



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING JUNE 27 AND 28, 2012**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – June 27, 2012**

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

The following Board Members were present: President Dan Milovich, Vice President Tom Van Hassel, Jim Foy, William Francis, Joanne Galindo, Dennis McAllister, John Musil, and Nona Rosas. The following Board Member was not present: Kyra Locnikar. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, 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 – Introduction of New Board Member**

President Milovich introduced William Francis the newly appointed Pharmacist Board Member. Mr. Francis gave a brief overview of his work experience.

**AGENDA ITEM 3 – 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 24, Schedule T, Complaint #4053, Complaint #4056, Complaint #4084, Complaint #4085, Complaint #4100, and Complaint #4115.

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 24, Schedule T, Complaint #4007, Complaint #4048, Complaint #4051, Complaint #4068, Complaint #4070, Complaint #4076, Complaint #4083, Complaint #4090, Complaint #4095, Complaint #4097, Complaint #4108, and Complaint #4115.

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 24, Schedule T, Complaint #4044, Complaint #4046, Complaint #4061, Complaint #4069, Complaint #4078, Complaint #4092, and Complaint #4105.

**AGENDA ITEM 4– Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Van Hassel and seconded by Dr. Musil** the minutes of the Regular Meeting held March 15, 2012 were unanimously approved by the Board Members.

**AGENDA ITEM 5 – 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 Dr. Musil**, the Board unanimously approved the following items listed on the Consent Agenda.

**5. (1) Resident Pharmacy Permits – Schedule A**

**RESIDENT PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Restora Hospital of Sun City	13818 N. Thunderbird Blvd. Sun City, AZ 85351 (O)	Restora Hospital of Sun City, LLC
Restora Hospital of Mesa	215 South Power Road, Mesa, AZ 85206 (O)	Restora Hospital of Mesa, LLC
QoL Meds	1642 S. Priest Dr., Bldg, 6, Ste. 101, Tempe, AZ 85281	QoL Meds, LLC
QoL Meds	2435 N. Castro Ave., Tucson, AZ 85705	QoL Meds, LLC
QoL Meds	1255 W. Baseline Rd., Ste. 138, Mesa, AZ 85202	QoL Meds, LLC
Adelante Healthcare	1705 W. Main St., Mesa, AZ 85201	Adelante Healthcare, Inc.

(O) = Ownership Change

**5. (2) Non-Resident Permits – Schedule B**

**NON-RESIDENT (Out of State)**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Senderra Rx Partners, LLC	1301 E. Arapaho Rd., Ste 101, Richardson, TX 75081	Senderra Rx Partners, LLC
InnovaScript	641 Kolter Drive, Indiana, PA 15701	InnovaHealth , LLC
America Best Pet Pharmacy Universal Compounding	1256 Old Hwy 51S, Arbor Vitae, WI 54568	Pharmacy Holding Company of Wisconsin, LLC

## 5. (2) Non-Resident Permits – Schedule B (Continued)

### NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
NuVision Pharmacy Inc.	4001 McEwen Rd. #110, Dallas, TX 75244	NuVision Pharmacy, Inc
Physician Preferred Pharmacy	5221 Coconut Creek, Parkway, FL 33063	Physician Preferred Pharmacy
Valley View Drugs, Inc.	13966 Valley View Ave., La Mirada, CA 90638	Valley View Drugs, Inc.
Prime Therapeutics Specialty Pharmacy LLC	2354 Commerce Park Dr., Ste 100, Orlando, FL 32819	Prime Therapeutics Specialty Pharmacy LLC
Pets Choice Pharmacy, LLC	814 K St., Belleville, KS 66935	Pets Choice Pharmacy LLC
Community, A Walgreens Pharmacy	901 S. Rancho Dr., Ste 20, Las Vegas, NV 89106 (O)	Walgreen Co.
AcuPharm, LLC	82 S. 1100 E, #104B, Salt Lake City, UT 84102	AcuPharm, LLC
ASL Pharmacy	900 Calle Plano, Ste. M, Camarillo, CA 93012	Aerosol Science Laboratories, Inc.
Wells Pharmacy Network, LLC	11120 S. Crown Way, Wellington, FL 33414	Wells Pharmacy Network, LLC
Total Pain Solutions	3524 Decatur Highway, Suite 302, Fultondale, AL 35068	Total Pain Solutions
Caremed Pharmaceutical Services	1981 Marcus Avenue, Lake Success, New York 11042	Sorkin's Rx, LTD
Russellville Pharmacy	14001 Hwy. 43, Ste 13, Russellville, AL 35653	Leighton Pharmacy, Inc.

(O) = Ownership Change

## 5. (3) Resident Wholesaler Permits – Schedule C

### RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Trimedica International (Non-Prescription)	1835 S. Los Feliz, Tempe, AZ 85281	Trimedica International, Inc.
Alliance Labs (Non-Prescription)	2515 E. Rose Garden Lane, Ste 1, Phoenix, AZ 85050 (O)	Alliance Labs
Specialized Medical Services, Inc. (Full-Service – DME Supplies)	625 S. Smith Rd. #17, Tempe, AZ 85281	Specialized Medical Services, Inc.

(O) = Ownership Change

**5. (4) Resident Manufacturer Permits – Schedule D**

**RESIDENT MANUFACTURER PERMITS**

<b>Manufacturer</b>	<b>Location</b>	<b>Owner</b>
PurQuality LLC (Food and Supplement)	1835 S. Los Feliz, Tempe, AZ 85281	PurQuality LLC
Summit Pharmaceuticals	2515 E. Rose Garden Lane, Ste 1, Phoenix, AZ 85050 (O)	Summit Pharmaceuticals
GenBio Pro, Inc. (Relabeler)	4105 N. 20 <sup>th</sup> St., Suite 220, Phoenix, AZ 85016	GenBio Pro, Inc.

(O) = Ownership Change

**5. (5) – New Pharmacists – Schedule E**

The Board approved the 98 New Pharmacist Licenses listed on the attachments.

**5. (6)– New Interns – Schedule F**

The Board approved the 99 New Intern Licenses listed on the attachments.

**5. (7) – New Pharmacy Technicians – Schedule G**

The Board approved the 1288 Technicians listed on the attachments.

**5. (8) – Consent Agreements – Schedule H**

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:

Harbor Drug Company, Inc. dba Steven’s Pharmacy	-	12-0022-PHR
Rayburn Moore	-	12-0023-PHR
Karl Kobe	-	12-0024-PHR

**5. (9) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule I**

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

**Pharmacy Technician Trainee Requests to reapply for licensure – Schedule I**

Ashley Aivazian	Rajaa Al-Battat	Maruis Alecsa	Rebecca Alexander
Jessica Alvidrez	Iris Angulo	Luis Arango	Kristine Armes
Anna Arteaga	Richard Ayers	Austin Babineau	Erin Barbanell
Tara Belmonte	Federico Bravo	Shelley Brooks	Dena Buchanan
Jairo Burciaga	Erica Bustamante	Krystin Byrne	Tina Cable
Alejandro Carreno	Amy Clayton	Shante Council	Chelsea Crawford
Sandra Currier	Balijit Deol	Giuseppa DeRoo	Shelly Dougall
Ariann Draper	Diane Drobish	Stephanie Duran	Janice Ernest
Mohamed Farook	Barbara Flemons	Daniel Fonseca	Kristina Foster
Lena Fransk	Heather Fulcher	Mitchell Gaffka	Ancelmo Garcia, Jr.
Melani Gloria	Nancy Gonzalez	Mayra Guzman	Erric Harvey
Suzanne Hench	Kathleen Herrera	Kanah Higbee-Barzola	Matthew Iacovelli
Samantha Ingles	Angeline Jackman	Codi Johnston	Kyle Jorgensen
Brittany Keen	Jaimie Kellet	Mindy Kidd	Timothy Knop
Christine Koss	Tamara Kroening	Katie Limke	LeAnna Lugo
Liane Mabery	Tacy McCabe	Nicholas McDaniels	Tyler McNamee
Maricza Medina	Ivan Moon	Melissa Morales	Carlos Ochoa
Leah Paynter	Patricia Penwell	Meegan Peoples	Ericka Perez
Shannon Pietrzak	Kristie Price	Monica Pulliam	Ruben Quiroz
Michelle Ragland	Ahmed Rayzah II	Noelle Redding	Leslie Rodriguez
Britannia Roskelley	Hernaldo Ruiz	Carleen Santa Cruz	Terra Santana
Christin Schrader	Nora Sheppard	Torrie Snyder	Crysta Starcevich
Michael Start	Paige Suess	Kim Sunde	Briana Tapia
Kevin Thompson	Day-Vid Tovias	Jerry Trujillo	Sandra Tupper
Patricia Varela	Diana Velasco	Anh Vo	Julie Voris
Freddy Walker	Erin Ward	DeJurnae Washington	Darleen Whiteman
Allison Wilhelm	Zachary Williams	MarVina Benally	Derek Yee
Joshua Leonard			

**Total: 109**

**5. (10) – Approval of New Accredited Programs of Colleges and Schools of Pharmacy – Schedule J**

The Board approved the 8 new accredited programs listed on the attachments. The Board approved the 31 campus branches of the approved colleges and schools of pharmacy listed on the attachments.

**5. (11) – Complaints with No Violations – Schedule K**

The Board unanimously agreed to dismiss the following complaints:

Complaint #4045	Complaint #4047	Complaint #4054	Complaint #4055
Complaint #4060	Complaint #4062	Complaint #4063	Complaint #4064
Complaint #4065	Complaint #4066	Complaint #4067	Complaint #4073
Complaint #4077	Complaint #4079	Complaint #4098	Complaint #4099

## **AGENDA ITEM 6– Resident Pharmacy Permits – Schedule L**

### **Remuda Ranch Center for Anorexia and Bulimia, Inc.**

President Milovich stated that representatives were present from Remuda Ranch Center to answer questions from Board Members.

**Brian Beutin, CEO, and Roger Rose, Pharmacist in Charge**, were present to answer questions from Board Members. Susan Trujillo, Legal Counsel, for Remuda Ranch was also present.

President Milovich opened the discussion by asking the applicants why they were appearing.

Mr. Beutin stated that Remuda Ranch opened in Wickenburg in 1990. Mr. Beutin stated that they were classified as a level one acute care center. Mr. Beutin stated that recent legislative changes eliminated their license classification. Mr. Beutin stated that as a result of the change the center was required to apply for a special hospital permit. Mr. Beutin stated that as a result of the license change they are required to have a pharmacy permit. Mr. Beutin stated that they have contracted with Wickenburg hospital to provide all medications and the pharmacy space at the center would be basically a storage room for the medications. Mr. Beutin stated that they have identified two possible spaces for the location of the pharmacy, but neither space meets the 500 square foot requirement. Mr. Beutin stated that one option was to use a cottage or to use a current medication room for the required pharmacy. Mr. Beutin stated that Mr. Hunter came to the center and looked at the two spaces and recommended that they use the medication room as the pharmacy space. Mr. Beutin stated that they must be granted the pharmacy permit in order to obtain their hospital license.

Mr. Milovich asked how many patients would be at the center. Mr. Beutin stated that they would have up to 46 inpatients at the Wickenburg site.

Mr. Milovich asked how close is the center to the hospital. Mr. Beutin stated that the hospital is roughly two miles away from the center.

Mr. Van Hassel asked how often Mr. Rose would be working at the center. Mr. Rose stated that he would go to the center about three times a week.

Mr. Van Hassel asked how after hour services would be provided. Mr. Rose stated that he would be on call 24 hours a day. Mr. Rose stated that the center would have an emergency box for acute reactions.

Dr. Musil asked if the system would be automated. Mr. Rose stated that there would be no automation. Mr. Rose stated that all medications would be provided in Bingo cards.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to approve the application for Remuda Ranch Center allowing the center to have less space than the 500 square feet required for a hospital pharmacy . The Board approved the permit pending final inspection.

**RESIDENT PERMITS – Schedule L**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Remuda Ranch Center for Anorexia and Bulimia, Inc.	1 East Apache St., Wickenburg, AZ 85390	Remuda Ranch Holding Co.

**Sierra Pharmacy,LLC and Territorial Drug Co., Inc.**

President Milovich stated that a representative was present from Sierra Pharmacy and Territorial Drug Co. to answer questions from Board Members.

**Anthony Roether, Owner and Pharmacist in Charge**, was present to answer questions from Board Members.

President Milovich opened the discussion by asking Mr. Roether if he was a first time pharmacy owner. Mr. Roether stated that he is a first time pharmacy owner but he has worked at the Tombstone pharmacy for 4 years.

Mr. Van Hassel asked if the two pharmacies would be operated as separated entities. Mr. Roether stated that both companies would be owned by the same entity but would be operated as two separate entities.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously approved the two residents below pending final inspection.

**RESIDENT PERMITS – Schedule L**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Sierra Pharmacy, LLC	1939 Frontage Rd. B, Sierra Vista, AZ 85635 (O)	Prescription Help LLC
Territorial Drug Co., Inc.	524 E. Allen St., Tombstone, AZ 85638 (O)	Prescription Help LLC

O = Ownership Change

**Palliative Pharmacy Partners**

President Milovich stated that representatives were present from Palliative Pharmacy Partners to answer questions from Board Members.

**Trish Arredondo, Owner, and Corina Grancorvitz, Pharmacist in Charge**, were present to answer questions from Board Members.

President Milovich opened the discussion by asking the respondents to describe their business. Ms. Arredondo stated that they would be a closed door pharmacy and they would be servicing hospice patients.

Mr. Milovich asked Ms. Arredondo if this is the first pharmacy that she owned. Ms. Arredondo stated that this would be the first pharmacy that she owned. Ms. Arredondo stated that she is a nurse and has worked in the hospice environment.

Mr. Milovich asked Ms. Arredondo if she is aware that she cannot enter the pharmacy if the pharmacist is not present. Ms. Arredondo replied yes.

Mr. Van Hassel asked Ms. Grancorvitz if the pharmacy would be preparing sterile products. Ms. Grancorvitz replied yes.

Mr. Van Hassel asked Ms. Grancorvitz if she had experience preparing sterile products. Ms. Grancorvitz stated that she had worked in a hospital setting and is familiar with sterile product preparation.

Mr. Van Hassel asked Ms. Grancorvitz if she was familiar with the regulations for sterile rooms. Ms. Grancorvitz stated that she has never set up a sterile compounding pharmacy but she is working with another pharmacist who does have experience in setting up a sterile room.

Mr. Van Hassel asked if they would only be servicing hospice patients. Ms. Arredondo replied yes.

Mr. Van Hassel asked how many hospice sites they would be servicing. Ms. Arredondo replied that at this time they would only be servicing one site.

Dr. Musil asked the applicants what their plans were in the interim to provide their patients with sterile products until their sterile room was completed. Ms. Arredondo stated that they do not plan to open until September and that should give them enough time to set up the sterile room. Ms. Arredondo stated that if the room is not completed when they open that they would sub-contract that service.

Mr. Van Hassel noted that there was a common area shown on the floor plan and if that area is shared that pharmacy security regulations must be met.

**On motion by Mr. McAllister and seconded by Dr. Musil,** the Board unanimously approved the application for the following pharmacy pending final inspection.

**RESIDENT PERMITS – Schedule L**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Palliative Pharmacy Partners	1843 E. Southern Ave., Tempe, AZ 85282	Trish Arredondo

## **Hyland Pharmacy, LLC**

President Milovich stated that Hyland Pharmacy, LLC has withdrawn their application.

## **AGENDA ITEM 7– Non-Resident Pharmacy Permits – Schedule M**

### **Truax Patient Services**

President Milovich stated that the owner and pharmacist in charge of Truax Patient Services located in Minnesota has written a letter requesting that the Board allow his pharmacy to be licensed in Arizona as a non-resident pharmacy without having a Pharmacist in Charge licensed in Arizona.

Mr. Wand stated that the Board may grant permission to deviate from a rule for experimental and technological advances. Mr. Wand stated that he feels that this request does not meet those requirements.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board denied the request by Mr. Truax to waive the requirement that his pharmacy be allowed to obtain a non-resident pharmacy permit without having a Pharmacist in Charge licensed in Arizona.

## **AGENDA ITEM 8 – Resident Wholesaler Permits – Schedule N**

### **Urgent Surgery Solutions**

President Milovich stated that representatives from Urgent Surgery Solutions were present to answer questions from Board Members.

**Marcia Shaffer, Owner, and Joel Gomez, Wholesale Manager**, were present to answer questions from Board Members.

President Milovich asked Ms. Shaffer to describe their wholesale business. Ms. Shaffer stated that this would be a wholesale facility that would target surgery centers. Ms. Shaffer stated that they would be wholesaling to surgery centers.

Mr. Milovich asked Ms. Shaffer if another wholesaler is located at the same site. Ms. Shaffer replied yes.

Mr. Milovich asked if there was any advantage to have two wholesale operations at the same site. Ms. Shaffer stated that they would sell products in states where the other wholesaler does not ship. Ms. Shaffer stated that their wholesale business would target surgery centers.

Mr. Milovich asked if the other wholesale business could service the surgery centers. Mr. Gomez stated that is not the main focus of the other wholesale business. Mr. Gomez is also the manager at the other wholesaler.

Mr. Milovich asked if there are any products that cannot be purchased through the Compounding Center. Mr. Gomez stated that neither site would sell controlled substances because neither site would have a DEA license.

Mr. Milovich asked if product would be transferred between the two wholesalers. Mr. Gomez replied that they could transfer the product between the two wholesalers.

Mr. Milovich asked if they would be sharing accounting systems. Mr. Gomez replied yes.

Mr. Van Hassel asked what products they would be specifically selling. Mr. Gomez replied that they would be selling Lidocaine, Ondansetron, and Bupivacaine. Ms. Shaffer stated that they would be selling what ever supplies a surgery center would require.

Mr. Van Hassel noted that the products that they listed are all products that are in short supply. Mr. Van Hassel asked if they were going to be a distributor for drugs that are in short supply and charge high prices for the drugs. Mr. Gomez stated that they listed the drugs that are most popular with surgery centers.

Mr. Van Hassel asked where they are going to purchase the products. Mr. Gomez stated that as soon as they establish credit with the suppliers they would be purchasing the products from those suppliers. Mr. Gomez stated that some of the products would be purchased from manufacturers.

Dr. Musil asked Mr. Gomez to describe their pedigree process. Mr. Gomez stated that they would provide pedigrees if requested.

Dr. Musil asked Mr. Gomez how they were going to determine if a customer is legitimate. Mr. Gomez stated that they would verify if the clinics are licensed by verifying with the Board websites.

Dr. Musil asked what documentation they would maintain to determine if a facility is licensed. Mr. Gomez stated that they would keep an updated copy of the license.

Mr. Milovich asked about the square footage of the wholesale space. Ms. Shaffer stated that the space would be 12' by 12'. Ms. Shaffer stated that there would be separate locks to separate the space from the rest of the facility.

Mr. Milovich asked if there would be common employees between the two wholesalers. Mr. Gomez replied yes.

Mr. McAllister asked if the Board could issue a license with restrictions because of the fact that they may be selling drug products in short supplies.

Mr. Lee stated that the Board could issue a license with a consent agreement with specific instructions.

Mr. Wand stated that the Board could inspect the site at any time during hours they are open for business.

**A motion was placed on the floor by Mr. McAllister and seconded by Dr. Musil** which would approve the license with a consent agreement that the wholesale site is inspected within the next 4 to 6 months.

Mr. Van Hassel stated that this is a classic example of offering nothing to the public. Mr. Van Hassel stated that he feels that there is no need for a second license at the same site.

**The motion placed on the floor was withdrawn by Mr. McAllister and Dr. Musil.**

**A motion was placed on the floor by Mr. Van Hassel and seconded by Dr. Foy** to deny the application for Urgent Surgery Solutions.

**On motion by Dr. Musil and seconded by Mr. Milovich**, the Board unanimously agreed to meet in Executive Session to obtain legal advice.

President Milovich called the session back to order.

**The motion placed on the floor by Mr. Van Hassel and Dr. Foy was withdrawn.**

Ms. Shaffer stated that these are two separate entities. Ms. Shaffer stated that Sean Shaffer owns one wholesale operation (The Compounding Center) and she owns the other wholesale operation (Urgent Surgery Solutions). Ms. Shaffer stated that they are total separate entities. Ms. Shaffer stated that they may buy product from each other. Ms. Shaffer stated that the entities would have separate accounting systems and ownership. Ms. Shaffer stated that she has owned a wholesale business previously.

Ms. Shaffer stated that she had owned the Compounding Center pharmacy and had a wholesale business as part of the business. Ms. Shaffer stated that they sold the pharmacy and her son bought the wholesale business from them. Ms. Shaffer stated that she still works at the pharmacy.

Ms. Shaffer stated that she does not plan on obtaining a DEA license because there are too many regulations.

Mr. Van Hassel asked if the pharmacy is in the same building. Ms. Shaffer replied no.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board approved the application for Urgent Surgery Solutions with the acknowledgement that inspections are indicated to ensure the regulations are being followed. There was one nay vote by Mr. Van Hassel.

## **AGENDA ITEM 9 – Non-Resident Wholesaler Permits – Schedule O**

### **Medical Arts Clayton Pharmacy**

President Milovich stated that owner of Medical Arts Clayton Pharmacy was present to answer questions from Board Members.

**Thomas Brock Smith, Owner,** was present to answer questions from Board Members.

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

Mr. Smith stated that he was asked to appear because he is applying for a non-resident wholesaler permit in Arizona. Mr. Smith stated that he is licensed in Missouri as a wholesaler.

Mr. Milovich asked Mr. Smith if his license is on probation in Missouri. Mr. Smith stated that his personal pharmacist license is on probation and the probation ends in May of 2013. Mr. Smith stated that he was placed on probation because he owned another pharmacy and the FDA and the Board conducted an inspection of the pharmacy and they found numerous discrepancies. Mr. Smith stated that they went through 6 years of records. Mr. Smith stated that there was no harm done to the public.

Mr. Milovich asked Mr. Smith to describe the discrepancies that were found. Mr. Smith stated that they said he dispensed compounds with incorrect dates. Mr. Smith stated that he withdrew the products.

Mr. Van Hassel asked if owns a pharmacy with a wholesale component. Mr. Smith stated that he needs a wholesale permit in Missouri because of the 5% limit. Mr. Smith stated that he is a full-service wholesaler.

Mr. Van Hassel asked if he wholesales compounded products. Mr. Smith replied no.

Dr. Foy asked Mr. Smith to further describe some of the discrepancies found during the inspection that lead to his probation. Mr. Smith stated that it was found that he compounded without a prescription. Mr. Smith stated that several issues resulted in the compounding he did for physicians.

Dr. Foy asked Mr. Smith if he compounded any commercially available products. Mr. Smith stated that he could not provide any proof from the wholesaler indicating that the products were in short supply so he was charged with compounding commercially available products.

Dr. Musil asked Mr. Smith if he is VAWD certified. Mr. Smith stated that he did not know.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to deny the wholesale application for Medical Arts Clayton Pharmacy due to acts of unprofessional conduct. Mr. McAllister stated that Mr. Smith could apply again after his probation ends in Missouri. Dr. Foy stated that if Mr. Smith had committed the same acts in Arizona it would have also resulted in disciplinary action.

## **AGENDA ITEM 10 -Special Requests – Schedule P**

### **#1 Judith Rosch**

**Judith Rosch** appeared on her own behalf to request that the probation imposed on her pharmacist license per Board Order 07-0048-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Ms. Rosch why she was appearing in front of the Board. Ms. Rosch stated that she is requesting the termination of her probation.

Ms. Rosch stated that she has completed all her PAPA contract requirements. Ms. Rosch stated that she still attends an AA meeting that she enjoys attending.

Ms. Yates stated that Ms. Rosch has met all of her contract requirements and the steering committee supports her request.

Mr. Milovich asked Ms. Rosch if she is currently working. Ms. Rosch replied no.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to approve the request by Ms. Rosch to terminate the probation of her pharmacist license imposed by Board Order 07-0048-PHR.

### **#2 Stan Kudish**

**Stan Kudish** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 07-0049-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Kudish why he was appearing in front of the Board. Mr. Kudish stated that he is requesting the termination of his probation. Mr. Kudish stated that he has a letter of support from his PAPA counselor Mr. Corrington.

Ms. Yates stated that Mr. Kudish has been compliant and the steering committee supports his request.

Mr. Milovich asked Mr. Kudish what type of encouragement he would give to new PAPA members. Mr. Kudish stated that he would advise new members to stick with the program because it is worth it in the end.

**On motion by Mr. Van Hassel and seconded by Mr. Francis,** the Board unanimously agreed to approve the request by Mr. Kudish to terminate the probation of his pharmacist license imposed by Board Order 07-0049-PHR.

### **#3 Russell Newman**

**Russell Newman** appeared on his own behalf to request that the suspension on his pharmacist license per Board Order 12-0005-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Newman why he was appearing in front of the Board. Mr. Newman stated that he is requesting the termination of his suspension.

Mr. Milovich asked Mr. Newman if he had spent time at Hazelton for inpatient treatment. Mr. Newman stated that the relapse occurred about eight months ago and he signed a new PAPA contract about four months ago.

Mr. Milovich asked Mr. Newman about his relapse. Mr. Newman stated that he did not buy into the fact that he could not drink alcohol. Mr. Newman stated that he got a DUI and was sent to Hazelton. Mr. Newman stated that after completing his treatment at Hazelton, he knew that he could deal with life without using drugs or alcohol.

Mr. Milovich asked Mr. Newman about his plans. Mr. Newman stated that he wants to get a job and get back into the profession.

Ms. Yates stated that Mr. Newman has remained compliant since signing his second contract. Ms. Yates stated that there has been a change.

Mr. Newman stated that he is seeing an addiction counselor on a regular basis and is working a good program.

**On motion by Mr. Van Hassel and seconded by Dr. Musil,** the Board unanimously agreed to approve the request by Mr. Newman to terminate the suspension of his pharmacist license and impose probation per Board Order 12-0005-PHR.

### **#4 William Duncan**

**William Duncan** appeared on his own behalf to request that the suspension on his pharmacist license per Board Order 12-0021-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Duncan why he was appearing in front of the Board. Mr. Duncan stated that he is requesting the termination of his suspension.

Mr. Milovich asked Mr. Duncan what he is doing differently now. Mr. Duncan stated that he attends 5 to 6 AA meetings a week, attends his PAPA meeting, and is working the 12-step program. Mr. Duncan stated that he has the tools to remain clean.

Mr. Van Hassel asked Mr. Duncan if this is the first time any disciplinary action has been taken against his license. Mr. Duncan replied yes.

Mr. Van Hassel asked Mr. Duncan what brought on his problems. Mr. Duncan stated that to handle his stress he would drink at night and take Hydrocodone in the morning. Mr. Duncan stated that he admitted to having a problem when a random drug screen was found to be positive. Mr. Duncan stated at that point he decided that he couldn't quit by himself. Mr. Duncan stated that he has learned a lot about himself during the program.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to approve the request by Mr. Duncan to terminated the suspension of his pharmacist license and impose probation per Board Order 12-0021-PHR.

## **#5 Greg Mowers**

**Greg Mowers** appeared on his own behalf to request that his Board Order 04-0026-PHR be amended to allow him to be the Pharmacist in Charge. Mike McKinley, Director of Pharmacy at Bashas', was also present.

President Milovich opened the discussion by asking Mr. Mowers why he was appearing in front of the Board. Mr. Mowers stated that he is requesting that the Board amend his consent agreement to allow him to be the Pharmacist in Charge. Mr. Mowers stated that he has been in the PAPA program for 7 years and it is a life-saving program.

Mr. Milovich asked Mr. Mowers how long he has worked at the location where he wants to be the Pharmacist in Charge. Mr. Mowers stated that he has worked at that store for 4 years.

Mr. McKinley stated that Mr. Mowers has worked for Bashas' for 8 years. Mr. McKinley stated that Mr. Mowers exhibits leadership skills and is fully prepared to be a pharmacy manager. Mr. McKinley stated that Mr. Mowers has worked with 3 to 4 different managers and works well with staff.

Mr. Van Hassel asked Mr. Mowers what position he held prior to signing his contract. Mr. Mowers stated that he was a pharmacy manager in Iowa and he has been a pharmacist for 30 years.

Mr. Van Hassel asked Mr. Mowers if he would be able to handle the additional stress of managing a pharmacy. Mr. Mowers stated that stress was not part of the original cause. Mr. Mowers stated that he did not accept responsibility for his actions. Mr. Mowers stated that going to meetings and counseling helps him deal with his problems. Mr. Mowers stated that he has done some of the duties of the pharmacy manager and has helped train others.

Dr. Foy asked Mr. Mowers why he is still in the program if his contract was for five years.

Mr. Mowers stated that he has not completed his community service hours. Mr. Mowers stated that he has completed about half his hours.

Dr. Foy asked Mr. Mowers why he hasn't completed his hours. Mr. Mowers stated that it is his reason for staying in the program.

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to approve the request by Mr. Mowers to amend his Board Order 04-0026-PHR to allow him to be the Pharmacist in Charge.

## **#6 Sushilia Balmacund**

**Sushila Balmacund** appeared on her own behalf to request that the Board allow her to take the MPJE exam for the fourth time.

President Milovich opened the discussion by asking Ms. Balmacund why she was appearing in front of the Board. Ms. Balmacund stated that she is a pharmacist and practices in New Jersey. Ms. Balmacund stated that she is asking permission to take the MPJE exam for the fourth time. Ms. Balmacund stated that she would like to move to Arizona because she has family in Arizona and she finds the people in Arizona to be friendly.

Mr. Milovich asked Ms. Balmacund about the score on her last test since it was the lowest of her three attempts. Ms. Balmacund stated that she is trying to understand her problem with the test. Ms. Balmacund stated that she took a review course prior to taking the test the last time. Ms. Balmacund stated that she will be taking a review course that has been recommended prior to taking the test again. Ms. Balmacund stated that there have been family illnesses on both sides of her family and she was trying to assist the families. Ms. Balmacund stated that in addition to the illnesses she also was trying to work and study for the exam.

Mr. McAllister asked Ms. Balmacund when she plans to take the exam again. Ms. Balmacund stated that she must wait 30 days.

Mr. McAllister asked Ms. Balmacund how long she has practiced as a pharmacist. Ms. Balmacund stated that she has practiced for 19 years. Ms. Balmacund stated that she practices in a hospital setting and knows in what areas her weaknesses lie. Ms. Balmacund stated that she is also licensed in New York but has not worked there.

**On motion by Mr. McAllister and seconded by Ms. Rosas**, the Board unanimously approved the request by Ms. Balmacund to take the MPJE exam for the fourth time.

## **AGENDA ITEM 11– License Applications Requiring Board Review**

### **#1 Mark Placek**

**Mark Placek** was present via telephone to request to proceed with reciprocity.

President Milovich opened the discussion by asking Mr. Placek to give a brief background on why he was appearing in front of the Board.

Mr. Placek stated that he was a pharmacist licensed and working in Oregon and would like to reciprocate to Arizona to work for Walgreens. Mr. Placek stated that he wants to eventually retire in Arizona.

Mr. Milovich noted that Mr. Placek had disciplinary actions in 2005 and 2011 by the Oregon Board.

Mr. Milovich asked Mr. Placek to address the issues. Mr. Placek stated that there were some issues in staffing at his store and he failed to do the day to day activities correctly. Mr. Placek stated that the issues were brought to his attention during his state inspection. Mr. Placek stated that some issues were corrected in 24 hours and some issues were out of his control.

Mr. Milovich stated that he has some concerns because it seems that Mr. Placek was making excuses for the issues that were found by the Board. Mr. Placek stated that he is responsible for what happened and he is disappointed in himself and the ability to do his job. Mr. Placek stated that the violations were placed against his record and he makes an effort every day to see that these errors do not occur again.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously approved the request by Mr. Placek to proceed with reciprocity.

## **#2 Roger Ly**

**Roger Ly** appeared on his own behalf to request to proceed with reciprocity.

President Milovich opened the discussion by asking Mr. Ly to give a brief background on why he was appearing in front of the Board. Mr. Ly stated that he has an active license in Nevada and is requesting to reciprocate to Arizona. Mr. Ly stated that he does have a history. Mr. Ly stated that he has worked hard to fix what he has done wrong. Mr. Ly stated that he attended the PRN program in Nevada.

Mr. Milovich asked Mr. Ly to review his disciplinary action in New Mexico. Mr. Ly stated that he failed to disclose his disciplinary action in Nevada when he accepted employment in New Mexico. Mr. Ly stated that he was called in front of the New Mexico Board and they suspended his license. Mr. Ly stated that once his disciplinary action was completed in Nevada he requested to reinstate his license in New Mexico. Mr. Ly stated that he was given 6 months to pass the MPJE exam. Mr. Ly stated that he did not manage his time correctly because he had to wait 30 days in between if he did not pass the exam. Mr. Ly stated that he did not update his address with the Board and his petition for an extension to take the MPJE exam was denied.

Mr. Ly stated that his license in Nevada was in good standing since 2009.

Mr. Van Hassel asked Mr. Ly to address the original action that caused Nevada to revoke his license. Mr. Ly stated that he had injured himself and began to self-medicate instead of going

to the doctor. Mr. Ly stated that his self-mediation led to addiction. Mr. Ly stated that he took roughly 49,900 tablets of hydrocodone from the pharmacy. Mr. Ly stated that when he moved to Nevada he moved there alone and had no family members in the area. Mr. Ly stated that he began playing basketball with the rich crowd. Mr. Ly stated that to win friendships he would give people some medications for their friendships. Mr. Ly stated since that time he has gotten married and has a son. Mr. Ly stated that he wants his son to look at him and be proud that he is an active pharmacist serving the community.

Mr. Van Hassel asked Mr. Ly why he wants to be licensed in Arizona. Mr. Ly stated that he operates a relief pharmacy business and would like to provide his services in Kingman and Dolan Springs.

Dr. Foy asked Mr. Ly if he lied to the Nevada Board about distributing drugs. Mr. Ly replied yes. Mr. Ly stated that after he joined the PRN program and getting the support he needed he was able to share his experiences and be truthful.

Dr. Musil asked Mr. Ly if he still has a contract with the PRN program. Mr. Ly stated that he completed the program about 3 years ago and has submitted a letter from the coordinator of the program.

Dr. Musil asked Mr. Ly to explain what he means when he said that he quit cold turkey. Mr. Ly stated that he did not quit all at once. Mr. Ly stated that he would quit over a two-week period because he believed that the dose had to be titrated down due to side effects.

Dr. Musil asked Mr. Ly if he participated in an inpatient or outpatient program. Mr. Ly stated that the program evaluator determined if you entered into a program. Mr. Ly stated that he did not enter a program. Mr. Ly stated that he had to submit to random drug screens monthly.

Dr. Musil asked about his current recovery. Mr. Ly stated that he is free of any pain medications or alcohol.

**A motion was placed on the floor by Dr. Musil and seconded by Mr. McAllister** to allow Mr. Ly to proceed with licensure and offer him a consent agreement for a 5-year PAPA contract and be evaluated by an addiction specialist.

Mr. McAllister stated that he sees a lot of smoking mirrors and deceptions. Mr. McAllister stated that Mr. Ly took a lot of product from the pharmacy and does not feel that a move to Arizona is in the best interest of the citizens of Arizona.

**A roll call vote was taken and the motion did not carry.** (Mr. McAllister – nay, Mr. Francis – nay, Dr. Foy – nay, Dr. Musil – aye, Ms. Galindo – nay, Ms. Rosas – aye, Mr. Van Hassel – nay, Mr. Milovich – aye)

**On motion by Mr. Van Hassel and seconded by Dr. Musil,** the Board denied the request by Mr. Ly to proceed with reciprocity. The request was denied under A.R.S. 32-1927(S) and (A) (1), A.R.S. 32-1901.01 (B) (2), and A.R.S. 1901.01 (B) (16). A roll call vote was taken.

(Mr. McAllister –aye, Mr. Francis – aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas – nay, Mr. Van Hassel – nay, Mr. Milovich – nay)

### **#3 Hootan Melamed**

**Hootan Melamed** appeared on his own behalf to request to proceed with reciprocity.

President Milovich opened the discussion by asking Mr. Melamed why he was appearing in front of the Board. Mr. Melamed stated that he is requesting to proceed with reciprocity. Mr. Melamed stated that he is reciprocating from California.

Mr. Milovich asked about his charges. Mr. Melamed stated that he was involved in an Internet stock case in 1999.

Mr. Milovich asked Mr. Melamed if his license was in good standing. Mr. Melamed stated that he has active licenses in California and Nevada and they are both in good standing.

Mr. Milovich asked Mr. Melamed if he has been turned down in any other states. Mr. Melamed replied no.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board approved the request by Mr. Melamed to proceed with reciprocity. There were two nay votes by Dr. Musil and Ms. Rosas.

### **#4 Darrick Tabaha**

**Darrick Tabaha** appeared on his own behalf to request to proceed with pharmacy technician trainee licensure.

President Milovich opened the discussion by asking Mr. Tabaha why he was appearing in front of the Board. Mr. Tabaha stated that he is applying for licensure prior to going to school to be a pharmacy technician. Mr. Tabaha stated that in 2005 he was charged for aggravated assault and burglary. Mr. Tabaha stated that he was charged with those two felonies because there were no other codes for walking into the wrong house.

Mr. Van Hassel asked Mr. Tabaha if he could be more specific concerning his crime. Mr. Tabaha stated that he had just turned 18 and was going to a friend's house. Mr. Tabaha stated that he was given directions to his friend's house and he walked into the wrong house. Mr. Tabaha stated that he did not realize that there were streets and places with the same street number. Mr. Tabaha stated that the door was open and he went into the house. Mr. Tabaha stated that he yelled hello and no one answered. Mr. Tabaha stated that he walked to the back of the house and was confronted by an individual and they had a dispute. Mr. Tabaha stated that he walked away from the house and then was arrested.

Mr. Van Hassel asked Mr. Tabaha why he wants to be a technician. Mr. Tabaha stated that he wants to be in the medical field because of job demands.

Mr. Milovich asked Mr. Tabaha where he currently works. Mr. Tabaha stated that he is self-employed and does automotive work. Mr. Tabaha stated that he has smashed his finger and does not want to do that type of work any longer.

Mr. McAllister asked if the Board's decision affects his ability to get into school. Mr. Tabaha replied yes.

Mr. McAllister asked Mr. Tabaha if he did any time in prison. Mr. Tabaha stated that he was in prison for four years and then was placed on parole.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously agreed to deny the request by Mr. Tabaha at this time to proceed with pharmacy technician trainee licensure . The request was denied under A.R.S. 32-1927.01(S) and (A) (1), A.R.S. 32-1901.01 (C) (6).

#### **#5 Erin Pounders**

**Erin Pounders** appeared on her own behalf to request to proceed with pharmacy technician trainee licensure.

President Milovich opened the discussion by asking Ms. Pounders why she was appearing in front of the Board. Ms. Pounders stated that she wants to continue her education and receive her pharmacy technician trainee licensure. Ms. Pounders stated that she is currently on probation that would end in 5 years due to an incident that happened with her daughter. Ms. Pounders stated that she is no longer on contact probation and that was granted a month ago.

Mr. Milovich asked Ms. Pounders if she is in school at this time. Ms. Pounders replied yes and she needs the license to complete school.

Ms. Galindo asked if any of her issues involved drugs or alcohol. Ms. Pounders replied no.

**On motion by Mr. Francis and seconded by Dr. Foy**, the Board approved the request by Ms. Pounders to continue with pharmacy technician licensure. There was one nay vote by Mr. Van Hassel.

#### **#6 Bryana Maynes**

President Milovich asked if Ms. Maynes was present. Ms. Maynes was not present.

**On motion by Dr. Musil and seconded by Dr. Foy**, the Board unanimously agreed to table the consideration of Ms. Maynes application until Ms. Maynes appears in front of the Board.

#### **#7 Donald Steven Merkel**

**Donald Steven Merkel** appeared on his own behalf to request to reinstate his surrendered

Pharmacist license. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Merkel why he was appearing in front of the Board. Mr. Merkel stated that he is requesting a reinstatement of his pharmacist license. Mr. Merkel stated that he had a DUI in 2008 and he lost his California license. Mr. Merkel stated that he had relapsed in California and had medical problems. Mr. Merkel stated that the Arizona Board took action because of the California action.

Mr. Merkel stated that he signed his current consent in November.

Mr. Milovich asked Mr. Merkel about his PAPA contract. Mr. Merkel stated that he has a sponsor and attends his meetings. Mr. Merkel stated that he is very happy with the support he has received from the program. Mr. Merkel stated that he has letters from his counselor and sponsors. Mr. Merkel stated that he has completed and submitted CE units.

Ms. Yates stated that Mr. Merkel has been compliant and does what is required by his PAPA contract.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously approved the request by Mr. Merkl to reinstate his license and amend his Board Order to state that he must remain in PAPA until his contract is completed.

#### **#8 Lisa Hunter**

**Lisa Hunter** appeared on her own behalf to request to reinstate her surrendered Pharmacist license. Terry Woods, Legal Counsel for Ms. Hunter, was also present.

President Milovich opened the discussion by asking Ms. Hunter why she was appearing in front of the Board. Ms. Hunter stated that she would like to have her Arizona pharmacist license reinstated.

Mr. Milovich asked Ms. Hunter if her license in Nevada is in good standing. Ms. Hunter replied yes.

Mr. Milovich asked Ms. Hunter where she is working. Ms. Hunter stated that she has worked at Indian Health Services sites in other states and is trying to work at tribal facilities in Arizona and they are requiring that she have an Arizona license. Ms. Hunter stated that she has visited sites in Arizona but they cannot offer her a position until she has an Arizona pharmacist license.

Mr. Milovich asked Ms. Hunter if she works alone at these sites. Ms. Hunter stated that she has had support personnel at all the sites. Ms. Hunter stated that most places were IHS clinics or hospitals.

Mr. McAllister noted that Ms. Hunter has taken and passed the NAPLEX exam which is a determination of competency levels.

Mr. McAllister asked Ms. Hunter if she had any performance letters from her employers. Mr. Woods stated that Ms. Hunter has had no complaints or issues with her Nevada license. Mr. Woods stated that he has a letter from her current employer.

The Board Members reviewed the letter from RPH on the Go which is Ms. Hunter's current employer. The letter did not address her performance at the various sites.

Mr. Woods stated that Ms. Hunter would agree to reinstatement of her license with a consent agreement for probation.

Mr. McAllister stated that he feels that if Ms. Hunter presented letters showing a significant number of days of work with no performance issues than the Board would be more open towards her request.

Mr. Van Hassel stated that her license surrender was due to performance related issues. Mr. Van Hassel stated that he would also like to see letters addressing her work performance based on her clinical skills.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to table the request by Ms. Hunter to reinstate her pharmacist license until the Board receives performance letters from her employers (clinical sites) confirming her clinical skills and competency.

## **#9 Tiffany Hernandez**

**Tiffany Hernandez** was present via telephone to request to reapply for a Pharmacy Technician Trainee license.

President Milovich opened the discussion by asking Ms. Hernandez to describe her request. Ms. Hernandez stated that she had been employed by Convergys and was told that she needed a pharmacy technician license to work there. Ms. Hernandez stated that she worked for Walgreens in 2005. Ms. Hernandez stated that she was terminated and was charged with a misdemeanor. Ms. Hernandez stated that she did not have a license that she worked as a trainee. Ms. Hernandez stated that when she received the letter to appear a copy of the disciplinary action was attached and she had never received a copy of that disciplinary action previously.

Dr. Musil asked Ms. Hernandez if she had previously held a pharmacy technician trainee license. Ms. Hernandez replied that she had signed up for a license at Walgreens but she had never received a license.

Mr. Wand stated that in 2005 Walgreens did pay for technician licenses and perhaps Ms. Hernandez was not aware that Walgreens paid for her license.

Dr. Musil asked Ms. Hernandez if she has read the laws or any regulations. Ms. Hernandez replied no.

Dr. Foy asked Ms. Hernandez if she stole controlled substance medications from the pharmacy.

Ms. Hernandez stated that she admitted to the fact that she did give a friend medications for free through the drive-thru window.

Dr. Foy asked Ms. Hernandez why she wanted a license. Ms. Hernandez stated that she knows what she did was wrong. Ms. Hernandez stated that she was young at the time and is not a habitual offender. Ms. Hernandez stated that she has taken courses at the local college.

Mr. Van Hassel asked Ms. Hernandez if she ever lived at the address on the Board Order that she stated that she did not receive. Ms. Hernandez stated that she did live at that address at one time but is not sure if she lived at that address when the agreement was sent.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to deny the request by Ms. Hernandez to reapply for pharmacy technician trainee licensure. . The request was denied under A.R.S. 32-1927.01(S) and (A) (1), A.R.S. 32-1901.01 (C) (2).

### **AGENDA ITEM 12– Humana Right-Source Deviation Request**

President Milovich opened the discussion by stating that representatives were present from Humana RightSource to answer questions for Board Members regarding their deviation request.

Scott Clark, Strategic Consultant for Humana RightSource, and Robert Kizer, Pharmacist in Charge were present to answer questions from Board Members.

Mr. Clark stated that Humana is appearing to discuss R4-23-402 (I) and request a waiver from being required to provide written/printed patient information with refills. Mr. Clark stated that they would send a one sheet document in lieu of the patient information. Mr. Clark stated that the sheet would provide a written offer to counsel and how to obtain patient information for refills. Mr. Clark stated that they would provide FDA med guides and required inserts.

Mr. Clark stated that the refill information would be available on a website that the patient could access.

Mr. Milovich asked Mr. Clark to describe the technological and experimental advances. Mr. Clark stated that the website is technological and would be available to the patient 24 hours a day.

Ms. Rosas asked how a patient without internet access would be able to receive the information. Mr. Clark stated that the patient could request the information and they would send the information to the patient.

Mr. McAllister stated that he believes that this is a problem every pharmacy faces.

Dr. Foy stated that he believes that this does not satisfy the requirement for experimentation.

Mr. Van Hassel stated that he feels the right thing to do would be to change the rules to accommodate such a change.

Mr. McAllister stated that he feels a website is another way of obtaining the information if a patient desires the information. Mr. McAllister stated that maybe NABP could look at the issue since this would be an issue across the nation.

**On motion by Mr. McAllister and seconded by Mr. Milovich,** the Board unanimously agreed to deny the request because it did not meet the requirements for technological and experimental advances.

### **AGENDA ITEM 13– Wickenburg Hospital**

President Milovich opened the discussion by stating that representatives were present from Wickenburg Hospital to answer questions for Board Members regarding their deviation request.

Connie Wagner and Roger Rose, Pharmacist in Charge at Wickenburg Hospital, were present to answer questions from Board Members.

Ms. Wagner stated that Wickenburg Community Outreach has clinics in several areas outside of Wickenburg. Ms. Wagner stated that they would like to provide pharmacy services either inside or alongside the clinics.

Mr. Rose stated that they would like to provide telepharmacy services to these clinics from the Wickenburg hospital. Mr. Rose stated that the healthcare worker listed in the process would be a certified pharmacy technician. Mr. Rose stated that one clinic already has a certified technician that works at the site.

Mr. Rose stated that there would be a tight control over the medication sent to the clinics. Mr. Rose stated that the medications would be delivered to the site by a courier and the technician would load the device. Mr. Rose stated that the prescription would be inputted by a pharmacist at the hospital and would be labeled at the clinic site. Mr. Rose stated that the label would be scanned and the medication would be delivered by the machine. The bar code on the medication would be scanned again and the technician would label the product. The Pharmacist would verify that the medication is correct and it is for the correct patient. Mr. Rose stated that the pharmacist would provide counseling.

Mr. Milovich asked if the counseling is done via a camera linkup. Mr. Rose stated that the linkup would be HIPAA compliant.

Mr. Milovich asked if the hospital planned on servicing three locations. Mr. Rose stated that would depend on the volume. Mr. Rose stated that he would be the pharmacist at the home site.

Mr. Milovich asked if the cameras at the other sites are shut off while he is counseling a patient at the third site. Mr. Rose stated that there would be a video hookup at each site and he is not sure if the cameras turn off.

Mr. Milovich asked if a pharmacist would be available at all times the clinics were open. Mr. Rose stated that the Congress clinic is the only open clinic at this time and is only open three days a week. Mr. Rose stated that if the clinic extends their hours he would be available the hours the clinics were open.

Mr. Milovich asked if the patients would be able to communicate with the physician at the clinic concerning their medication. Mr. Rose replied yes and the purpose of the tele-pharmacy setup was to have him communicate with the patients.

Dr. Foy asked about the courier. Mr. Rose stated that the courier would be the technician.

Dr. Foy asked who would have access to the machine. Mr. Rose stated that the key to the machine would be brought with the pharmacy technician. Mr. Rose stated that if there is an error, such as a wrong barcode, the medication would be placed in a lockbox after it is dispensed by the machine and would be returned to the pharmacy.

Mr. Van Hassel asked about the volume. Mr. Rose stated that the hospital is a small hospital and if additional help is needed he would add additional staff.

Mr. Van Hassel asked how many items could be stocked in the machine. Mr. Rose stated that the machine could hold up to 122 items and the number of items could be expanded. Mr. Rose stated that some large items could take up more than one space.

Ms. Rosas asked what would happen if there is a jam in the machine and the medication is not released. Mr. Rose stated that they would close down the use of the machine and then have someone go to the clinic to fix the device.

Ms. Rosas asked if the machine would only be used for new prescriptions. Mr. Rose replied yes.

Ms. Rosas asked if any controlled substances would be placed in the machine. Mr. Rose replied no CII medications would be placed in the machine, but other controlled substances may be placed in the machine.

Mr. Wand asked what time period the hospital has to set up the clinics. Mr. Rose stated that the Congress clinic is already open and the other clinics will open in the future. Mr. Rose stated that the patients are given prescriptions to fill at other pharmacies.

Ms. Rosas asked what would happen if the internet was down. Mr. Rose stated that they would not have an internet feed and they would not dispense medications from the machine.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to table the request by Wickenburg Hospital to allow the Board to look at the statutes and rules prior to granting a deviation.

Mr. McAllister stated that the Board needs to develop a plan to allow communities to have pharmacy services.

## **AGENDA ITEM 14 – Reports**

### **Executive Director Report**

#### **Budget Issues**

Mr. Wand reviewed the financial reports with the Board Members.

### **Deputy Director Report**

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

During the months of March, April, and May, the Compliance Staff issued letters for the following violations:

#### **Pharmacy Violations**

1. Outdated Rx Medications - 1

#### **Controlled Substance Violations**

1. Controlled Substance Overage - 16
2. Controlled Substance Shortage -10
3. Pharmacist failed to take a complete controlled inventory upon change of pharmacist in charge - 2

#### **Documentation Violations**

1. Expired Immunization certificates -1
2. Failure to sign daily log -1
3. Failure to document counseling – 1
4. Failure to document patient's address and DEA on CII prescriptions – 7
5. Failure to maintain mechanical storage device maintenance log – 1
6. Failure to document medical conditions -1
7. Failure to document required information on DEA 222 forms – 1
8. Acceptance of electronically signed prescriptions for Controlled substances - 1

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

1. Documentation of addresses and DEA numbers

#### **Areas outside the inspection reports that may be of interest:**

1. If medications are transferred between stores, an invoice should be created.
2. Be sure all addresses are current for upcoming renewals

### **PAPA Report**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-nine (49) participants in the PAPA program. Ms. Yates stated that since her last report on March 15, 2012, there have been three (3) participants that have completed the program, one (1) new participant has entered the program, and there is one (1) contract pending the completion of inpatient treatment.

Ms. Yates stated that PAPA gave one scholarship to a participant to attend the Utah School. Ms. Yates stated that the participant will write an article about his experience.

Ms. Yates stated that PAPA would be sponsoring two CE programs at the AZPA Annual Meeting.

Mr. Van Hassel and Ms. Galindo provided positive comments about the PAPA CE program offered in Tucson in March.

## **AGENDA ITEM 15 – Conference – Schedule R**

### **Conference 1– Complaint #4030**

The following individuals were present to discuss the complaint:

Cassandra Hoke– Pharmacist – Respondent

Joe Leyba – Pharmacy Supervisor – Witness

President Milovich opened the discussion by asking Mr. Petersen to give a brief overview of the complaint. Mr. Petersen stated that the patient's prescription for fentanyl 25mcg patches were filled with fentanyl 75mcg patches in error. The patient applied one patch and became sick and dizzy. Mr. Petersen stated that the pharmacist stated that she entered the prescription and filled the prescription incorrectly. Mr. Petersen stated that the pharmacist stated that she did not catch the error. Mr. Petersen stated that the patient refused counseling because she had the prescription previously.

President Milovich asked Ms. Hoke to address the complaint. Ms. Hoke stated that she feels awful about the error. Ms. Hoke stated that she processed the prescription herself and felt that lead to the error.

Ms. Hoke stated that she felt it was her responsibility to devise a personal plan and take corrective actions. Ms. Hoke stated that she accepts fault for the error and is responsible for the mistake. Ms. Hoke stated that she apologized to the patient and feels bad because the patient suffered. Ms. Hoke stated that she took the law review class offered by the Arizona Pharmacy Association. Ms. Hoke stated that she learned a lot from the class. Ms. Hoke stated that one-third of the class was on misfills and how to handle misfills. Ms. Hoke stated that the error has been life changing and she is glad that the patient is okay.

Mr. Milovich asked if the patch is a matrix patch. Ms. Hoke replied yes.

Dr. Foy asked Ms. Hoke if she has a system to check the prescription. Ms. Hoke stated that she has implemented a new system that her counterpart in the pharmacy showed her.

Ms. Hoke stated that everything is checked off the back label as you check that item.

Ms. Hoke stated that way if she is interrupted she knows exactly what she has checked thus far.

Ms. Hoke stated that checking a prescription this way is slower but you now exactly what was checked.

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

## **AGENDA ITEM 16– Proposed Rules – Schedule S**

### **1. Controlled Substance Prescription Monitoring Program Registration**

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

Mr. Wright stated that the Board staff has determined that R4-23-501 needs to be amended to remove subsection (E) that requires a pharmacy to be registered with the monitoring program. Mr. Wright stated that since the Board already issues a permit to all pharmacies there is not a need to issue another registration to the pharmacies.

Mr. Wright stated that subsection (F) allows medical practitioners and pharmacies to request access to the monitoring program database, but in reality the program gives access to medical practitioners and pharmacists. Mr. Wright stated that the staff recommends that subsection (F) be amended to remove references to a pharmacy obtaining access and insert pharmacists. The rulemaking will clean up the language to make it more clear, concise, and understandable.

**On motion by Mr. Milovich and seconded by Mr. Van Hassel** , the Board unanimously authorized Mr. Wright to proceed with the rulemaking.

### **2. Continuous Quality Assurance Program Rules**

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

Mr. Wright stated that a notice of rulemaking docket opening was published on January 6, 2012. A notice of proposed rulemaking was published on February 24, 2012. A public hearing was held on March 26, 2012. One person, Janet Underwood, of the Arizona Community Pharmacy Committee attended the hearing and provided a written comment in support of the rulemaking. No other comments were received and the record was closed at 5:00 P.M. on March 26, 2012.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

### **3. Intern Training Rules**

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

Mr. Wright stated that a notice of rulemaking docket opening was published on December 2, 2011. A notice of proposed rulemaking was published on February 24, 2012. A public hearing was held on March 26, 2012. No one attended the hearing and no written or oral comments were received.

Dr. Musil asked if the rules were submitted to the colleges for their review. Mr. Wright stated that they were not submitted to the colleges. Mr. Wright stated that most of the changes were administrative. Mr. Wright stated that the dockets are published and a public hearing was held.

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

#### **4. Definitions and Substances Excepted from Schedules of Controlled Substances Rules**

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

Mr. Wright stated that during the Board's five-year rule review approved September 14, 2010, the Board determined that R4-23-1005 Substances Excepted from the Schedules of Controlled Substances needed to be amended to updated citations in A, B, and C.

The rulemaking will include amending and deleting definitions in R4-23-110.

Mr. Wright stated that a notice of rulemaking docket opening was published on January 6, 2012. A notice of proposed rulemaking was published on May 4, 2012. A public hearing was held on June 5, 2012. Janet Underwood representing the Arizona Community Pharmacy Committee attended the public hearing. Ms. Underwood provided written comment from the Arizona Community Pharmacy Committee voicing support for the rulemaking. No other comments were received. The rulemaking record was closed at 5:00 P.M. on June 5, 2012.

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously approved the Notice of Final Rulemaking and Economic Impact Statement.

#### **AGENDA ITEM 17– Five Year Review for Title 4, Chapter 23, Articles 1,2,3 and 4**

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

Mr. Wright stated that A.R.S. § 41-1506 requires all agencies to review their rules every five years. Mr. Wright stated that GRRC sets the schedule for rule reviews. Mr. Wright stated that he has done a review of the rules.

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously approved the Five – Year Review for Title 4, Chapter 23, Articles 1,2, 3, and 4.

#### **AGENDA ITEM 18 – Long Term Care Task Force Member Selection**

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

Mr. Wand stated that resumes are in the book for individuals that have asked to serve on the Long Term Care Task Force.

**On motion by Mr. Francis and seconded by Dr. Foy**, the Board unanimously approved the individuals listed below to serve on the Long Term Care Task Force.

1. John Saliba
2. Lee Martin
3. Belinda Daw
4. Sandra Brownstein
5. Steve Lerch

### **AGENDA ITEM 19 – Electronic Tracking of Pseudoephedrine Sales – HB2263**

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

Mr. Wand stated that HB2263 would require the electronic tracking of pseudoephedrine. Mr. Wand stated that the bill would require pharmacies in the state to use a national database to track pseudoephedrine sales. The pharmacies must use the system by January of 2013.

Mr. Wand stated that the tracking system would allow pharmacists to know if the customer has exceeded the limits.

Mr. Wand stated that reports would be forwarded to the Board concerning the sales.

Mr. Wand stated that each person using the system would receive training and receive their own password.

### **AGENDA ITEM 20 – American Society for Pharmacy Law (ASPL) Conference**

President Milovich stated that the Board has funds available for the reimbursement for three Board Members and/or staff to attend the conference in Tucson in November of 2012.

Mr. Milovich stated that if the other Board Members agree the reimbursement should be offered to the President, Vice President, and Executive Director to attend the conference. Mr. Milovich stated that if any of the three members cannot attend the meeting, then another Board Member could be reimbursed for attendance at the meeting.

**On motion by Mr. Francis and seconded by Dr. Musil**, the Board unanimously agreed to approve the reimbursement for the President, Vice President, and Executive Director to attend the ASPL Conference in Tucson in November of 2012.

### **AGENDA ITEM 21 – November Board Meeting Date**

President Milovich stated that there were concerns that there was a conflict in the dates of the meeting with the start of the ASPL Conference. It was determined that the conference did not start until the evening of November 15<sup>th</sup> and there would be no conflict with the Board Meeting. The Board Meeting Dates would remain as November 14<sup>th</sup> and November 15<sup>th</sup>.

### **AGENDA ITEM 22 – Arizona Substance Abuse Partnership Drug Reduction Initiative**

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

Mr. Wright stated that the governor had appointed a committee to study the effects of substance abuse in the state and the experts came together to come up with strategies for Arizona to overcome the substance abuse program.

Mr. Wright stated that it would involve an increase in the use of the monitoring program. Mr. Wright stated that it would increase the involvement of law enforcement and thus would require additional training for law enforcement.

Mr. Wright stated that all prescribers and pharmacists would be required to use the system. Mr. Wright stated that the data would be used to show practitioners where they stand on their prescribing habits. Mr. Wright stated that pharmacists would be trained on best practices.

Mr. Wright stated that pharmacies would be rewarded for using the system.

Mr. Wright stated that the program would initially be tested in Yavapai, Pinal, and Pima counties and if successful would be used statewide.

### **AGENDA ITEM 23 – PTCB Test Update**

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

Mr. Wand stated that the PTCB Test will be undergoing some changes. Mr. Wand stated that portions of the test would be eliminated as a result of job surveys of pharmacy technicians. Mr. Wand stated that the exam currently covers three knowledge areas and the new test would cover nine knowledge areas. The changes are expected to occur in January of 2013.

Mr. Wand stated that the number of questions would remain the same and the amount of time to take the exam would remain the same.

### **AGENDA ITEM 26 – Inactive Licenses**

President Milovich stated that there has been a request for the Board to consider issuing inactive licenses.

Ed Saba, a retired pharmacist, stated that he requesting that the Board waive the CE requirement for retired pharmacists who want to return to work so that they do not have to complete the CE that they did not complete during the years that their license was inactive.

David Ewing, a retired pharmacist, stated that other states have a program whereby a pharmacist that is retired pays an annual fee and does not have to complete the CE requirements.

Mr. Wand stated that the Board did have an inactive license but that was removed from the statutes back in 2003. Mr. Wand stated that a statute change would need to be made if a fee is charged and that change could take up to 2 years.

Mr. McAllister stated that there may be a concern with pharmacists leaving and coming back to practice. Mr. McAllister stated that it is the Board's responsibility to protect the public.

Mr. McAllister stated that the Board could ask someone who wants to re-enter practice to take the PARE exam offered by NABP which would test current competency of a pharmacist.

Mr. Van Hassel stated that personally he has an issue with an inactive license that would allow pharmacists to circumvent CE requirements. Mr. Van Hassel stated that he is in favor of issuing a retired license.

The Board directed the Board staff to research information on inactive license status.

### **AGENDA ITEM 27 - Call to the Public**

President Milovich 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 express his concerns that pharmacists are provided with information from the Prescription Monitoring Program but are not trained with respect to what they are to do with the information that they receive.

### **AGENDA ITEM 28 – Future Agenda Items**

President Milovich asked if there were any items the Board Members would like to place on a future agenda.

Mr. McAllister stated that he would like to discuss VAWD accreditation for wholesalers.

Mr. Van Hassel stated that he would like to discuss the use of the PARE exam as a tool for competency and possibly ask NABP to come to the Board Meeting and discuss the use of the test.

Mr. Van Hassel stated that the Board needs to review technology issues for the allowance of remote pharmacies.

The meeting recessed at 2:42 P.M.

**AGENDA ITEM 1 – Call to Order – June 28, 2012**

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

The following Board Members were present: President Dan Milovich, Vice President Tom Van Hassel, Jim Foy, William Francis, Joanne Galindo, Kyra Locnikar, Dennis McAllister, John Musil, and Nona Rosas. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, 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 24 – Complaint Review – Consideration of Complaints on Schedule T**

President Milovich opened the discussion by stating the Board Members would review all the complaints on schedule T.

Due to conflicts of interest the following Board Members were recused for the review of the following complaints with no violations: Dr. Foy, Dr. Musil, and Mr. McAllister

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

- Complaint #4044
- Complaint #4046
- Complaint #4048
- Complaint #4056
- Complaint #4061
- Complaint #4068
- Complaint #4069
- Complaint #4070
- Complaint #4074
- Complaint #4078
- Complaint #4083
- Complaint #4084
- Complaint #4085
- Complaint #4086
- Complaint #4090
- Complaint #4092
- Complaint #4097

**Complaint #4007**

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

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to issue a notice of hearing for the September meeting.

**Complaint #4037**

**On motion by Mr. McAllister and seconded by Mr. Milovich**, the Board agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct drug. (Store #T-0735) and to dismiss the complaint against the other two pharmacies. There was one nay vote by Mr. Van Hassel.

**Complaint #4051**

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

**On motion by Dr. Musil and seconded by Mr. Francis**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check of a prescription.

**Complaint #4052**

**On motion by Mr. Milovich and seconded by Ms. Locnikar**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct drug.

**Complaint #4053**

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

**On motion by Mr. McAllister and seconded by Mr. Francis**, the Board unanimously agreed to ask the pharmacist and technician involved in the incident to appear for a conference at the next meeting.

**Complaint #4057**

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

**Complaint #4058**

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for a standard PAPA contract. If the consent is not signed, the case will proceed to hearing.

**Complaint #4059**

**On motion by Mr. Milovich and seconded by Mr. McAllister**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check of a prescription.

**Complaint #4071**

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct practitioner and the need for the pharmacist to counsel the patient on a new prescription.

**Complaint #4072**

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously agreed to issue an advisory letter to the pharmacist to ensure that a completed prescription is sold only to the correct patient.

**Complaint #4075**

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning the release of patient information.

**Complaint #4076**

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

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the final accuracy check of a prescription.

**Complaint #4080**

**On motion by Dr. Foy and seconded by Mr. Francis**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct drug.

**Complaint #4081**

**On motion by Dr. Musil and seconded by Mr. Van Hassel**, the Board unanimously agreed to issue an advisory letter to the permit holder concerning the need to maintain manual or electronic records that identify the individuals responsible for the prescription processing functions.

**Complaint #4080**

**On motion by Dr. Foy and seconded by Mr. Francis**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct drug.

**Complaint #4082**

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board agreed to offer a consent agreement to the pharmacist with the following terms: \$500 fine, 6 hours of CE on error prevention in addition to the required CE hours. Fine and CE to be completed in 90 days after approval of the consent. If not signed, the case proceeds to hearing.

**Complaint #4087**

**On motion by Mr. Milovich and seconded by Mr. Francis**, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the need for the pharmacist to verify the prescription data entry to ensure it is entered for the correct drug.

**Complaint #4088**

**A motion was placed on the floor by Dr. Foy and seconded by Mr. Van Hassel** to have the technician and the permit holder appear for a conference. Mr. McAllister stated that he feels that there is a lack of control and that a possibly a notice of hearing should be issued. The

motion was withdrawn.

**On motion by Dr. Foy and seconded by Mr. McAllister**, the Board unanimously agreed to issue a Notice of Hearing to the technician and request the Permit Holder to appear for a conference.

**Complaint #4089**

**On motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to issue an advisory letter to the pharmacist in charge concerning the release of patient information.

**Complaint #4091**

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to request that the pharmacist and pharmacy technician appear for a conference.

**Complaint #4094**

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

**Complaint #4095**

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

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician concerning the responsibility to sell the completed prescription to the correct patient and the pharmacist needs to accept the refusal for counseling.

**Complaint #4096**

**A motion was placed on the floor by Mr. McAllister and seconded by Mr. Van Hassel** to ask the pharmacist in charge to appear for a conference. The motion was withdrawn.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to ask the pharmacist in charge and the dispensing pharmacist to appear for a conference.

**Complaint #4100**

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

**On motion by Mr. Milovich and seconded by Mr. Van Hassel**, the Board unanimously agreed to issue the pharmacist and the pharmacy technician an advisory letter to ensure that prescription data entry is correct to ensure that the prescription is entered for the correct drug.

**Complaint #4101**

**On motion by Mr. Milovich and seconded by Mr. McAllister**, the Board unanimously agreed to issue a notice of hearing for the September meeting.

**Complaint #4102**

**On motion by Dr. Musil and seconded by Mr. Milovich**, the Board unanimously agreed to ask the pharmacist in charge to appear for a conference.

**Complaint #4105**

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

**A motion was placed on the floor by Dr. Musil and seconded by Ms. Rosas** to issue a notice of hearing for the September meeting. The motion was withdrawn

**On motion by Dr. Musil 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 would proceed to hearing.

**Complaint #4106**

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously agreed to have a hearing and have a summary suspension of the permit.

**Complaint #4107**

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board unanimously agreed to offer the pharmacy technician trainee a consent agreement for revocation. If the consent is not signed, the case would proceed to hearing.

**Complaint #4108**

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

**On motion by Mr. Milovich and seconded by Mr. Van Hassel**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for revocation. If the consent is not signed, the case would proceed to hearing.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board decided to open a complaint against the permit holder and ask them to appear for a conference at the September meeting.

**Complaint #4109**

**On motion by Mr. Van Hassel and seconded by Ms. Rosas**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for a standard PAPA contract. If not signed, the case would proceed to hearing.

**Complaint #4110**

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously agreed to offer the pharmacy technician trainee a consent agreement for revocation or a standard PAPA contract. If not signed, the case would proceed to hearing.

**Complaint #4111**

**On motion by Mr. McAllister and seconded by Mr. Milovich**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for revocation. If not signed, the case would proceed to hearing.

**On motion by Ms. Locnikar and seconded by Mr. McAllister**, the Board unanimously agreed to open a complaint against the permit holder and ask them to appear for a conference at the September meeting.

**Complaint #4112**

**On motion by Dr. Musil and seconded by Mr. McAllister**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for revocation or a standard PAPA contract. If the consent is not signed, the case would proceed to hearing.

**Complaint #4113**

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for revocation or a standard PAPA contract.

**On motion by Ms. Rosas and seconded by Mr. McAllister**, the Board unanimously agreed to open a complaint against the permit holder for recordkeeping and ask them to appear for a conference at the September meeting.

**Complaint #4114**

**On motion by Mr. Van Hassel and seconded by Ms. Rosas**, the Board unanimously agreed to offer the pharmacy technician a consent agreement for revocation or a standard PAPA contract. If not signed, the case would proceed to hearing.

**Complaint #4115**

Dr. Foy and Dr. Musil were recused due to a conflict of interest.

**A motion was placed on the floor by Mr. McAllister and seconded by Ms. Galindo** to issue a notice of hearing to the pharmacist. The motion was withdrawn.

**On motion by Mr. McAllister and seconded by Mr. Milovich**, the Board unanimously agreed to offer the pharmacist a consent agreement with the following terms: 1 year probation, a \$1,000 fine for each item taken, and take and pass the MPJE exam. If the consent agreement is not signed, the case would proceed to hearing.

**Complaint #4116**

**On motion by Mr. Van Hassel and seconded by Dr. Musil**, the Board unanimously agreed to offer the permit holder a consent agreement for revocation.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board decided unanimously agreed to hold a special meeting to start the embargo process.

**AGENDA ITEM 25 - Hearings, Motions to Deem on Schedule "U"**

**#1 Jaimee Garcia**

President Milovich opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Jaimee Garcia, Pharmacy Technician Trainee T022592, Case 12-0004-PHR.

President Milovich asked if the licensee (Jaimee Garcia) was present. The licensee (Jaimee Garcia) was not present.

President Milovich asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

President Milovich asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Mr. Lee stated that in considering the consent agreement offered a surrender of the license was appropriate. Mr. Lee stated that revocation of the license would be appropriate.

President Milovich stated that the Board would now deliberate on the appropriate discipline to be imposed.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to revoke the Pharmacy Technician Trainee license T022592 issued to Jaimee Garcia. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

## **#2 Fahad Alnoah**

President Milovich opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Fahad Alnoah, Pharmacist S015734, Case 12-0025-PHR.

President Milovich asked if the licensee (Fahad Alnoah) was present. The licensee (Fahad Alnoah) was present.

President Milovich asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board unanimously agreed to deny the State's motion to Deem Allegations admitted and proceed with the case in September (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

Mr. Lee stated that the Hearing will be reset for September and he will reissue the Notice of Hearing. Mr. Lee stated that the state reminds Mr. Alnoah that he is required to file an answer. Mr. Lee stated that if a answer is not filed for the complaint, then a motion to deem will be issued.

### **#3 Noel Jeanne Lance**

President Milovich opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Noel Jeanne Lance, Pharmacy Technician Trainee T025501, Case 12-0026-PHR.

President Milovich asked if the licensee (Noel Jeanne Lance) was present. The licensee (Noel Jean Lance) was not present.

President Milovich asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

**On motion by Dr. Foy and seconded by Dr. Musil**, the Board unanimously agreed to adopt all factual allegations in the Complaint as the findings of fact. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

President Milovich asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Mr. Lee stated that stated that he supported the discipline in the consent agreement.

President Milovich stated that the Board would now deliberate on the appropriate discipline to be imposed.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to revoke the Pharmacy Technician Trainee license T025501 issued to Noel Jeanne Lance. (A roll call vote was taken – Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Francis –aye, Dr. Foy – aye, Dr. Musil – aye, Ms. Galindo – aye, Ms. Rosas- aye, Mr. Van Hassel – aye, and Mr. Milovich – aye).

**AGENDA ITEM 27 - Call to the Public**

President Milovich 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 came forth.

**AGENDA ITEM 29 – Adjournment**

There being no further business to come before the Board, President Milovich adjourned the meeting at 10:45 P.M.