



**Arizona State Board of Pharmacy**  
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**THE ARIZONA STATE BOARD OF PHARMACY  
HELD A REGULAR MEETING NOVEMBER 14, 2012**

**MINUTES FOR REGULAR MEETING**

**AGENDA ITEM 1 – Call to Order – November 14, 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, Dennis McAllister, Reuben Minkus, 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 Elizabeth Campbell.

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

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 4, Schedule A, Resident Pharmacy Permit for Goodwin’s Compounding Pharmacy.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 7, Schedule L, Special Requests for David Martinez.

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 12, Schedule P, Complaint #4148 and #4152.

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 16, Thomas Coppola – Request for Rehearing/Review of Case 12-0031-PHR.

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 6, Schedule K, Resident Wholesaler Permits for Freedom Healthcare.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 11, Schedule O, Conference for Complaint #4088.

**AGENDA ITEM 3– Approval of Minutes**

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Mr. Francis** the minutes of the Regular Meeting held on September 19 and 20, 2012 were unanimously approved by the Board Members.

**AGENDA ITEM 4 – Consent Agenda**

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

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

**RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Walgreens #12386	9800 S. Estrella Parkway, Goodyear, AZ 85338	Walgreen Arizona Drug Co.
Quick Pharmacy 002	1105 N Mesa Dr. , Mesa, AZ 85201	Bahaa, LLC

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

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

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Specialty Pharmacy Management, LLC	45 Earhart Dr. Ste.110, Amherst, NY 14221	Independent Health Corp.
Live Better Pharmacy	216 Old Tappan Rd., Old Tappan, NJ 07675	The Great Atlantic & Pacific Tea Company, Inc.
LMC Pharmacy	950 Peninsula Corporate Circle, Suite 1024, Boca Raton, FL 33487	LMC Medical Supplies, Inc.
Texas Compounding Pharmacy	5300 Bee Cave Rd 3-100, Austin, TX 78746	Texas Compounding Pharmacy, LLC
PANTHERx Specialty Pharmacy	600 5 <sup>th</sup> St., New Brighton, PA 15066	Gordon Vanscoy
Community Compounding Pharmacy	11030 SW Capitol Hwy, Portland, OR 97219	Suzanne Rosenberg
NuCara Pharmacy #1	1150 5 <sup>th</sup> St., Suite 140, Coralville, IA 52241	NuDak Ventures
Rx Remote Solutions	1771 W. Diehl Rd., Naperville, IL 60563 (O)	Rx Remote Solutions, Inc.

(O) = Ownership Change

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

##### RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Nationwide DME, LLC (Full Service- DME)	6929 N. Hayden Rd., C4, Scottsdale, AZ 85250	Nationwide DME, LLC

#### 4. (4) – New Pharmacists – Schedule D

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

#### 4. (5)– New Interns – Schedule E

The Board approved the 42 New Intern Licenses listed on the attachments.

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

The Board approved the 922 Technicians listed on the attachments.

#### 4. (7) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule G

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

Elvia Rosa Aburto	Alejandra Herrera	Amy Eui-Seong Park
Swilma Yadira Alcantar	Santino Karl Huber	Juan Carlos Parra Garcia
Johni' LeKiyah Allen	Michelle John	Aaron Nicholas Pearse
Jennifer Katherine Amerio	Alison Sue Jones	Stephanie Lynn Pepper
Yesenia Arias	Robert Dennis Jones	Loriann Polelonema
Veronique Cardenas Back	Samantha Nicole M. E. Jones	Vincent Popovich
Darlene Babette Baker	Edric Charles Jordan II	Samia Rahman
Bridget Benitez	Nudma Khan	James Anthony Ray
Valerie Chantel Borg	Donna Kristine King	Bryan Javier Reyna
Ethel Boyd	Sondra Marie Knutson	Troy B. Robinson
Chazly Renee Bracy	Jackie Lee LaFluer	Roxanne Michelle Romero
Ashley Nicole Brookshire	Crystal Rae Lascano	Gina Marie Skvarek
Teresa Kay Castillo	Amanda Christine Luna	Brian Allen Soper
Gary Darnell Clark	Miriam Luna	Rondee J. Sotelo
Veronica Cota	Amanda J. Mahan	Jordan Solimar Sparkman
Erica Cruz	Ivan Marin	Daniel Howard Stottlemire
Beverly J. Davis	Aimee Lynn Marquez	Susan Ann Svendsen
Jesus F. De La Cruz	Ricardo Marrero, Jr.	Lorenzo Paolo Salazar Tardecilla
Sabrina Ann Eirschele	Andrea Martinez	Seth Earl Taylor
Aya Elnegery	Joanna Renee Martinez	Trisha Renae Theobald
Nicole Ennis	Ramon Patino Martinez	Vanessa Shiela Valenzuela
Shayla Lanae Flores	Jesus Medel	Ernesto Velasco
Lynette Marie Fraka	Rick Jay Minarsich	Jose Fernando Villanueva
Karen Lynn Furlong	Juan Carlos Molina Hernandez	Karen Elaine White

**4. (7) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule G - Continued**

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

Jonathan Ocampo Gazo	Joel A. Morales	Amber Lee Whitman
Chad Gilbert	Cheriann Moreno	Robin Eileen Williams
Venessa Gonzalez	Alan C. Mundt	Breannah Patricia Wilson
Cheryl Mae Goodwill	Fondren Smiley Murguia	Jasmine Vanessa Yazzie
Dawn Marie Haugen	Yolanda R Murry	Teclai Menguistu Zerai
Felicia L. Hawkins	Amy Nelson	
Sandra Kay Henckel	Arcel Orozco	

**Total: 91**

**4. (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:

Shawna Eversole - 12-0041-PHR  
 Donald Ganster - 13-0001-PHR

**4. (9) – Complaints with No Violations – Schedule I**

The Board unanimously agreed to dismiss the following complaints:

Complaint #4143	Complaint #4144	Complaint #4153
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**The following item was pulled from the consent agenda due to a conflict of interest.**

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

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously approved the following Resident Pharmacy Permit.

**RESIDENT PHARMACY PERMITS**

Pharmacy	Location	Owner
Goodwin’s Compounding Pharmacy	1000 Ainsworth, Suite B-105, Prescott, AZ 86305	Greg Huser

**AGENDA ITEM 5– Resident Pharmacy Permits – Schedule J**

**Global Rehab Institute at Scottsdale Healthcare**

President Milovich stated that a representative was present from Global Rehab Institute at Scottsdale Healthcare to answer questions from Board Members

**Kelly Silberschlag, CEO,** was present to answer questions from Board Members.

President Milovich opened the discussion by asking Ms. Silberschlag why she was appearing in front of the Board.

Ms. Silberschlag stated that her company has applied for a hospital permit for a rehab hospital located in Scottsdale.

Mr. Milovich asked if the hospital was seeking a space deviation. Ms. Silberschlag stated that the hospital is requesting a space deviation. Ms. Silberschlag stated that they have 415 square feet designated for the pharmacy. Ms. Silberschlag stated that the space needed to be 500 square feet and they were asking for the Board to approve the space deviation. Ms. Silberschlag stated that they plan to open in March with an average daily census of 5 to 7 patients. Ms. Silberschlag stated that they are licensed for 50 beds.

Mr. Milovich asked Ms. Silberschlag what would occur if the number of hospital beds increased. Ms. Silberschlag stated that they would add additional beds and the pharmacy space would be increased to accommodate the additional beds.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously approved the permit for Global Rehab Institute at Scottsdale with the space deviation of 415 feet for the pharmacy.

#### **RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Global Rehab Institute At Scottsdale Healthcare	8850 E. Pima Center Pkwy., Scottsdale, AZ 85256	Global Rehab-Scottsdale, LLC

#### **Hyland Pharmacy, LLC**

President Milovich stated that a representative was present from Hyland Pharmacy to answer questions from Board Members

**Alan Grosso, Pharmacist in Charge**, was present to answer questions from Board Members.

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

Mr. Grosso stated that he is the Pharmacist in Charge at Hyland Pharmacy. Mr. Grosso stated that the pharmacy would be an independent pharmacy specializing in diabetic care and supplies. Mr. Grosso stated that most of their business would be mail order. Mr. Grosso stated that a small component of their business would be walk-in business.

Mr. Milovich asked if the pharmacy was owned by a wholesale company. Mr. Grosso replied yes. Mr. Grosso stated that the wholesale company is located in Utah.

Mr. Van Hassel asked if the internet would be the source for their prescriptions. Mr. Grosso replied no.

Mr. Van Hassel asked if the pharmacy would be doing any compounding. Mr. Grosso replied no.

Mr. Van Hassel asked if the pharmacy would be filling any veterinary prescriptions. Mr. Grosso stated that they would only be filling prescriptions for humans.

Mr. McAllister asked if they would be mailing prescriptions out of state. Mr. Grosso replied yes.

Mr. McAllister asked how the pharmacy would be marketed to out of state patients. Mr. Grosso stated that he assumed the company would be advertising. Mr. Grosso stated that they would possibly be contacting employer groups. Mr. Grosso stated that the pharmacy would not be an internet based pharmacy. Mr. Grosso stated that he is not sure if they would do any internet advertising.

Dr. Foy asked how many employees would be employed by the pharmacy. Mr. Grosso stated that there would be one pharmacist and two technicians.

Dr. Musil asked if they would be stocking refrigerated medications. Mr. Grosso stated that they would and there are refrigerators in the facility.

Mr. Van Hassel asked what percentage of the business would be mail order. Mr. Grosso stated that about 80% of the business would be mail order.

Mr. Van Hassel stated that if 80% of the business would be mail order why is there a very large front end waiting room. Mr. Grosso stated that the space is probably set up for potential growth of walk in business.

Dr. Musil asked Mr. Grosso if there are any other permits in process. Mr. Grosso stated that he is not aware of any other permits.

Dr. Musil asked Mr. Grosso if he knows that they would need permits to ship to other states. Mr. Grosso stated that he is aware that they would need a permit.

Mr. McAllister asked Mr. Grosso to describe the parent company. Mr. Grosso stated that he knows that they are located in Utah and he has only been dealing with the pharmacy manager.

Dr. Foy asked Mr. Grosso where the records would be stored in the pharmacy. Mr. Grosso stated that he does not know where they would be stored since he has not been to the facility yet.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to table this application until the company can appear with the Pharmacist in Charge at a Board Meeting.

### **Black Canyon City Pharmacy**

President Milovich stated that a representative was present from Hyland Pharmacy to answer questions from Board Members

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

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

Mr. McElfresh stated that he plans to open an independent clinic pharmacy. Mr. McElfresh

stated that he would be taking care of patients from the clinic. Mr. McElfresh stated that he would be operating a retail pharmacy.

Mr. Milovich asked Mr. McElfresh if he has experience running a pharmacy. Mr. McElfresh stated that he has not owned a pharmacy but has been a pharmacist in charge.

Mr. Van Hassel asked if the patients would enter by a side door. Mr. McElfresh stated that the plans are not finalized and the patients would be entering through a door in the waiting room.

Mr. Minkus asked Mr. McElfresh to describe his work experience. Mr. McElfresh stated that he is from Oklahoma and managed an independent pharmacy there. Mr. McElfresh stated that when he moved to Arizona he did relief work and worked for Cigna.

Mr. Van Hassel asked Mr. McElfresh if he would be doing any compounding. Mr. McElfresh stated that he would be doing non-sterile compounding only.

Mr. Van Hassel asked Mr. McElfresh if he would be compounding for the patient or for the physician's office. Mr. McElfresh stated that he would be compounding for patients only.

Dr. Foy asked Mr. McElfresh how many employees would be employed by the pharmacy. Mr. McElfresh stated that there would be one pharmacist and one technician.

Mr. Milovich asked if this would be the first pharmacy in Black Canyon City. Mr. McElfresh stated that there are no other pharmacies in the Black Canyon City area.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board unanimously approved the permit for Black Canyon City Pharmacy.

## **RESIDENT PHARMACY PERMITS**

<b>Pharmacy</b>	<b>Location</b>	<b>Owner</b>
Black Canyon City Pharmacy	Tract B, Black Canyon Estates, Unit 1, Black Canyon City, AZ 85324	David McElfresh

## **AGENDA ITEM 6– Resident Wholesaler Permits – Schedule K**

### **Freedom Healthcare**

President Milovich stated that representatives were present from Freedom Healthcare to answer questions from Board Members.

**Douglas Der, Appointed Representative, and Clarence Mulligan, Legal Counsel for Freedom Healthcare**, were present to answer questions from Board Members.

President Milovich asked the representatives to address the issues that prompted the Board to table the application at the last Board Meeting.

Mr. Mulligan stated that there is a dispute between Drogueria De La Villa, Inc. (DDLV) and LLC Wholesale Supply, LLC. Mr. Mulligan stated that DDLV claims that they own or have control of the assets of the company. Mr. Mulligan stated that there was a hearing held on June 12, 2012 and DDLV asked for an injunction. The injunction was denied but the judge had

concerns about who owns the company. The judge appointed a receiver to preserve the rights of the individuals.

Mr. Mulligan stated that Mr. Livanavage is the owner of LLC and each company has placed assets in their own accounts. Mr. Mulligan stated at one time they both had access to the same bank account. Mr. Mulligan stated that a trial would be held to determine what would be done with the assets.

Mr. Mulligan stated that DDLV has no claims with respect to Freedom Healthcare.

Mr. Milovich asked if the President of LLC and Freedom Healthcare is the same individual. Mr. Mulligan replied yes.

Dr. Foy asked about the businesses being at the same address and using the same tax id number.

Mr. Mulligan stated that LLC patient should have a separate tax id number and he could check on that for the Board.

Ms. Campbell stated that the Board could table the application until the next meeting and Mr. Mulligan could obtain the information concerning the tax id number.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to table the wholesale application for Freedom Healthcare until further information can be provided to the Board for consideration.

## **AGENDA ITEM 7 -Special Requests- Schedule L**

### **#1 David Martinez**

**David Martinez** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0020-PHR be terminated. Lisa Yates with the PAPA program was also present.

President Milovich opened the discussion by asking Mr. Martinez why he was appearing in front of the Board. Mr. Martinez stated that he is requesting the termination of his probation. Mr. Martinez stated that he has completed all the requirements of his probation.

Mr. Milovich asked Mr. Martinez what changes have occurred in his life. Mr. Martinez stated that everything has changed in his life. Mr. Martinez stated that he finally admitted that he had a problem and changed the places, people and things that he had associated with in his past.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to approve the request by Mr. Martinez to terminate the probation of his pharmacist license imposed by Board Order 08-0020-PHR.

### **#2 Eric Boel**

**Eric Boel** appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 12-0009-PHR be terminated.

President Milovich opened the discussion by asking Mr. Boel why he was appearing in front of the Board. Mr. Boel stated that he is requesting the termination of his probation. Mr. Boel stated that he has brought letters from his employer and fellow employees.

Dr. Foy asked Mr. Boel if his probation with the Iowa Board has been completed. Mr. Boel replied no. Mr. Boel stated that he would have to return to Iowa to complete the Board Order and he likes living in Arizona and has no plans to return to Iowa.

**On motion by Mr. Van Hassel and seconded by Mr. Francis**, the Board unanimously agreed to approve the request by Mr. Boel to terminate the probation of his pharmacist license imposed by Board Order 12-0009-PHR.

### **#3 Gerwyn Makai**

**Gerwyn Makai** appeared on his own behalf to request that Board amend his Board Order 09-0044-PHR. Justin Holms, Legal Counsel for Mr. Makai, was present. Jim Corrington and Lisa Yates from the PAPA program were also present.

President Milovich opened the discussion by asking Mr. Makai why he was appearing in front of the Board. Mr. Holms stated that Mr. Makai is requesting that the Board modify his consent agreement because he is not a good candidate to remain in the PAPA program.

Mr. Milovich asked Mr. Corrington, PAPA counselor, to address the request. Mr. Corrington stated that Mr. Makai was diagnosed at the treatment center as having a drug problem. Mr. Corrington stated that Mr. Makai does not meet the criteria. Mr. Corrington stated that Mr. Makai stated that he had used methamphetamine for two weeks. Mr. Corrington stated that he does not fit the criteria for someone that is addicted. Mr. Corrington stated that Mr. Maikai's story has never changed from the beginning.

Mr. Makai stated that he has been compliant for 4 years and is finding it difficult to find employment.

Mr. Milovich asked about Mr. Makai's participation in the program. Mr. Corrington stated that he is active in group and his story has never changed. Mr. Corrington stated that he made a bad decision when he chose to use the drug.

Mr. Makai stated that he has been in PAPA for four years and can demonstrate that he has changed.

Dr. Foy asked Mr. Makai clarify why he used the drug. Mr. Makai stated that it was an academic review of pharmacology and his passion is pharmacology. Mr. Makai stated that this incident has taken a toll on him both professionally and academically.

Mr. Van Hassel stated that there is no doubt in the Board's mind that Mr. Makai did use the drug. Mr. Van Hassel stated that many participants relapse at this point in their contract and that is why the PAPA agreement is for five years. Mr. Van Hassel stated that Mr. Makai did have a problem and the program has been successful. Mr. Van Hassel stated that he feels that it would be a disservice to release him from the program.

Mr. McAllister stated that Mr. Makai does not fit the addict mold. Mr. McAllister stated that he feels it would be appropriate to remove the PAPA contract. Mr. McAllister noted that Mr.

Makai did break the law and the Board's job is to protect the public. Mr. McAllister stated that he feels that the PAPA contract stipulation could be removed and the probation would remain until completed.

**On motion by Mr. McAllister and seconded by Dr. Musil**, the Board agreed to strike 2B which requires Mr. Makai to participate in the PAPA program and probation would be maintained for the length of the order. The Board authorized Mr. Wand to sign the Consent Agreement when signed by Mr. Makai and returned to the Board. There were two nay votes by Mr. Van Hassel and Dr. Foy.

## **AGENDA ITEM 8– License Applications Requiring Board Review – Schedule M**

### **#1 Catherine Kain**

**Catherine Kain** appeared on her own behalf to request to proceed with reciprocity.

President Milovich opened the discussion by asking Ms. Kain why she was appearing in front of the Board.

Ms. Kain stated that she would like to reciprocate her pharmacist license to Arizona. Ms. Kain stated that her pharmacist license is on probation in Alabama and Georgia. Ms. Kain stated that she voluntarily surrendered her license in 2010 and went into treatment. Ms. Kain stated that she has been involved in the Alabama recovery program since 2011. Ms. Kain stated that she is applying for the license because she works at a compounding pharmacy that ships a topical product to patients in Arizona. Ms. Kain stated that the pharmacist that was licensed in Arizona has passed away and the pharmacy has not been able to ship to patients in Arizona. Ms. Kain stated that she has worked at the pharmacy since March of 2012.

Mr. Milovich asked Ms. Kain if she was allowed to be the pharmacist in charge in Alabama. Ms. Kain stated that she could not be a supervising pharmacist.

Mr. Van Hassel asked Ms. Kain about the product. Ms. Kain stated that it is a topical pain medication and is safe.

Mr. Van Hassel asked if the medications are shipped to the patient or the doctor. Ms. Kain stated that the sales representatives detail the medication to the providers but the medications are shipped directly to the patient.

Ms. Kain stated that she has been licensed as a pharmacist since 1989.

Mr. McAllister stated that it is important for a non-resident pharmacist to understand Arizona laws

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to approve the request by Ms. Kain to proceed with reciprocity.

### **#2 Michael Arvizo**

**Michael Arvizo** had requested to appear in front of the Board to proceed with pharmacy technician trainee licensure. Mr. Arvizo was not present when President Milovich called his name to come forth and address the Board.

**On motion by Mr. Van Hassel and seconded by Dr. Foy,** the Board unanimously agreed to deny the request by Mr. Arvizo to proceed with pharmacy technician licensure. The denial was based on A.R.S 32-1927.01 (S) and (A) (1), A.R.S. 32-1901.01 (C) (6), and A.R.S. 32-1923.01 (A) (1).

## **AGENDA ITEM 9 – Reports**

### **Executive Director**

#### **Budget Issues**

Mr. Wand reviewed the financial reports with the Board Members for the current budget.

#### **Renewals**

Mr. Wand stated that renewals are closed and there was only one slight glitch concerning a credit card issue this year.

#### **Personnel**

Mr. Wand stated that the Prescription Monitoring Program has received additional funding from the Department of Health Services.

Mr. Wand stated that the additional money would allow Mr. Wright to speak to various groups to encourage the use of the monitoring program. Mr. Cieslinski has moved to the Monitoring Program to assist Mr. Wright while he is out of the office speaking to the various groups.

Mr. Wand stated that he is asking for approval to hire an additional compliance officer since Mr. Cieslinski has moved to the Monitoring Program.

### **Deputy Director Report**

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

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

#### **Pharmacy Violations**

1. Hot water not working properly – 1

#### **Controlled Substance Violations**

1. Controlled Substance Overage - 4
2. Controlled Substance Shortage -4
3. Controlled Substance Inventory not complete – 1
4. Controlled Substance Invoices not readily retrievable - 1

#### **Documentation Violations**

1. Expired Immunization certificates – 1
2. Failure to sign daily log -2
3. Failure to document counseling – 2

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

1. Be sure counseling is being documented.

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

1. Immunization regulations require notification of the primary care provider and documentation that the provider was notified.
2. Immunization certificate renewals – No notification sent

**PAPA Report**

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-eight (48) participants in the PAPA program. Ms. Yates stated that since her last report on September 19, 2012, there has been one (1) participant that has completed the program.

**AGENDA ITEM 10 – Banner Health Deviation Request to Install a Script Center at the Banner Mesa Corporate Office**

President Milovich opened the discussion by stating that representatives from Banner Health were present to answer questions concerning their deviation request to install a Script Center at the Banner Mesa Corporate Office.

**Butch David, System Director of Ambulatory Pharmacy, and Phillip Burgess, representing Asteres,** were present to answer questions concerning the deviation request.

Mr. David stated that employees that work at the Banner Mesa Corporate Center have no provisions for pharmacy services onsite. Mr. David stated that they can use mail order to receive their prescriptions. Mr. David stated that they are requesting a deviation to place a Script Center machine in the center for employee use only.

Mr. Burgess discussed the various aspects of the Script Center machine. Mr. Burgess stated that Asteres is the owner of the machine. Mr. Burgess stated that this is a pick up machine only and not a dispensing machine. Mr. Burgess stated that employees could only pick up filled prescriptions at the Script Center.

Mr. Burgess stated that a patient must log into the system to use the machine. Mr. Burgess stated that use of the machine by the employees is voluntary and employees must enroll in the program. Mr. Burgess stated that the employee is assigned a PIN and a login ID. Mr. Burgess stated that there is an option to view the directions in Spanish. Mr. Burgess stated that the logon is biometric and uses the employee's fingerprint.

Mr. Burgess stated that the machine logon is similar to an ATM pin number. If the patient forgets their PIN they have the option to obtain a new PIN after answering the security question.

Mr. Burgess stated that the machine links all family members and the patient can selectively pick up prescriptions.

Mr. Burgess stated that a screen would appear with an offer to counsel. A telephone is located next to the machine which would allow the patient to talk to a pharmacist.

Mr. Burgess stated that a signature would be required for receipt of the prescription. Mr. Burgess stated that payment would be by credit card only. Mr. Burgess stated that there would be a separate container for each prescription.

Mr. Burgess stated that in 7 days if the medication is not picked up the medication would be flushed from the machine and would go to a holding bin in the machine.

Mr. Burgess stated that the prescriptions would be filled at the pharmacy and placed in a plastic bag with a bar code. Mr. Burgess stated that there would be one prescription per bag.

Mr. Burgess stated that there would be a picture taken of the person picking up the prescription.

Mr. Burgess stated that the Pharmacist in Charge would have access to the machine to conduct audits.

Mr. David stated that the Corporate Center is located on Brown Road in Mesa. Mr. David stated that prescriptions would be delivered twice daily to the Center from Good Samaritan. Mr. David stated that counseling would be available 24 hours 7 days a week. Mr. David stated that the machine would be available the hours that the center is open

Mr. David stated that there is gated access to the facility. Mr. David stated that the employees must have a badge to enter the building. Mr. David stated that the Center would be located adjacent to the security guards.

Mr. Milovich asked about machine jams. Mr. Burgess stated that a pharmacist at a remote location could release the medication but it would drop to the holding bin.

Mr. Milovich asked if this has ever happened before. Mr. Burgess replied no. Mr. Burgess stated that the patient would be able to contact the pharmacy via the telephone beside the machine.

Mr. Milovich asked if there have been any errors where the patient received the wrong medication. Mr. Burgess stated that if the pharmacy filled the prescription wrong there could be a potential error. Mr. Burgess stated that there has not been a delivery error.

Mr. Milovich asked what the patient would do if they received the wrong medication. Mr. Burgess stated that they could call the pharmacist via the telephone at the site.

Mr. Milovich asked what would happen if they changed manufacturers. Mr. David stated that the pharmacist could speak to the patient prior to receiving the prescription. Mr. Burgess stated that the pharmacist could selectively lock a prescription if they wanted to talk to the patient. Mr. Burgess stated that once the pharmacist speaks to the patient then the pharmacist can remotely release the prescription.

Mr. Milovich asks what would happen if the pharmacist is busy when the patient calls. Mr. David stated that the technician answers the phone and asks the patient to wait for the pharmacist. Mr. David stated that the patient would never get a busy signal.

Dr. Musil asked if only refills would be placed in the machine. Mr. David stated that it would be exclusively refills.

Dr. Foy asked if the medications would only be non-controlled medications. Mr. David replied that there would be controlled medications but no CII medications.

Dr. Foy asked about the placement of the bags in the machine. Mr. Burgess stated that each bag is barcoded and the bin reader reads where each bag is located. Mr. Burgess stated that there is no incidence of a wrong prescription being dispensed.

Dr. Foy asked if there is a pharmacy in this building. Mr. David replied no.

Mr. McAllister stated that they could put machines in every clinic but our rules prevent this from happening.

Mr. Burgess stated that the machines would increase access and improve patient care.

Mr. McAllister asked about the filling of the machine. Mr. David stated that the drugs would be placed in a sealed tote and the transporter would be trained by the pharmacy and would be responsible for loading the machine.

Mr. Burgess stated that the machine can only be opened by biometric thumbprint. Mr. Burgess stated that there would be an audit trail that would show how many packages were sent and if the correct number is not loaded into the machine an alarm would sound.

Mr. Wand stated that if we allow the machines to be placed in areas outside of where a pharmacy is located we could set a precedent of where the machines are located. Mr. Wand stated that someone could ask to place the machines in a retail setting. Mr. Wand stated that there may be issues with the security of the machine.

Mr. Burgess stated that in this case the machine is owned by the company.

Ms. Rosas asked how many prescriptions are stored in the machine. Mr. Burgess stated that depending on the size of the prescriptions the machine could hold 300 to 400 prescriptions.

Ms. Rosas asked how far the pharmacy is away from the Corporate Center. Mr. David stated that the pharmacy is 16 miles away.

Mr. Milovich asked if a patient would know if for some reason their medication was not placed in the machine. Mr. Burgess replied yes.

Mr. Milovich asked what would happen if the patient decided not to pick up the medication from the machine and showed up at the pharmacy counter instead. Mr. Burgess stated that the pharmacist could freeze the medication in the machine and the prescription could be dispensed at the pharmacy.

Ms. Rosas stated that she had concerns because the transporter was not a licensed technician. Mr. David stated that they use the same transporters currently to delivery items to nursing.

Mr. Francis asked if the transporter would load the machine. Mr. David replied yes. Mr. David stated that the transporter would scan the barcodes. Mr. David stated that they probably would not use clear bags to store the medications.

**On motion by Mr. Van Hassel and seconded by Dr. Foy**, the Board approved the deviation request by Banner Health to place a Script Center in the Banner Corporate Center located in Mesa. {Deviation of R4-23-614 (B) (2)(c)}. There was one nay vote by Ms. Rosas.

## **AGENDA ITEM 11 – Conferences – Schedule O**

### **Conference 1– Complaint #4088**

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

The following individuals were present to discuss the complaint:

Michael Mantsch – Pharmacist in Charge at the time of incident – Respondent

Crystal Carney – Pharmacy Technician – Respondent

Jeff Ramsey – Pharmacy Director – Witness

Chris Pressman- Current Pharmacist in Charge – Witness.

President Milovich opened the discussion by asking Mr. Hunter to give a brief overview of the complaint.

Mr. Hunter stated that the complaint was filed anonymously. The complaint stated that a pharmacy technician filled a prescription for Morphine 10mg/5cc with Morphine 20mg/1cc solution. The prescription was not checked by a pharmacist. The medication caused an overdose and the patient died. The pharmacist in charge stated that the prescription was entered correctly but was filled with the wrong strength of medication. A mismatch occurred but was over-ridden by a technician with a code that she was not supposed to have in her possession. The technician indicated that management was aware that she had the code and was told it was ok because of her job title. The technician stated that she did not find the error until 2 am and management was not available. The technician reported the incident the following day to her supervisor. The patient received 7 doses of a strength that was ten times the dose prescribed.

President Milovich asked Mr. Mantsch to address the complaint. Mr. Mantsch stated that the technician did not follow the policy.

Mr. Milovich asked Mr. Mantsch if a pharmacist was present at 2 AM. Mr. Mantsch stated that a pharmacist is always present. Mr. Mantsch stated that the error should have been caught because the solutions are different in color.

Mr. Milovich asked about the delay in response time after it was discovered that an error occurred on the weekend. Mr. Ramsey stated that he was notified of the error the following Tuesday.

Mr. Francis asked if the technician had access to the cage. Mr. Mantsch stated that a technician is assigned to the cage to help the pharmacist.

Dr. Foy asked about the override code given to the technician. Mr. Ramsey stated that it was an NDC override code that allowed the technician to proceed and management was unaware this was occurring.

Dr. Foy asked Ms. Carney about the code. Ms. Carney stated that she had worked at the pharmacy for 4 years. She was told by another technician that you could change the NDC number at the end of the NDC code to allow the prescription to proceed. Ms. Carney stated

that she was written up for using the code about two years ago and did not use the code since. Ms. Carney stated that she assumed the system was fixed. Ms. Carney stated that she does not know how the override happened because she scanned the barcodes.

Ms. Carney stated that when she was doing her inventory and the inventory was off she discovered an error was made and brought it to the attention of the pharmacist (Kevin) who was on duty.

Ms. Carney stated that she did not change the NDC code and she scanned the label and it beeped.

Mr. Hunter read Ms. Carney's reply to the complaint. Mr. Hunter stated that Ms. Carney had thought an error had occurred and told her supervisor on Monday because the error occurred on Sunday night. Mr. Hunter stated that Ms. Carney stated that she was told that management would call the facilities.

Ms. Rosas asked about the PV2 tech position. Ms. Carney stated that the technician scans the medication for a second verification.

Ms. Rosas asked if the pharmacist checked the medication. Ms. Carney stated that she scanned the medication for a second check.

Mr. Wand asked if the NDC billing change allowed the technician to override the system. Mr. Ramsey stated no that it was a workaround.

Mr. Wand asked if the NDC billing override has been fixed. Mr. Ramsey stated that they are still working on the problem.

Mr. Wand asked if this was the only incident that occurred under the waiver. Mr. Ramsey replied yes.

Dr. Foy asked Mr. Hunter who told him that the technician had an override code. Mr. Hunter stated that in the response to the complaint management indicated that the technician had a code to override the system.

Dr. Foy asked Mr. Mantsch about the override code. Mr. Mantsch stated that they thought someone had got hold of a code to override the system.

Mr. Van Hassel asked if the waiver was for only non-controlled medications. Mr. Ramsy replied yes.

Mr. Van Hassel asked Ms. Carney if she dispensed medications in the cage. Ms. Carney stated that Mr. Mantsch was aware that she scanned the product for a second verification. Ms. Carney stated that there were two pharmacists that worked the weekends. Ms. Carney stated that once the run was done the pharmacist would leave the cage. Ms. Carney stated that she brought the issue to the attention of her supervisor and was told that it was her job to scan the product. Ms. Carney stated that she addressed the issue with Megan, the cage supervisor, and Bridget, the Technician supervisor.

Ms. Carney stated that there are reports of the PV2 scans that she performed. Ms. Carney stated that Mr. Ramsey may not be aware of the situation with the pharmacists.

Mr. Milovich asked Mr. Mantsch if he was aware of what was going on in the cage. Mr. Mantsch replied that he did not work the evenings. Mr. Mantsch stated that he did not want Ms. Carney scanning controlled medications.

Mr. Milovich asked Mr. Mantsch if he was not aware of the issues. Mr. Mantsch stated that he thought the policy was being followed.

Mr. Milovich asked Mr. Mantsch how he knew the policies were being followed. Mr. Mantsch stated that he did not have anyone complain about any issues.

Mr. Milovich asked if Mr. Mantsch every met with the pharmacists. Mr. Mantsch stated he did.

Mr. Mantsch stated that he met with the pharmacists because they were not getting the orders checked and the pharmacy technicians could not do anything until the work was checked.

Dr. Foy asked Ms. Carney if this was an isolated incident. Ms. Carney stated that she has been doing the PV2 checks for about 2-1/2 years.

Dr. Foy asked Ms. Carney if she worked with two pharmacists. Ms. Carney stated that one pharmacist worked in the cage and the other pharmacist worked outside the cage. Ms. Carney stated that she did what was needed to get the medications out the door.

Dr. Foy asked Ms. Carney if the pharmacist gave her access to the cage. Ms. Carney stated that she had access to the cage. Ms. Carney stated one pharmacist let her scan the medications and the other pharmacist did not. Ms. Carney stated that she told her supervisor and her supervisor told her that she would talk to Mr. Mantsch.

Dr. Foy asked Mr. Mantsch if he ever addressed the issue with the pharmacists. Mr. Mantsch stated that it was brought to his attention by a technician and was talked about at the monthly meeting.

Dr. Foy asked if this meeting occurred prior to the incident. Mr. Mantsch replied way before the incident.

Mr. Francis asked Mr. Mantsch how often he went to the cage to observe the process. Mr. Mantsch replied that he did not work at nights.

Dr. Foy asked Ms. Carney who else worked overnight. Ms. Carney stated that she worked most evenings on the weekend because she went to school. Ms. Carney stated that another technician worked in the cage during the day.

Dr. Foy asked who looked into this situation. Mr. Mantsch stated that he talked to the pharmacist and he was aware that he needed to check the medications in the cage.

Dr. Foy asked why there was not a statement from the pharmacist on duty of what occurred that night

Dr. Foy asked what happened to the pharmacist that was supposed to check the prescription. Mr. Ramsey stated that the pharmacist was counseled with a written warning for not following standard operating procedures.

Ms. Rosas asked if the company was asked to report back to the Board after being granted the deviation. Mr. Ramsey replied no.

Mr. Wand asked if the technicians were invited to the meetings with the pharmacists. Mr. Mantsch replied no.

Mr. Van Hassel asked if they had a copy of the notice given to the pharmacist. Mr. Ramsey replied no but he could obtain a copy of the notice.

Dr. Foy asked if a complaint could be opened against the other pharmacist.

Ms. Campbell stated that the Board could table the complaint and ask to speak with Kevin at the next meeting.

Mr. Minkus asked if the pharmacist had responded to the complaint. A copy of his response was obtained which stated that he does not remember anything about the incident.

Ms. Campbell stated that the pharmacist should have a recollection of his practice at the time of the incident.

Mr. McAllister stated that he has concerns because there is a technician that may or may not have followed procedures. Mr. McAllister stated that it appears the waiver was expanded to include controlled substances. Mr. McAllister stated that management did not do any audits to insure that procedures were being followed. Mr. McAllister stated that there was a failure to control the business.

**On motion by Mr. McAllister and seconded by Mr. Van Hassel**, the Board unanimously agreed to proceed to Hearing against the Permit Holder, the Pharmacist in Charge, and the Pharmacy Technician.

**On motion by Dr. Foy and seconded by Ms. Rosas**, the Board unanimously agreed to rescind the deviation granted in March of 2007 to allow a technician to scan a medication for the final check.

### **Conference 2– Complaint #4120**

The following individuals were present to discuss the complaint:

Bart Teuscher – Verification Pharmacist – Respondent  
Roman Estrada – Counseling Pharmacist – Respondent  
Kevin Lee – Pharmacy Supervisor – Respondent

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

Ms. Sutcliffe stated that the complainant stated that her prescription label for Vitamin D 50,000 units was entered to take one capsule daily when the directions should have been to take one capsule weekly. The Pharmacist in Charge stated that the prescription was entered incorrectly by the technician. The error was not caught by the verifying or counseling pharmacist. The patient took the medication for two days before she contacted the doctor and pharmacy.

Mr. Milovich asked the respondents to address the complaint. Mr. Teuscher stated that they feel terrible about the error. Mr. Teuscher stated that the error was discovered by Mr. Estrada and

was processed through corporate. Mr. Teuscher stated that the doctor was notified.

Mr. Teuscher stated that they have completed CE on counseling. Mr. Teuscher stated that the Technicians have been counseled on data input. Mr. Teuscher stated that the staff has been retrained concerning verification techniques.

Mr. Milovich asked if a DUR message appeared and who would override the DUR message. Mr. Teuscher stated that he is not sure if a message appeared but a pharmacist would need to override the DUR.

Dr. Foy asked Mr. Teuscher about his verification processes. Mr. Teuscher stated that he is trying to limit distractions and complete the current process before moving on to the next task.

Dr. Foy asked about checking the items off on the prescription when the prescription is verified. Mr. Teuscher stated that he now interprets the prescription first prior to checking the technician's work.

Mr. Lee stated that they are also double checking the scanned image on refill prescriptions.

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

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

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

### **Complaint #4145**

**On motion by Dr. Foy and seconded by Mr. Milovich**, the Board unanimously agreed to offer the permit holder a consent agreement for a civil penalty of \$1,000 for each of the four violations where a pedigree was not obtained. (total fine of \$4,000). If the consent is not signed, the case would proceed to hearing.

### **Complaint #4148**

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

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

### **Complaint #4149.**

**On motion by Dr. Musil and seconded by Mr. Milovich**, the Board unanimously agreed to issue an advisory letter to the Pharmacist and technician concerning the storage of medications prior to dispensing.

### **Complaint #4152**

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 dismiss the complaint.

### **Complaint #4157**

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board agreed to offer the pharmacist

a new consent agreement setting the effective date as the date the new PAPA contract was signed. There was one nay vote by Mr. Van Hassel.

**Complaint #4157**

**On motion by Dr. Musil and seconded by Ms. Rosas**, the Board agreed to offer the pharmacist a new consent agreement setting the effective date as the date the new PAPA contract was signed. There was one nay vote by Mr. Van Hassel.

**Complaint #4147**

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to offer a consent agreement to the Pharmacist in Charge for a fine of \$1,000 for each violation (10 violations for a fine of \$10,000) and her license be placed on probation for one year. If not signed the case would proceed to hearing. The Board agreed to offer a consent agreement to the Permit Holder for a fine of \$1,000 for each violation (10 violations for a fine of \$10,000), an additional inspection at the permit holder's expense, and the permit be placed on probation for one year. If not signed the case would proceed to hearing.

**On motion by Mr. McAllister and seconded by Dr. Foy**, the Board unanimously agreed to offer a consent agreement to the staff pharmacist for a civil penalty of \$500 dollars and 6 hours of CE on patient safety to be completed in 90 days. If not signed the case would proceed to hearing.

**AGENDA ITEM 13– Long Term Care Task Force Update**

President Milovich asked Dr. Foy to address this agenda item.

Dr. Foy stated that the task force has completed reviewing the rules and will be updating the regulations.

Dr. Foy stated that the process to review the rules went smoothly and the process was a good way to review the rules.

Mr. Wand stated that a docket would be opened for the rules and the rules would be on the agenda at the January meeting.

**AGENDA ITEM 14 – Definition of Compounding and Regulation of Compounding Pharmacies**

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

Mr. Wand stated that in the Board book the following information was included: the definition of compounding, the NABP model rules, NABP update of legislation affecting compounding, and PCAB accreditation.

Mr. Wand stated that the Board could establish a task force to review the regulations.

Dr. Foy stated that he has concerns about recent complaints with questionable compounding and proper training.

Mr. McAllister stated that Texas has recently revised their rules. Dr. Musil stated that the Texas Board has regulations concerning testing but has not been able to fulfill their obligations in that respect.

Dr. Musil stated that he is in favor of a task force to review the laws. Dr. Musil stated that the Board may want to look at accreditation.

Mr. McAllister stated that it is the Board's responsibility to also protect our residents from non-resident compounders.

Mr. Wand stated that he could research compounding regulations and that he could bring back names of individuals willing to serve on a task force at the next meeting.

### **AGENDA ITEM 15 – Proposed Board Meeting Dates for 2013**

The Board proposed the following dates for Board Meetings to be held in 2013:

January 23 and 24, 2013  
March 20 and 21, 2013  
May 8 and 9, 2013  
June 26, 2013  
September 18 and 19, 2013  
November 6 and 7, 2013

### **AGENDA ITEM 16 – Thomas Coppola – Request for Rehearing/Review of Case 12-0031-PHR**

President Milovich asked if parties are present for the motion for rehearing/review of Case 12-0031-PHR for Thomas Coppola.

Michael Zoldan, Legal Counsel for Mr. Coppola, was present.

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

Mr. Milovich stated that the Board has reviewed the Motion for Review or Rehearing and the response.

President Milovich asked Mr. Zoldan if he would like to address the Board. Mr. Zoldan stated that Mr. Coppola did not receive a fair hearing. Mr. Zoldan stated that Mr. Coppola submitted what he believed to be a proper response. Mr. Zoldan stated that the response was sent on September 9, 2012. Mr. Zoldan stated that Mr. Coppola was not present at the hearing and the Board was aware of his absence. Mr. Zoldan stated that Mr. Coppola tried to explain the allegations in his response. Mr. Zoldan stated that he is requesting that the Board consider Mr. Coppola's request for a rehearing.

Ms. Campbell stated that the State filed a Motion to Deem because the reply by Mr. Coppola was late and insufficient. Ms. Campbell stated that the reply was due on September 12, 2012 and was received on September 14, 2012. Ms. Campbell stated that the response was insufficient because it was not a sworn statement. Ms. Campbell stated that the Board acted appropriately and took disciplinary action accordingly.

Mr. Zoldan stated that the statute allows for a rehearing. Mr. Zoldan stated that it is a nuance that the reply was late. Mr. Zoldan stated that Mr. Coppola was aware that he had to respond in 30 days and sent his reply on September 9, 2012. Mr. Zoldan stated that there is 5 days allowed to respond to a hearing. Mr. Zoldan stated that it is difficult to verify when it was received.

Ms. Campbell stated that the answer is due in writing within 30 days. Ms. Campbell stated that the document is filed on the date it is received at the Board Office.

**On motion by Mr. Van Hassel and seconded by Mr. McAllister**, the Board unanimously agreed to deny the request by Mr. Coppola for a rehearing of the case.

A roll call vote was taken. (Mr. McAllister – aye, Mr. Francis – aye, Mr. Minkus – aye, Ms. Rosas – aye, Dr. Musil – aye, Mr. Van Hassel – aye, and Mr. Milovich – aye)

### **AGENDA ITEM 17 – St. Joseph’s Deviation Request regarding the Director of Pharmacy Position in a Hospital**

President Milovich asked Mr. Wand to address this issue.

Mr. Wand stated that the Hospital is asking for a deviation because their director has been assigned to a different position in the hospital and they have assigned four pharmacists as managers. They have designated one of the pharmacists as a Pharmacist in Charge.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to take no action on the request because the hospital has designated a pharmacist in charge that would be responsible for seeing that the regulations are followed.

### **AGENDA ITEM 18 - 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.

Kevin Borg, a pharmacist who owns a compounding pharmacy, came forth to speak about the change in compounding regulations. Mr. Borg stated that he would be willing to serve on a task force to strengthen our regulations. Mr. Borg stated that he has concerns about out of state pharmacies that are doing sterile compounding. Mr. Borg stated that some out of state pharmacies are sending samples to doctor’s offices in Arizona.

### **AGENDA ITEM 19 – Future Agenda Items**

The Board Members indicated that they would like to discuss the following topics:

- Automated storage and distribution systems
- Wholesale laws
- Compounding Regulations – Task Force

Mr. Wand noted that there may be legislative issues when changing some regulations that affect businesses.

**AGENDA ITEM 20– Adjournment**

There being no further business to come before the Board, President Milovich adjourned the meeting at 2:17 P.M.