different career field. Mr. Miller stated that he missed pharmacy.

Mr. Haiber asked Mr. Miller if he has requested that Colorado reinstate his Colorado license. Mr. Miller stated that they are not hearing any appeals.

Mr. Wand noted that the Board Staff has tried to obtain the investigative reports and has had no success in obtaining the records concerning the revocation of the pharmacist license or the records concerning the denial of the intern license.

Dr. Foy asked Mr. Miller about the prescriptions he filled without a prescription. Mr. Miller stated that a patient brought in two bottles and he transposed the prescriptions onto paper. Mr. Miller stated that the prescriptions were for Soma and Vicodin ES. Mr. Miller stated that pre-filled prescriptions were placed in a drawer until authorization was obtained. Mr. Miller stated that his mistake was not putting the prescriptions into the drawer and they were given out.

Dr. Foy asked Mr. Miller if he knew the customer. Mr. Miller replied no.

Dr. Foy asked if it was common practice to pre-fill controlled substance prescriptions. Mr. Miller replied yes.

Dr. Foy asked Mr. Miller if he had any other issues with the Board. Mr. Miller replied there was a question about a compounded prescription.

Dr. Foy asked Mr. Miller why he was in a drug program. Mr. Miller stated that he had a prescription he was taking for pain and was told by his drug counselor that he was medicating for the wrong reason. Mr. Miller stated that he would take the medication prior to having the pain. Mr. Miller stated that when the opportunity arose to participate in the program he took the opportunity. Mr. Miller stated that he pled guilty to a felony and drug court saved him.

Mr. Milovich asked about the denial of his Intern license. Mr. Miller stated that his attorney talked to someone and they told him they were not hearing any cases.

Mr. Milovich asked Mr. Miller if he applied to any other boards. Mr. Miller replied no. Mr. Miller stated that he has recently married and they had visited relatives in Arizona. Mr. Miller stated that he was recently laid off and he wanted to move to a new area for a fresh start.

Mr. Van Hassel asked Mr. Miller when he last worked as a pharmacist. Mr. Miller replied in 2004 or 2005.

Mr. Van Hassel asked Mr. Miller if he has kept his CE current. Mr. Miller replied that he has not completed any CE courses.

Mr. Van Hassel asked about the controlled substance charge in 2007. Mr. Miller stated that it was related to the 2004 pharmacy charge. Mr. Miller stated that the sheriff came to his house one day with a warrant. Mr. Miller stated that he hired an attorney and it took about two years for the case to come about.

Mr. Van Hassel stated that the records from the court indicate that he was charged with possession. Mr. Miller stated that it was related to the pharmacy charge because he had possession of the drug that he dispensed and it was assumed that it was his drug to dispense.

Dr. Foy asked if his only license was in Colorado. Mr. Miller replied yes and it is revoked and done with.

Ms. Locnikar asked Mr. Miller if he could acquire the documents. Mr. Miller stated that he has hit a dead end in getting documents from the Board.

Ms. Locnikar asked if the Board could subpoena the records. Mr. Lee stated that the a subpoena could be issued but the entity is outside of Arizona so it may be hard to enforce.

Ms. Locnikar asked Mr. Miller if his attorney has copies of the records. Mr. Miller stated that he does not know what records his attorney has in his possession.

Mr. Milovich asked Mr. Miller if he was not laid off from his current job would he be seeking a pharmacy license in Arizona. Mr. Miller stated that he misses being a pharmacist.

Dr. Musil noted that the charge in El Paso County District Court has nothing to do with the revocation of his pharmacy license.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to table the agenda item until records are obtained.

AGENDA ITEM #8 – Sierra Healthmart Pharmacy Request

John Nicolais and Anthony Roether were present to answer questions from Board Members regarding their request to provide telepharmacy consultation services to Tombstone HealthMart Pharmacy from Sierra Vista HealthMart Pharmacy.

President Haiber opened the discussion by asking Mr. Nicolais to describe his request. Mr. Nicolais stated that he has lost business at his Tombstone pharmacy and there is not enough business at the pharmacy to support a full-time pharmacy. Mr. Nicolais stated that he does not want to close the pharmacy completely. Mr. Nicolais stated that he would like to fill the prescriptions at the Sierra Vista HealthMart Pharmacy and deliver the prescriptions to the Tombstone HealthMart Pharmacy daily. Mr. Nicolais stated that a pharmacy technician would be at the pharmacy and hand the prescription to the patient. Mr. Nicolais stated that the patient would be counseled by a pharmacist at the SierraVista HealthMart pharmacy using Skype. Mr. Nicolais stated that any prescriptions submitted at the Tombstone pharmacy would be sent to the Sierra Vista pharmacy for filling.

Mr. Milovich asked what would happen to prescriptions that were not picked up at the Tombstone pharmacy. Mr. Nicolais stated that they would be returned to the Sierra Vista pharmacy.

Mr. Haiber asked Mr. Nicolais if technicians perform the DUR reviews. Mr. Nicolais stated that the technicians alert the pharmacist when a DUR conflict occurs. Mr. Roether stated that there is a set level of severity for DURs and the technician is alerted first when the severity level is reached.

Mr. Wand asked Mr. Nicolais if there would be any inventory at the Tombstone pharmacy. Mr. Nicolais replied no because they would not be filling prescriptions. Mr. Nicolais stated that no inventory would be required.

Mr. Haiber asked Mr. Nicolais if he is asking for a deviation to allow the technician to be in the pharmacy without a pharmacist present.

Mr. Nicolais stated that he is asking for the Board to allow him to operate without a pharmacy permit. Mr. Nicolais stated that it is similar to giving the prescription to a delivery driver and he takes it to the patient's house and in this case the prescription would be delivered to the pharmacy and the patient would pick up the prescription at the pharmacy.

Mr. Wand stated that a prescription is allowed to be delivered to the patient's house but not an unlicensed site.

Mr. Milovich asked where the closest pharmacy is located. Mr. Nicolais stated that there is pharmacies located about 20 to 27 miles away (one direction).

Dr. Foy indicated that he believes that there are better alternatives such as mailing the prescriptions to the patient instead of permitting an unlicensed site to hand out prescriptions.

The Board Members decided to table the agenda item until the next meeting when Mr. Nicolais could return and present his exact deviation request.

AGENDA ITEM 9 – Reports

Executive Director Report

Budget Issues

Mr. Wand reviewed the financial reports with the Board Members. Mr. Wand reviewed the FY2013 Executive Budget and the FY2012 Remaining Balances.

Employee Raises

Mr. Wand stated there is a line item in the governor's budget which would give state employees a 5% raise if the employees are uncovered. Mr. Wand stated that all employees at the Board are uncovered. Mr. Wand stated that covered employees have the benefit of the merit system which makes it more difficult to fire an employee.

Office Relocation

Mr. Wand stated that this is the last Board meeting that would be held at this office location. Mr. Wand stated that the Office is relocating to the State Land Building on Adams.

Legislative Update

Mr. Wand stated that there are several bills in the legislature that would affect pharmacies.

HB2331- Emergency Contraception – Mr. Wand stated that this bill involves the dispensing of emergency contraception and the duties of a pharmacy in dispensing these products.

HB2369 – Electronic Medical Records – Mr. Wand stated that there is only one section that involves pharmacy. Mr. Wand stated that the bill would allow pharmacies to fill electronic

prescriptions pursuant to DEA regulations.

HB2263 – Methamphetamine Precursor – Mr. Wand stated that this bill would include the electronic tracking of pseudoephedrine sales. Mr. Wand stated that the program would be covered by donated money for the first few years and would be at no cost to pharmacies for the first few years.

HB1073 – Pharmacy Board – Drug Schedules – Mr. Wand stated that this bill would allow the Pharmacy Board to schedule designer drugs, such as Bath Salts and Spice, as Controlled Substances until the legislature convenes and ratifies the changes. Mr. Wand stated that the Board would hold open hearings before scheduling the designer drugs.

HB1043 – Dangerous Drugs – Mr. Wand stated that this would allow the state to add controlled substances that are added to the Federal Controlled Substance list.

Deputy Director Report

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

During the months of October, November, and December the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage - 5
2. Controlled Substance Shortage - 2
3. Unable to locate CS Inventory – 1
4. Unable to locate all Controlled Substance Invoices - 2

Documentation Violations

1. Expired Immunization certificates - 5
2. Failure to document medical conditions - 1
3. Failure to calibrate or document maintenance of mechanical storage devices – 2
4. Failure to document counseling - 1

Pharmacy Violations

1. Expired Prescription or OTC medications - 5

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

1. Expired Medications

Areas outside the inspection reports that may be of interest:

1. If shipping medications to another state, check to see if the pharmacy need to be licensed as a Non-Resident pharmacy in that state.
2. If transferring drugs between pharmacies, be sure an invoice is created showing the transfer between the two pharmacies.
3. Products such as Miracle Mouth Wash are compounded products and should list the ingredients and lot numbers on the prescription or compounding sheet.

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 one participant has entered the program and there has been one termination of a contract. Ms. Yates stated that the individual that had his contract terminated has entered an extensive inpatient program and would be offered a new contract when he completes the program.

Ms. Yates stated that PAPA would be holding a CE program in Tucson on March 24, 2012 at the Westin.

Mr. Van Hassel asked how many participants are students. Ms. Yates stated that there are two students in the program. Ms. Yates stated that the students and technicians are charged less for the program and participate in the same program as the pharmacists. Ms. Yates stated that they are not required to do an inpatient program due to cost.

Mr. Van Hassel asked if they test both for alcohol and drugs. Ms. Yates stated that they do random ETG (alcohol) screening.

Mr. Haiber asked Ms. Yates if she could provide a break down of the statistics like she did the other year for the Board. Ms. Yates stated that she would provide the statistics at the next meeting.

AGENDA ITEM 10 – Joe Anderson – Alternative to Traditional CE Programs

Mr. Wand introduced Joe Anderson. Mr. Anderson is a member of the New Mexico Board of Pharmacy and is a Professor at the University of New Mexico Pharmacy and Medical School.

Mr. Anderson gave a brief presentation describing alternatives to Traditional CE programs. Mr. Anderson stated that New Mexico currently has a pilot program for Continuous Pharmacy Development. Mr. Anderson stated that they have roughly 30 participants in the program. Mr. Anderson stated that since the program is not ACPE approved pharmacists licensed in more than one state may ask for credit in other states in which they are licensed. Mr. Anderson stated that the Arizona Board may want to consider if they would issue CE credits for the Continuous Pharmacy Development program since Arizona requires ACPE approved programs. Mr. Anderson stated that there are many pharmacists that are licensed in both New Mexico and Arizona and may ask for approval of the CE earned in the pilot program.

AGENDA ITEM 11 - Conferences

Conference 1– Complaint #3984

The following individuals were present to discuss the complaint:

Tiffani Pham – Pharmacist – Respondent

Lorri Caum– Pharmacy Supervisor – Witness

Mike Simko – Walgreens Inhouse Legal Counsel

Christine Cassetta – Legal Counsel for Respondent

President Haiber asked Mr. Hunter to give a brief overview of the complaint. Mr. Hunter stated that the complainant stated that a prescription for Synthroid for her 5 year old son was filled incorrectly for 5 months. The prescription was written for Synthroid 125mcg and was filled with Synthroid 25mcg. The prescription was refilled 4 times. Pharmacy records indicate that the same pharmacist entered, reviewed the data entry, and verified the completed original prescription. The pharmacist also did the DUR review. The pharmacist stated that the error occurred due to the verification of an image on the computer screen that is not as clear as the full size when it is scanned. The pharmacist stated that the "X" in the prescription box covered part of the dose. (Note: the prescription is a typed prescription and the doses are listed in increasing order). The pharmacist also did not see the "Brand Only" notation. The prescription was originally filled on 2/4/2011 and the doctor had written on the prescription to fill with Synthroid Brand only. The prescription was filled generically. There is an annotation in the computer on 2/9/2011 that the doctor authorized the generic by fax. The prescription was picked up by the patient on 2/16/2011. The pharmacy technician counted the product for the pharmacist. The technician pulled the drug and counted the drug based on label information. The error was caught when the pharmacy received a new prescription in June of 2011 and the DUR showed an overlap.

President Haiber asked Ms. Pham to address the complaint.

Ms. Cassetta stated that they would like the Board to know that Ms. Pham did not make the initial error. Ms. Cassetta stated that Ms. Pham would explain what occurred. Ms. Pham stated that the mother dropped the prescription off on February 4th and the prescription was filled with the Brand name product as requested by the doctor. Ms. Pham stated when the mother returned she asked for the generic medication and a fax was sent to the doctor's office requesting the generic. Ms. Pham stated that the doctor authorized the generic medication and she changed the medication on the screen. Ms. Pham stated that she did not catch that the strength was entered incorrectly the first time. Ms. Pham stated that there was a DUR warning but the mother assured her that the child could swallow the tablet. Ms. Pham stated that the mother told her that the child had the medication before and could swallow the tablet. Ms. Pham stated that she did not catch that the prescription was entered for the wrong strength. Ms. Pham stated that she feels bad about the error and has completed 10 hours of CE on medication errors. Ms. Pham stated that she now interprets the prescription first and if there are any questions she pulls the hardcopy. Ms. Pham stated that she double checks all doses.

Mr. Milovich asked Ms. Pham if they see many prescriptions from this physician. Ms. Pham replied that they do not see many prescriptions from this office and she now checks every prescription carefully from this office.

Mr. Wand asked who circled the information at the bottom of the prescription. Ms. Pham replied that she does not know who circled the information.

Mr. Van Hassel stated that he feels that they have explained how the error occurred.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board unanimously agreed to dismiss the complaint.

Conference 2– Complaint #4009

The following individuals were present to discuss the complaint:

Troy Albright– Pharmacist in Charge – Respondent

Ken Baker – Legal Counsel for Respondent

President Haiber asked Ms. Sutcliffe to give a brief overview of the complaint. Ms. Sutcliffe stated that the complainant indicated that the pharmacist recommended a dose increase for her testosterone, but forgot to convey the need for Chrysin to be added to the other pharmacist. Complainant indicated that she began having horrible symptoms and after several calls to the pharmacy the error was caught and the prescription was remixed. The complainant indicated that the dose was still too high and she had side effects due to the high dose. The pharmacist in charge stated that the doctor faxed a prescription to the pharmacy for the complainant and the prescription was compounded and dispensed correctly to her based on the doctor's prescription. The prescription was filled on June 14, 2010 and the counseling log shows that the complainant was counseled by the pharmacist on June 17, 2010. The Pharmacist in Charge indicated that the complainant communicated to his pharmacy staff that she wanted Chrysin added to her testosterone. The doctor's office faxed a new prescription to the pharmacy for testosterone with chrysin to the pharmacy and the prescription was not dispensed and was placed on hold for future filling.

President Haiber asked Mr. Albright to address the complaint. Mr. Albright stated that he first met the patient in 2001. Mr. Albright stated that she was in a program that assisted women in the use of bioidentical hormones. Mr. Albright stated that his pharmacy participated in the program. Mr. Albright stated that in 2010 he received an email from the patient concerning her situation. Mr. Albright stated that the patient wanted her to make recommendations to her doctor based on her tests. Mr. Albright stated that he did not recommend that the prescription contain chrysin because it was not necessary based on the test results. Mr. Albright stated that he was on vacation when the patient requested that chrysin be added to her prescription. Mr. Albright stated that the pharmacy records do not indicate that the prescription was remixed for the patient. Mr. Albright stated that the doctor was faxed for a new prescription with chrysin and the prescription was never picked up by the patient.

Mr. Haiber asked Mr. Albright if the patient often asked him to fax the doctor for what she thought would work. Mr. Albright stated that she would and he would send the doctor a fax and would fill the prescription for what medication the doctor authorized.

Mr. Haiber asked why the chrysin prescription was not filled. Mr. Albright stated that the patient is called to see if they want the prescription compounded. Mr. Albright stated that if the patient

does not want the prescription filled at that time or does not return their call the prescription is placed on hold for one year.

Mr. Milovich asked if the patient was expecting to have chrysin in the prescription that was filled. Mr. Albright stated that the patient assumed chrysin was added to the prescription. Mr. Albright stated that the prescription was filled as originally ordered by the physician. Mr. Albright stated that the other pharmacist called and obtained a new prescription with chrysin one month after the original prescription was filled.

Dr. Foy stated that the patient's email suggested that Mr. Albright had recommended an increase in dosage. Mr. Albright stated that his email to the patient and the fax to the doctor did not recommend chrysin. Mr. Albright stated that the label also indicates the ingredients that are in the compounded medication and chrysin was not listed.

Mr. Haiber asked if the pharmacy has their products tested. Mr. Albright stated that this medication was not tested.

Mr. Van Hassel asked Mr. Albright if it is typical for patients to make recommendations concerning their medications. Mr. Albright stated that it is not typical practice.

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

Conference 3– Complaint #4014

The following individuals were present to discuss the complaint:

- Caroline Mara – Pharmacist – Respondent
- Victoria Trubell – Pharmacy Technician - Respondent
- Darren Kennedy– Pharmacy Supervisor – Witness
- Mike Simko – Walgreens Inhouse Legal Counsel
- Christine Cassetta – Legal Counsel for Respondents

President Haiber opened the discussion by asking Ms. Sutcliffe to give a brief overview of the complaint. Ms. Sutcliffe stated that a physician filed the complaint on behalf of her patient. The complainant stated that the patient was given a prescription for Cytomel (Liothyronine) 5mcg and the prescription was filled with Liothyronine 50mcg. This was discovered after that patient had lab work that came back with a very high free T3 level and the patient called the pharmacy. The pharmacist in charge stated that during a change of manufacturer due to a supply issue, the technician chose the incorrect strength of Liothyronine and the change was missed by the data review pharmacist. The NDC was changed March 25, 2011 and pharmacy records indicate that the 50mcg strength was dispensed in March 2011, June 2011, and September, 2011 for 90 days.

President Haiber asked the respondents to address the complaint. Ms. Mara stated that there was a manufacturer change on the Cytomel. Ms. Mara stated that the technician entered the wrong strength when the prescription was updated. Ms. Mara stated that the prescription was for 5mcg and it was entered for 50mcg. Ms. Mara stated that she was shocked when she found out about the error and asked how the patient was. Ms. Mara stated that she was told that the patient had

abnormal lab values and there was no lasting harm. Ms. Mara stated that she has changed her verification process. Ms. Mara stated that she goes back to the original prescription and lets that image on the screen and then verifies that the new prescription is for the same medication as the old prescription. Ms. Mara stated that she missed the change in dosage.

Mr. Milovich asked if there is an alert to the pharmacist that the strength has changed. Ms. Mara replied there is no alert to the pharmacist. Ms. Trubell stated that there is no pop up in the system to indicate that the strength changed.

Mr. Kennedy stated that the technician working the queue would change the strength and the pharmacist would verify the prescription from the exception queue. Mr. Kennedy stated that there is no pop up indicating that the manufacturer had changed. Mr. Kennedy stated that the pharmacist would have to review the computerized hardcopy and the original prescription.

Mr. Milovich asked if a DUR message appeared. Mr. Kennedy stated that there was no major DUR interaction.

Mr. Milovich asked Ms. Mara if she receives a DUR message for a change. Ms. Mara replied no.

Mr. Haiber asked if there was a way to link the manufacturers when there is a change. Mr. Kennedy stated that some products are linked but this product was not linked.

Mr. Milovich asked if there is a certain security level to allow someone to change a prescription. Mr. Kennedy stated that the prescription is not changed it is entered as new.

Ms. Cassetta indicated that the pharmacist would be working the exception queue and know that something has changed on the prescription but not exactly what was changed.

Mr. Van Hassel asked if each change of manufacturer would require that the prescription be re-entered into the system. Mr. Kennedy stated at the mail order it would need to be re-entered. Mr. Kennedy stated that at the mail order a change in manufacturer requires a review by the pharmacist.

On motion by Dr. Foy and seconded by Mr. Haiber, the Board agreed to dismiss the complaint. There was one nay vote by Mr. Van Hassel.

Conference 4– Complaint #4015

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

The following individuals were present to discuss the complaint:

David Valenzuela – Pharmacist – Respondent

Allison Meyers – Pharmacy Technician - Respondent

Mark Boesen– Vice President of Pharmacy Regulatory Affairs - Witness

Randle House – Vice President of Operations for Apothecary Shop - Witness

Lisa Gressel – Apothecary Shop Inhouse Legal Counsel

President Haiber opened the discussion by asking Mr. Petersen to give a brief overview of the complaint. Mr. Petersen stated the complainant stated that a prescription for her 2 year old son was filled incorrectly by the pharmacy. The prescription was written for XMet Maxamaid and XMet Maxamum was dispensed. The patient took the incorrect medication for 17 days. The mother stated that the only adverse effect the child experienced was a reduced appetite. The pharmacy stated that that the prescription was incorrectly entered by the pharmacy technician and the error was not caught by the pharmacist when he verified the prescription. Oral counseling was not required because the medication was mailed to the patient. When the complainant notified the pharmacy the corrected medication was sent to the patient. XMET Maxamaid is a drink mix containing a mixture of amino-acids, carbohydrates, vitamins, minerals, and trace elements. XMET Maxamaid is used for dietary management of homocystinuria in children ages 1 to 8. XMET Maxamum contains higher concentrations of the ingredients found in XMET Maxamaid and is intended for use in children over the age of 8.

President Haiber asked the respondents to address the complaint. Mr. Valenzuela stated that they have taken steps in the pharmacy to ensure that this error would not happen again. Mr. Valenzuela stated that they have revamped the stocking of the products. Mr. Valenzuela indicated that the staff has completed CE on sound alike medications and error prevention. Mr. Valenzuela stated that they have met with a dietician who gave a presentation on metabolic disorders. Mr. Valenzuela stated that there would only be three people in the pharmacy that handle these products.

Mr. House stated that these metabolic products are only handled at their Tucson location. Mr. House stated that they have segregated look-alike sound-alike medications. Mr. House stated that all pharmacists that work for the Apothecary Shops would take CE on look alike sound alike drugs.

Ms. Gressel stated that for this particular product they have segregated the products by the age group that would use the product.

Mr. Valenzuela stated that they are able to look on the website and determine what product is used for what age group.

Mr. Milovich asked how often they dispense these products. Ms. Meyers stated that they dispense these products a couple of times a month. Mr. Valenzuela stated that they keep the products in stock because the product is often hard to obtain.

Mr. Haiber asked how they identify sound- alike look- alike medications. Mr. Valenzuela stated that they posted fluorescent post notes on the shelf where the product is located and have segregated the products as far apart as possible. Mr. Valenzuela stated that they will change the color of the sign every quarter.

Mr. Milovich asked if they are posting the notes for other products. Mr. Valenzuela stated yes. Mr. House stated that they have instituted this practice in all Apothecary Shops.

Dr. Foy asked if anyone spoke with the mother. Mr. Valenzuela stated that Allison spoke with the mother. Mr. Valenzuela stated that they contacted the physician and sent the correct medication to the patient.

Dr. Foy asked who spoke with the father. Mr. Valenzuela stated that he spoke with the father.

Mr. Van Hassel asked if they dispensed many metabolic and supplemental prescriptions. Mr. Valenzuela stated that they dispense maybe one prescription a week but a large volume of product is dispensed. Mr. Valenzuela stated that a prescription could involve many cases of the product.

Dr. Foy asked if a DUR was triggered in the system. Mr. Valenzuela stated that no DUR was triggered.

Ms. Rosas asked if they have barcode capability. Ms. Meyers replied no.

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

AGENDA ITEM 13 – Proposed Intern Rules

President Haiber asked Mr. Wright to address this agenda item.

Mr. Wright stated that the Board reviewed the rules in 2008 and discussed the need to update the rules. Mr. Wright stated due to the moratorium the Board could not proceed with the rulemaking. Mr. Wright stated that the proposed rules would amend the training time and the reports. Mr. Wright stated that a docket has been opened.

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board approved the Notice of Proposed Rulemaking.

AGENDA ITEM 14 – Long Term Care Task Force

President Haiber asked Mr. Wand to address this issue. Mr. Wand stated that during the five year review it was decided that the rules needed to be reviewed.

Mr. Wand stated that he would recommend sending out an e-mail to anyone that has a current e-mail on file and have them send in a resume if they were interested in serving on the task force. Mr. Wand stated that a task force could then be selected from the resumes that were received.

Mr. Wright stated that a Board Member should be appointed to the task force to chair the task force.

On motion by Mr. Haiber and seconded by Ms. Rosas, the Board Members agreed to send out an e-mail requesting that individuals interested in serving on the task force submit a resume to the Board Office and a task force would be selected.

AGENDA ITEM 15 – Continuous Quality Assurance

President Haiber asked Mr. Wand to address this agenda item. Mr. Wand stated that the Board saw the first drafts of the two proposals in 2008. Mr. Wand stated that the task force met several times and two proposals were developed. Mr. Wand stated that Proposal A does not include near misses and Proposal B includes misses. Mr. Wand stated that the sponsor of the bill sent a letter to the Board indicating that when he sponsored the bill the intention of the bill was not to include near misses.

Ken Baker and Mark Boesen were asked to come forth since they both served on the original task force. Mr. Baker indicated that the proposal for the near misses would provide more information to the pharmacy and would indicate vulnerabilities in the system. Mr. Baker stated that a pharmacy could follow either proposal.

Mr. Boesen stated that the collection of near misses would be peer-review protected. Mr. Boesen stated that a pharmacy could follow Proposal A and exceed the requirements by including near misses.

Mr. Baker and Mr. Boesen stated that they would be in favor of Proposal A.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board agreed to use draft Proposal A and approved Mr. Wright to proceed with the Notice of Proposed Rulemaking.

AGENDA ITEM 16- Repeal of Substantive Policies

President Haiber asked Mr. Wand to address this agenda item. Mr. Wand stated that the Board Staff has identified two substantive policies that no longer are applicable. Mr. Wand stated that the Board is being asked to repeal these two substantive policies.

Mr. Wand stated that the statutes were changed regarding have a pharmacist in charge at a manufacturing site and the substantive policy is not required.

Mr. Wand stated that the second substantive policy concerned the substitution of Albuterol HFA inhalers for Albuterol CFC inhalers. Mr. Wand stated that the Albuterol CFC inhalers are no longer available.

On motion by Dr. Musil and seconded by Mr. Milovich, the Board unanimously agreed to repeal the following substantive policies:

1. Pharmacist in Charge at a Drug Manufacturer
2. Substitution of Albuterol HFA for Albuterol CFC

AGENDA ITEM 17 – Diane Tejani – Case Number 12-0013-PHR

President Haiber asked Mr. Wand to address this agenda item.

Mr. Wand stated that the Board has received the signed copy from Ms. Tejani. Mr. Wand stated that the consent was changed per the request of Ms. Tejani's attorney. Mr. Wand stated that originally the consent was offered with the statement that Findings of Fact indicated that the

respondent filled 139 prescriptions impacting 53 patients. Mr. Wand indicated that the Board had investigated 34 prescriptions and the wording was changed to indicate that the respondent filled 34 prescriptions impacting 5 patients.

On motion by Mr. Milovich and seconded by Dr. Foy, the Board unanimously agreed to accept the Consent as signed by the licensee. A roll call vote was taken. (Ms. Locnikar – aye, Dr. Musil – aye, Mr. Van Hassel – aye, Dr. Foy – aye, Ms. Rosas – aye, Ms. Galindo – aye, Mr. Milovich – aye, and Mr. Haiber – aye)

AGENDA ITEM 19 – Attendance at Annual NABP meeting – Philadelphia, PA – May 19-22, 2012

President Haiber asked Mr. Wand to address this agenda item. Mr. Wand stated that the Board needs to select a voting delegate and alternate voting delegate for the annual NABP meeting.

On motion by Dr. Musil and seconded by Ms. Locnikar, the Board unanimously selected Mr. Milovich to serve as the voting delegate.

On motion by Dr. Musil and seconded by Mr. Van Hassel, the Board unanimously selected Mr. McAllister to serve as the alternate voting delegate.

AGENDA ITEM 20 – September 2012 Board Meeting Date Change

President Haiber stated that Mr. McAllister has a conflict with the dates of the September Board Meeting and asked if the Board Meeting could be moved to September 19th or September 26th.

On motion by Dr. Musil and seconded by Mr. Van Hassel, the Board unanimously agreed to change the dates of the September meeting to September 19th and September 20th.

AGENDA ITEM 23 - 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.

No one addressed the Board.

AGENDA ITEM 24 – Items to be placed on a future Meeting Agenda

Dr. Musil stated that Arizona is going to lose the waiver requiring Medicaid prescriptions to be on security paper. Dr. Musil stated that the Board may need to notify pharmacies concerning the change.

Mr. Van Hassel stated that the Board may want to consider if the Board wants to approve Competency based CE in addition to ACPE approved CE.

The meeting was recessed until 9:00 A.M.

AGENDA ITEM 1 – Call to Order – January 26, 2012

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, John Musil, Nona Rosas and Tom Van Hassel. The following Board Member was not present: Dennis McAllister. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Dean Wright, Drug Inspectors Melanie Thayer and Ceasar Ramirez, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Monty Lee.

AGENDA ITEM 18 – Holiday RX – Request for Rehearing or Review

President Haiber stated that this is the date, time, and place where the request for rehearing or review filed by Holiday RX is scheduled to be heard by the Arizona State Board of Pharmacy in Case Number 12-0008-PHR. Will the parties please identify themselves for the record starting with counsel for the state.

Monty Lee, Assistant Attorney General for the State introduced himself.

Ann Bishop, Legal Counsel for Holiday RX introduced herself.

Mr. Lee addressed that Board. Mr. Lee stated that he did not file a response. Mr. Lee stated that he does not oppose the request by Holiday RX for a review of the case. Mr. Lee stated that he is currently working on a Consent Agreement with Ms. Bishop and would like to bring the Consent Agreement to the next meeting for Board Approval.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to grant the request by Holiday RX for rehearing or review.

AGENDA ITEM 12 – Complaint Review – Consideration of Complaints on Schedule P

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously agreed to dismiss the following complaints:

Complaint #4019
Complaint #4022
Complaint #4023
Complaint #4033

President Haiber was recused due to a conflict of interest. **On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to dismiss the following complaints:

Complaint #4020
Complaint #4031

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

The Board discussed Complaint #4027. Dr. Foy stated that the pharmacist verified a prescription for Lasix for an 11 month old child with directions to give the child 90mg of Lasix twice daily via GT. The order was transcribed incorrectly and should have read 9 mg of Lasix. The pharmacist who verified the order failed to catch the error or challenge the dosage as an overdose for a child.

Mr. Van Hassel stated that this was a larger error and should have been caught by the pharmacist.

Ms. Locnikar asked what the normal dosage would be for a child. Mr. Van Hassel stated that the product is a potent diuretic. Mr. Van Hassel stated that a dose for a child would have been in the 1mg to 9 mg dosage range. Mr. Van Hassel stated that a dosage of 90 mg twice a day would have been a large dose for an adult.

On motion by Ms. Rosas and seconded by Mr. Milovich, the Board unanimously agreed to ask the pharmacist to appear for a conference at the next Board meeting.

The Board Members discussed Complaint #4028. Dr. Foy stated that the complaint was opened as a result of a news story. Dr. Foy stated that the mother was not sure if the father had filed a complaint with the Board.

Dr. Foy stated that the pharmacy technician trainee had sold a prescription for Mercaptopurine to the wrong patient. Dr. Foy stated that both patients had the same name, but spelled the first name differently. Dr. Foy stated that the 16-year old patient should have received Percocet 7.5 mg. Dr. Foy stated that counseling was not required because the prescription for Mercaptopurine was a refill. Dr. Foy stated that the pharmacy contacted the patient when they discovered the error and the complainant had taken 19 tablets of the Mercaptopurine. Dr. Foy stated that the 16 year-old had blood tests done and the continuing concern is a low sperm count.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician trainee concerning the duty to verify that the correct medication is being sold to the correct patient.

The Board Members discussed Complaint # 4034. Dr. Foy stated that it was reported to the Board that a pharmacist had tested positive for hydrocodone and hydromorphone on a random drug screen. The pharmacist admitted to the theft of hydrocodone. The pharmacist has signed a PAPA contract and completed inpatient treatment.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to offer the Pharmacist a consent agreement for a standard PAPA contract. If the consent is not signed, the case will proceed to hearing.

AGENDA ITEM 20 – Nomination and Election of Officers

President Haiber stated that the floor is open for nominations for President and Vice President.

Dr. Musil nominated Mr. Milovich for President.

On motion by Dr. Foy and seconded by Ms. Galindo, the Board unanimously approved Mr. Milovich to serve as President of the Board for the next year.

Dr. Musil nominated Mr. Van Hassel for Vice President.

On motion by Mr. Milovich and seconded by Dr. Foy, the Board unanimously approved Mr. Van Hassel to serve as Vice President of the Board for the next year.

AGENDA ITEM 21 – Personnel Matter – Executive Director Evaluation

On motion by Mr. Haiber and seconded by Ms. Galindo, the Board agreed to meet in Executive Session.

The Board returned and the meeting was called back to order.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board authorized a pay increase for the Executive Director to the amount allowable depending on funds available.

AGENDA ITEM 23 - 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 let the Board know that he spoke at the November meeting of the Arizona Veterinary Board to update the Board on the regulations regarding the use of compounded medications.

Dr. Musil stated that he would be attending the meeting of the Veterinary Association concerning the use of compounded medications and could report back to the Board at the next meeting.

AGENDA ITEM 25 – Adjournment

There being no further business to come before the Board, President Haiber adjourned the meeting at 9:45 A.M.